United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, APRIL 29, 2009 No. 64

House of Representatives

The House met at 10 a.m.

Rev. Grzegorz ''Greg'' Brozonowicz, St. Mary's, Mother of the Redeemer Roman Catholic Church, Groton, Connecticut, offered the following prayer:

Gracious God, the men and women assembled here to serve the American people ask You for a blessing.

We pray that, through Your grace, they gain the vision to see clearly, the courage to act rightly, the humility to consider all sides of issues, the love to accept disagreement, and the faith to persevere through discouragement and adversity.

May they have the wisdom to see America's destiny as linked to Your will.

We thank You, Lord, for the opportunity to serve and to grow in that service.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN 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.

WELCOMING REV. GRZEGORZ ''GREG'' BROZONOWICZ

The SPEAKER. Without objection, the gentleman from Connecticut (Mr. COURTNEY) is recognized for 1 minute.

There was no objection.

Mr. COURTNEY. Madam Speaker, it is a pleasure to introduce this morning Father Grzegorz Brozonowicz, otherwise known as ''Father Greg,'' at St. Mary's, Mother of the Redeemer Parish, in Groton, Connecticut, who delivered a beautiful prayer this morning, and he has a wonderful story in his life.

He was born in Poland, was educated in Poland, came to the U.S. in 1990, went through the seminary in our country, was ordained as a parish priest by the Archdiocese of Norwich in 1996, and is now a leader at his church in Groton, Connecticut.

He does appear to have a humble demeanor, but I would just say, Madam Speaker, that he is a very dynamic priest. He has a growing parish. He has many programs reaching out to young people, having them involved in the community, helping the disadvantaged. He is setting up a twinning parish program in Haiti to try and reach out, again, to deal with the huge challenges that that impoverished country faces.

He became an American citizen a few days before Christmas, this past Christmas of 2008, and like many Roman Catholic churches throughout our country, there clearly is a pipeline from Poland now that is populating our parishes and keeping a vibrant church alive and well in the U.S.

I want to thank him for his great service and for his great words this morning.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further 1-minutes on each side of the aisle.

NATIONAL AUTISM AWARENESS MONTH

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

Mr. KLEIN of Florida. Madam Speaker, I rise today in honor of National Autism Awareness Month.

Each April, Americans have a special opportunity to learn more about autism. In south Florida, we have a vibrant community of activists and families fighting every day to raise awareness and funds for scientific research on the causes of and cures for autism. Two of the strongest voices in our community belong to Suzanne and Bob Wright, the founders of Autism Speaks.

In just 4 years, this extraordinary organization has committed an unprecedented $128 million in new research funding to uncover causes, treatments and cures for autism. In addition to supporting scientific research, Autism Speaks builds community among families with autism, and it raises awareness in south Florida, around the country and around the world.

In recognition of Autism Awareness Month, I commend Susan and Bob Wright and Autism Speaks, as well as all of the families in our community facing autism.

HONORING THE WOMEN AIR FORCE SERVICE PILOTS OF WWII

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

Ms. ROS-LEHTINEN. Madam Speaker, I rise in support of H.R. 2014, a bill that Congresswoman SUSAN DAVIS and I have introduced, which honors the Women Air Force Service Pilots of World War II.

WASP, or Women Air Force Service Pilots, were the first women in history to fly America's military aircraft. Between the years 1942–1944, these courageous women volunteered to fly noncombat missions so that every available male pilot could be deployed in combat.

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By the time the war ended, 38 women pilots had lost their lives while flying for our country.

These valiant women have never received the full recognition that they deserve for their wartime military service to America. Their example paved the way for women who today fly every type of aircraft.

My daughter-in-law, Lindsay, flies F/A–18 fighter jets for the Marine Corps thanks to these courageous women. Of the 1,102 WASPs trained during World War II, only 300 of these women pioneers are still alive today.

Madam Speaker, the time is now for us to honor these women with this body's highest honor, the Congressional Gold Medal. As such, I urge my colleagues to cosponsor this bill, and I urge its prompt consideration.

HONORING FORMER STATE SENATOR CONSTANCE WILLIAMS

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

Mr. SESTAK. Madam Speaker, I rise to acknowledge the fortitude, forbearance and intelligence of former State Senator Constance Williams, who brilliantly represented the 149th Legislative District of Pennsylvania from 1997 until 2001. She then was victorious in a special election and was elevated to Pennsylvania senator, serving with distinction the 17th Senatorial District of Pennsylvania from 2001–2008.

Connie, a leader who chose to devote her energies to political life in support of her district's citizens, served in that post until she retired at the peak of her powers and abilities just last year.

Throughout her career in public life, Connie always led by example and never lost sight of the fact that political leaders are, first and foremost, public servants. She was a tireless and revered champion of so many issues, from women's rights and equality to strong public schools, and her embrace of the principles of honest, good governance earned her respect and admiration throughout the community and across the political spectrum.

When asked about her life in politics, Connie had the best and, perhaps, the only appropriate response: ''I love working with and for people,'' she said.

Senator Constance Williams remains a vibrant figure in Pennsylvania politics today, and is a deserving example of future leaders to embrace.

THE RELEASING OF INTERROGATION MEMOS HAS MADE US LESS SAFE

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

Mr. STEARNS. Madam Speaker, the selective release of memos on the enhanced interrogation methods of the previous administration has made us less safe.

Four former CIA Directors, as well as the current Director, advised against releasing these memos.

As ex-CIA Director Michael Hayden recently said, ''If you look at these documents that have been made public, it says 'Top Secret' at the top. The definition of 'Top Secret' is information which, if revealed, would cause grave harm to the United States' security.'' Furthermore, General Hayden said that the use of these interrogation techniques against these terrorists made us safe.

The release of the top secret memos were motivated by politics, pure and simple. They were designed to embarrass, not to protect. So much for President Obama's promise to look forward, not backward. These memos never should have been released.

As another former CIA Director, Porter Goss, recently wrote, ''We can't have a secret intelligence service if we keep giving away all the secrets.''

HONORING THE MEN AND WOMEN OF TROOP B, 1–98TH CAVALRY REGIMENT OF THE MISSISSIPPI NATIONAL GUARD

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

Mr. CHILDERS. Madam Speaker, I rise today to honor the brave men and women of the Troop B, 1–98th Cavalry Regiment of the Mississippi National Guard.

These soldiers of Company B, based in Booneville, Mississippi, were deployed in January of 2005 as part of Operation Iraqi Freedom. After extensive training, Company B has loyally served our Nation in the past, and will leave soon to once again protect freedoms abroad.

I would like to call attention to the very nature of the Mississippi National Guard and of their fellow units in Mississippi as well as in other States. These weekend warriors are prepared not only to serve abroad but to assist in domestic situations when called upon, all the while working everyday jobs and supporting their families.

I thank my colleagues for keeping Troop B, 1–98th Cavalry Regiment of the Mississippi National Guard in their thoughts and prayers as these heroic men and women redeploy to the Middle East. Please join me in honoring Troop B 1–98th for their continuing service to America.

□ 1015

DEBT DAY

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

Mr. PITTS. Madam Speaker, Debt Day is the day on which the government runs out of money in a given year and all of the government spending for the rest of the year is borrowed money. For 2009, Debt Day fell on April 26, this past Sunday. This is an astonishingly early day in the year to run out of money. Last year, it was August 5. So in 4 months, this Congress and this administration has shattered all previous records for debt levels, moving Debt Day up in the calendar over 3 months from last year. President Obama and this Congress make the Bush deficit look trivial.

Friends, this is the most valuable and expensive credit card in history, a Member of Congress voting card. This Congress has taken out their credit cards and saddled our children and grandchildren with debt, mortgaging their future.

Since the first of the year we've spent $350 billion in TARP, billions in auto bailouts, $787 billion in stimulus, $410 billion in omnibus, $3.5 trillion in the budget—mostly borrowed money—all of this debt dumped on future generations.

COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. Madam Speaker, President Obama reaffirmed his commitment for comprehensive immigration reform in an interview on Univision. The President believes ''that it is in the interest of everybody, and in the interest of the U.S. economy over time, for us to resolve this issue in a comprehensive way.''

The immigration crisis is not a problem to be left to solve tomorrow or sometime in the future. I support President Obama as he reiterates that we need to ''resolve the issue in a comprehensive way that provides a pathway to legalization but also deals more effectively with our borders.'' He has created hope and the change that this country really believes in.

We cannot ignore the 12 to 14 million undocumented immigrants working beside the rest of us every day. Thousands of young children who are U.S. citizens are being left stranded to fend for themselves as an immigration system is tearing them from their parents.

I urge my colleagues and House leadership to work with the CHC and President Obama to support a comprehensive immigration reform that respects all families.

STOP THIS SPENDING

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

Mr. NEUGEBAUER. Madam Speaker, Mr. President, I think it's time to listen to the American people. I recently received a letter from one of my constituents. They said, ''I have a job, a family, a mortgage and, yes, I have indulged in the credit card mess, but my husband and I have been working diligently over the last 13 months to reduce our debt. My husband took on a

part-time job to help in the matter. I have also gone back to college to further my education.

''Our lives are crazy with work, school, family, teenagers and obligations, yet we manage to pay our bills and make sure Uncle Sam receives his fair share. We have scaled back luxury items to achieve the goal of one day being debt free. We have a budget for our personal finances, and when the money is gone, we stop spending.

''The idea of Congress and our President has of spending money that does not exist is absolutely insane. What kind of message are we sending to our children when our government cannot even balance its own budget and abide by it?''

Madam Speaker, Mr. President, listen to the American people: Stop this spending.

CLEAN GOVERNMENT

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

Mr. HIMES. Good morning, Madam Speaker.

I rise this morning to address the importance of clean government and to urge my colleagues to support a number of measures that will come before this House to help assure that clean government.

Citizens deserve and expect to know that their elected representatives are acting purely in their best interests and they, particularly in this moment of crisis, should know that we act exclusively without conflicts of interest.

I am proud to cosponsor legislation that would prohibit Representatives in this House from taking campaign contributions from those for whom they have made appropriations requests. And I am proud to cosponsor a bill introduced by my good friend and fellow Connecticut Representative John LARSON. The gentleman's bill will make huge strides in removing the money that so sullies our politics. The American people deserve no less, and I urge my colleagues to support these bills as they approach the floor of this House.

STUDY FINDS MEDIA ACT AS SHILL FOR OBAMA

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

Mr. SMITH of Texas. Madam Speaker, network news programs gave President Obama over three times more coverage than President Bush at the same time in their presidencies, according to a new study by George Mason and Chapman Universities. During President Obama's first 50 days in office, the three network evening news programs devoted over 1,000 stories lasting almost 28 hours to President Obama—about half of their entire newscasts. By contrast, President Bush received less than 8 hours of network news coverage at the same point in his Presidency, less than one-third as much. There is no reason to think the first 100 days are any different.

Furthermore, 58 percent of all network news evaluations of President Obama and his policies were favorable while only 33 percent of evaluations of President Bush were favorable. These numbers aren't even close.

Americans need the media to report the news objectively; not act as a shill for a Democratic President.

PRICE OF INACTION ON BUDGET IS TOO HIGH

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

Ms. CAPPS. Madam Speaker, today we will have the opportunity to vote on the budget resolution, a budget which makes a sound investment in our Nation's future. I especially want to applaud the health care provisions in the resolution that will put us on track for improving access to quality health care for all Americans.

It is vital that we pass this bill with the reconciliation instructions intact so that we can achieve comprehensive health reform this year. The price of inaction is way too high. Fortunately, the steps we will begin taking through the budget resolution reconciliation instructions will yield very positive rewards.

This includes reform of the broken Medicare reimbursement system. The budget addresses problems with geographic variations in spending in health care. It invests in proven nurse home visitation programs for at-risk first-time mothers. And it improves the women, infant and children nutrition program.

I urge my colleagues to join me in voting ''yes'' on the budget resolution.

ARE WE SAFER?

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

Mr. POE of Texas. Madam Speaker, a lot of hype has occurred about the first hundred days of the new government. The question to be asked is, is America safer today than a hundred days ago?

Well, the government has determined to close Guantanamo Bay prison in spite of evidence these terrorists still want to harm us; the United States is considering canceling the development of the most advanced fighter in world history, the F–22; foreign computer hackers have gotten into the Defense Department system; North Korea launched its first ballistic missile while we did nothing but object; the United States now wants to scrap its missile defense system in Poland because the Russians are complaining, even though the system was designed to protect us from Iranian missiles, not the Russians.

The little fellow from Iran, Ahmadinejad, still boasts of nuclear destruction of Israel while mocking our President behind his back; Homeland Security leaked vital intelligence about national security; the defense budget is going to be cut so the new government can spend money on its own pet projects.

Hopefully, the new government will change this dangerous trend and remember the first duty of government is to protect the American people.

And that's just the way it is.

YOU GOTTA BE KIDDING

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

Mr. MORAN of Virginia. Madam Speaker, under Chairman SPRATT's leadership, the Congress is poised to pass a budget resolution. But unfortunately it's likely to be a party-line vote. The Republicans are asking us to trust them, they have a better way. The only sane response to that is, You gotta be kidding.

You had 8 years to manage this country's budget and you blew it. In fact, you took a $5.6 trillion projected surplus and turned it into $5.8 trillion of deficits. It's the worst fiscal management over a Presidential administration in American history. And now they want us to trust them?

In fact, we have stayed afloat by borrowing. And now our biggest debtor is the Communist Chinese dictatorship. They own more American debt than anyone else.

We have had more Americans unemployed, more Americans in poverty, and more Americans without health insurance. This budget needs to pass for the sake of the American people. We need to look back and realize who the American people can trust to be fiscally responsible.

HONORING THE BOY SCOUTS OF PENNSYLVANIA

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to recognize the Boy Scout program that has positively impacted the lives of thousands of young people in central Pennsylvania.

The Boy Scouts of America is one of the Nation's largest and most prominent values-based youth development organizations in the world. 2009 marks the 75th anniversary of the Seven Mountains Boy Scout Camp and the 80th anniversary of Juniata Valley Boy Scout Council.

Madam Speaker, I am proud of the scouting program that has made such a difference in the lives of young men and women for eight decades. For nearly a century, the BSA has helped build

the future leaders of this country by combining educational activities and lifelong values with fun. The Boy Scouts of America believes—and through nearly a century of experience, knows—that helping youth is the key to building a more conscientious, responsible, and productive society.

I congratulate the Juniata Valley Boy Scout Council, a National Quality Council, for 80 years of service. I would also like to congratulate the Seven Mountains Boy Scout Camp, a nationally recognized camping program, on its 75th anniversary.

DONATE LIFE MONTH

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

Mr. COSTA. Madam Speaker, as the co-chair of the Congressional Organ and Tissue Donation Awareness Caucus, I am pleased to rise today in recognition of Donate Life Month, honoring all of the men and women who have made the decision to give the gift of life through organ donations.

In 2007, over 28,000 people received transplants. Still, over 100,000 people are currently, today, on the waiting list. The numbers grow each day. Despite amazing advances in medical technology and the tremendous work of the transplant community, sadly, many of the patients will not live long enough to receive a transplant.

Today, each of you have an opportunity to make a difference in the life of a daughter or mother, a father or a brother or a husband that is coping with a life-threatening illness. I encourage each of my colleagues to make a pledge today that has nothing to do with politics but everything to do with making a difference and that is to join me in supporting Donate Life Month by becoming an organ donor.

AN AMERICAN CLEAN ENERGY ECONOMY AND ENERGY INDEPENDENCE

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

Mr. PERLMUTTER. Madam Speaker, for decades, Washington has ignored the energy crisis imperiling our economy, our national security, and our planet. Now President Obama is committed to a comprehensive energy plan that will generate millions of clean energy jobs, break our dependence on foreign oil, and reduce the threat of deadly pollution.

With the depletion of the world's oil reserves and the growing disruption of our climate, the development of clean, renewable energy sources is the growth industry of the 21st century. President Obama says that our economic future demands we must lead the competition for clean energy. The President's energy policy will jump-start the creation of an American clean energy sector that will create millions of energy jobs.

His policy will break us from our dependence upon foreign oil and begin making America energy independent, and it will stop the pollution that we have going into our atmosphere. It is time to take a new tack on energy.

ENERGY INDEPENDENCE THROUGH RENEWABLE ENERGY

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

Mr. TEAGUE. Madam Speaker, when I was 17 years old, I went to work in the oil fields making $1.50 an hour on a pulling unit to help support my family. Over the years, I have done just about everything there is to do in oil and gas around New Mexico. People know that I am an oilman, and I am proud of that.

In 2007 when I announced that I would be running for Congress, people were surprised to find an oilman like myself campaigning for energy independence through renewable energy. I told people in Hobbs, Roswell, Carlsbad and all across southern New Mexico that technologies like wind, solar and biofuels were not only good for the environment but would also create jobs in our communities and bolster our national security.

If we are going to keep up with an increasing demand for energy, we need to put Americans to work producing energy from the wind, the sun and such new and strange things as algae. Our energy future should not be defined by dependence on one source of energy, the vast majority of which we do not control.

Like I said, I am an oilman, always have been, always will be; but sometimes it takes an oilman to say it: America simply can't continue to be addicted to foreign sources of oil.

□ 1030

HEALTH INSURANCE COSTS (FAMILIES USA REPORT)

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

Ms. CASTOR of Florida. Madam Speaker, I rise today to bring attention to the dramatic rise in the cost of health care for American families and the need to take action.

Yesterday, Families USA, a national health advocacy group, released a report that showed in my home State of Florida and all across the country, more and more families are dealing with huge increases in premiums and copays. The report explains that for many years now, rising health care costs have been devouring a larger and larger portion of family income. Health care costs were too high even before this economic crisis. And now the rising costs are a serious drag on economic recovery for middle class families and businesses, unless we act soon.

The Families USA report highlights how vital it is that we tackle health care reform now to help American families out of this middle class squeeze. Our health care reform efforts must be focused on making care more affordable for families and businesses.

To lower costs, we must focus on prevention, computerizing medical records, eliminating waste, and more cost-effective treatments.

Thankfully, the White House and many in Congress are committed to taking action this year.

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

The SPEAKER pro tempore (Mrs. TAUSCHER). Pursuant to section 2 of House Resolution 371, proceedings will now resume on 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.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. When proceedings were postponed on Tuesday, April 28, 2009, 20 minutes of debate remained on the conference report.

The gentleman from South Carolina (Mr. SPRATT) has 10 minutes remaining and the gentleman from Wisconsin (Mr. RYAN) has 10 minutes remaining.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I get a little bit of a sense of deja vu this morning. We've kind of been around this vote a while. But we got some new news this morning that's troubling news. The economy in the first quarter of this year has declined by 6.1 percent, 6.1 percent negative economic growth, the worst drop in our economy now since the mid 1970s. And if you look at the data, it shows you that the American consumer is more or less hanging in there. It's the investment from businesses that has dried up. It is business investment that's not occurring in this economy that's creating this great recession leading to all these job losses.

So as we look at this budget, I think a few new points ought to be brought to light since we have been around this budget quite a bit, which is, number one, looking at the economic data underneath this budget. It shows you that the debt and deficits that are currently projected in this budget are going to go much higher.

If you take a look at the economic assumptions that the Office of Management and Budget uses, they're a whole lot rosier than what's occurring. If you look at their inflation projections, which inflation just came in at 2.9 percent this quarter, they're a whole lot rosier, meaning put reality into the

budget and the deficits and debts go even higher.

We already see that the Congressional Budget Office is telling us, versus the President's budget numbers, were about $2.1 trillion deeper into deficits. Now with this new data, even more red ink.

But worse yet, as I just described, the current bad economic numbers we got, business investment is down. That means businesses are not investing.

So what does this budget do? It raises taxes on investment. It raises taxes on businesses.

You've got to remember, Madam Speaker, that almost 70 percent of our jobs come from small businesses. More than half of those who pay those top tax rates are small businesses. It's those industrial companies that are in the business parks that ring the sides of our cities in Elkhorn and Janesville and Kenosha and Racine, Wisconsin. That's where most people get their jobs.

So what does this bill do? It raises taxes on those small businesses. It actually raises their taxes such to the point where they pay a higher tax rate than the largest corporations in America.

This budget also repeals tax deferral. Now, what does that mean? That means all of our big businesses that make things in America and sell them overseas, we're going to tax them twice and make our exports even less competitive. We're going to tax business investment. What does it do on capital gains and dividends, on the seed corn and seed capital that funds the innovations, that funds the entrepreneurial startups, that the small businesses go to to get their money to expand and invest and create jobs? It raises taxes on that as well.

So we are raising taxes on the very things that give us business investment and give us jobs. We are raising taxes on the very things that make up our pensions, our 401(k)s, and our college savings plans. And we are raising these taxes $1.5 trillion a year in order to chase ever higher spending.

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

Mr. RYAN of Wisconsin. I yield myself an additional 30 seconds to say that we are raising taxes, the most we have ever done. I know the chairman will give us some convoluted explanation on how this is actually cutting taxes. Keeping taxes where they are on some tax policies is not cutting taxes; it's keeping taxes where they are. Making them go up means you're raising them to chase higher spending. The higher taxes in this bill never catch the higher spending; so we have a mountain of debt among the likes we have never seen before.

That is why we have such a difference of opinion with this budget. That is why we offered a principled alternative to this budget, which is controlling spending, keeping taxes low, and getting our debt under control.

Madam Speaker, I reserve the balance of my time.

Mr. SPRATT. Madam Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. I thank the chairman for yielding. I thank the ranking member for his views.

There is a disagreement, Madam Speaker. We have had a substantive disagreement for a long time. In fact, when I was elected to the Congress in 1981, we had a very substantive disagreement on what the economic policies would produce in terms of the supply-side economic theory. My view, which differs from Mr. RYAN's, is that it produced large deficits, and it produced large deficits in every year that it was practiced in the 29 years that I have been here. Only in the 8 years where President Clinton had the veto pen and said no, we're not going to go down that road, did we produce surpluses. Now, they were produced in large part because of an economy that rose more rapidly than any of us expected because of the chip, the information technology explosion, all of which was to the best interest of our country. We had a $5.6 trillion surplus projected in 2001 by President Bush as a result. Unfortunately, we pursued a policy with which I disagreed and which I said would produce high deficits and would not help our economy. In fact, we produced high deficits, and our economy was in the worst shape that any President has inherited an economy since Franklin Roosevelt. President Obama was confronted with an economy that was in substantial decline.

Today the House has the rare opportunity to set America on a responsible course for the future. I congratulate Mr. SPRATT, I congratulate Mr. BOYD and Ms. DELAURO, members of the conference, for the courage and leadership they have displayed. Mr. SPRATT has been, as always, extraordinarily informed and extraordinarily involved with all of our Members in trying to get to this point. The course that we set ourselves on, in my view, is one of lasting prosperity, and I urge my colleagues to seize this opportunity.

Along with the American Recovery and Reinvestment Act, this budget is a key part of our response to this recession. We have the power to emerge from this recession a stronger Nation, one with a future of clean energy and energy independence and a workforce ready to compete with the best in the world and a reformed system of health care. This budget provides for those objectives. We also have a chance to vote for the principles of fiscal responsibility and put ourselves on a truly sustainable course.

There is a real difference in this House, in the Senate, and in this country about what fiscal responsibility means. I believe it means we pay for what we buy rather than simply cutting our revenues, increasing our purchases, and hoping somehow something magical will happen to balance the budget. It has never happened in the 20 years that I have served with Republican Presidents pursuing that philosophy.

On energy, the budget funds incentives for cutting-edge research and clean energy jobs, as well as an energy-efficient, money-saving, critically necessary smart grid.

On education this budget builds upon the recovery plan with additional support for early childhood education, elementary and secondary school students, and efforts to help more Americans obtain a college degree. It expands access to education in the make-or-break years of early childhood—I think critical if we are going to be competitive in world markets. It increases Pell grants to help more students afford higher education and promotes job training and significant education reform.

On health care this budget responds to the skyrocketing costs that are straining families and businesses across this Nation. Family premiums have more than doubled since the year 2000, and over the past 5 years, our total health care spending has increased at more than twice the rate of inflation, consuming more and more of our economy and our budget each year. This budget fights that trend by making a significant down-payment on the reform, taking steps to lower health care costs, improve quality, and expand access. That is what America voted in 2008. That is the responsibility that we are carrying out.

The budget also allows us to use reconciliation to provide for an up-or-down vote on reforming health care, not as an option or first resort but as a fallback if partisanship blocks progress.

Essentially we're saying the majority will make policy. It didn't take 60 percent to elect the President. It didn't take 60 percent to elect any of us to this body. The premise of our Founding Fathers was if a majority of Americans believe we ought to move in a direction, that's the direction we ought to move. That has proved a very successful policy for over two centuries. It is a policy that we are providing for here. It is a policy that was provided for by the Republicans when they were in charge time after time after time.

As the bipartisan Concord Coalition points out: ''The budget reconciliation process was used in 1997, 1999, 2000, 2001, 2003, and 2005 to reduce taxes,'' as opposed to deficit reduction, which, of course, reconciliation is designed to address.

Moreover, a case can be made that health care reform that includes spending restraints and squeezes inefficiencies out of the system is integral to reining in the rapid growth of health care costs, which is a major, a major driver of deficits.

I want to stress that last point. It is essential that health care reform includes difficult choices to cut costs, which will eventually result in lower deficits. Why? Because of the $2.4 trillion that we spend on health care, half of that comes from the government, either Federal or State.

All of these investments are vital to our future economic health and competitiveness. As President Obama recently pointed out: ''A cash-strapped family may cut back on all kinds of luxuries but will insist on spending money to get their children through college.''

Our country is in the same position. These tough times are no excuse to cut back on investments that will pay off many times over down the road.

□ 1045

Finally, this budget puts America back on the path of fiscal responsibility. It's no secret that past budgets have made easy choices and kicked the difficult ones down the road.

Let me say, as I have said so many times before, it takes no courage whatsoever to cut taxes. None. Zero. What takes courage, political courage, if we want to buy things, is to pay for them. That's what takes courage. You can make one of two decisions: Don't buy and keep revenue stable, or buy and pay for so that your children aren't paying for it. Those are the decisions that I am prepared to make and, very frankly, have made over the last 40 years that I have been in office.

This House needs to make those choices. That's why ALLEN BOYD, JOHN SPRATT and others have pursued so vigorously statutory PAYGO requirements. That's why I am in such support of them.

In 1990, statutory PAYGO led to that surplus that I referred to. Jettisoning that in the early part of this decade led to the deficits that we have experienced.

And why did you jettison PAYGO? Because you were unprepared to pay for the revenue losses that you voted for.

But by passing this budget we will be leaving a different legacy, one that makes clear that our government must pay for what it buys. This budget cuts the deficit from 10.5 percent of GDP in 2009 to 3 percent of GDP in 2013—in other words, by nearly two-thirds. Those savings come from spending restraint and oversight that save taxpayer money. We must do that. We cannot pursue the policies that we have been pursuing. They are not sustainable.

Most importantly, the House is strongly committed to statutory PAYGO. President Obama asked Congress, and again I quote, to develop a PAYGO law that would help return the Nation to a path of fiscal responsibility, and that is what we intend to do.

That is what this budget does. The House will not consider any bills on middle-income tax cuts, the estate tax, AMT relief, or the sustainable growth rate in the Medicare program unless they include statutory PAYGO, they are fully offset, or statutory PAYGO has already been enacted. Everybody wants to deal with those four issues. Let us see if everybody is prepared in this generation to pay for them and not pass those costs on to the next generation.

I urge my colleagues to approve this conference report, pass this budget and show our constituents that the priorities they voted for in 2008 are ours as well.

I again congratulate the chairman, the members of the conference committee and the members of the Budget Committee for their leadership and for their courage.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to our distinguished minority whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I sit here and I listen to the majority leader, and it strikes me that in my four terms having served in this body, I do not think that there has ever been a time when there are two more divergent views of the direction in which we should take this country.

The news today demonstrated that the last quarter we saw a 6.5 percent shrinkage in the GDP in this country, two consecutive quarters of GDP shrinkage, more than any in 60 years. We've got serious, serious economic challenges facing us in America, Madam Speaker, and our priority should be to get this economy back on track, to get people back to work in America.

Right now, 650,000 people lose their jobs every month. If you do the math, that is about 15 people a minute lose their jobs. That's real. When you lose your job, you don't have a vision of how you can even get through the month or put food on the table.

That's where, Madam Speaker, I have difficulty with the budget being brought forward. Because if our primary responsibility here is to create an environment where the job creators can go back to work and put people back to work, this budget falls woefully short.

How can you say that we are helping the small businesses of this country, the true economic engines of America, when we are taxing them and making it more difficult for them to maintain the jobs they have got and increase their payrolls?

The other side may say, oh, there is only 3 percent of small business people that actually are impacted by higher taxes.

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

Mr. RYAN of Wisconsin. I yield the gentleman 1 additional minute.

Mr. CANTOR. Well, 50 percent of the people that get a tax hike here are small business people. How can we expect our economy to rebound?

Madam Speaker, this budget creates so much uncertainty on the part of investors, on the part of families, I don't see how we are going to work our way out of these economic doldrums.

To say that the energy policy is going to create green jobs, that's great in theory. But I can tell you the cap-and-trade plan that's working its way through this House right now is going to result in a national energy tax imposing up to $3,000 per household every year. How can that help the working families of this country right now?

Madam Speaker, we can do better. We can work together to achieve meaningful savings for the taxpayers. We can get off of this spending spree and refuse to put $70,000 per added debt on every man, woman and child in this country.

Madam Speaker, we can do better. The Republicans stand ready to work with you in making sure that's the case.

Mr. SPRATT. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

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

Mr. BOYD. Thank you, Chairman SPRATT. I appreciate your work on getting us to this point.

Ladies and gentlemen, you hear from the other side of this aisle criticism of this budget. I assume that means they believe we should go back to the policies that were followed in the last 8 years, and I want to review where those policies got us under the previous administration and the previous Republican-controlled Congress.

Unemployment, when George W. Bush came into office, was less than half of what it is today at 8.5 percent. Job growth in the previous 8 years under President Clinton had been approximately 250,000 new jobs created per month.

This month, after 8 years of the policies that are espoused by the ranking member, Mr. RYAN, and the distinguished minority whip, Mr. CANTOR, we are shrinking, losing 650,000 jobs on a monthly basis now.

GDP growth. Under President Clinton, that average growth was 3.7 percent annual rate. Now our economy is shrinking at the rate of 6.1 percent on a monthly basis. Median income, median wages are down.

Deficits. They speak for themselves. When President Bush took over, there was a surplus as far as the eye could see. Under the policies of the previous administration, now we have structural deficits as far as the eye can see. That is what President Obama has inherited.

Health coverage. During the 8 years of the Bush administration, over 5 million Americans lost their health coverage. That is at the very core of our economic problems, the health coverage problems in this Nation. Many would call it the misery index.

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

Mr. SPRATT. I yield the gentleman an additional 30 seconds.

Mr. BOYD. President Reagan talked about the misery index. I think if you look at all those economic indicators, there is not one economic indicator that shows that we are better off than we were 8 years ago.

As a matter of fact, every economic indicator indicates that we are much worse off.

Ladies and gentlemen, it's time for a new direction. We must restore fiscal responsibility into this budgeting process. That's one of the things that Chairman SPRATT, Speaker PELOSI, and Majority Leader HOYER have given us through this budget process, and I am very proud to support this budget conference report and ask you to do the same.

Mr. RYAN of Wisconsin. Madam Speaker, I reserve the balance of my time.

Mr. SPRATT. I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend, the chairman, for yielding and congratulate him and thank him for his tremendous leadership in this effort.

The minority whip said that the House faces a choice between two very distinctive strategies. He is absolutely right. The strategy that the minority would like to pursue is a strategy that has been tried and has failed. It has led us to the peril that we face today.

The strategy that we would initiate is a return to principles that have succeeded. Following their strategy, for every one job their strategy has created, we have created 108. For every $1 of economic growth their strategy has created, ours has created $1.69.

The middle-class family that began this decade saw its purchasing power decrease by $500 a year by the time the last President left office. During the 1990s, that same family saw its purchasing power increase by $5,000.

The choice before the country is which strategy works. Ours does. Vote ''yes.''

Mr. SPRATT. Madam Speaker, how much time remains?

The SPEAKER pro tempore. There are 5½ minutes for the gentleman from South Carolina and 3½ minutes for the gentleman from Wisconsin.

Mr. SPRATT. I yield myself 3½ minutes.

Madam Speaker, we are here this morning to pick up where we left off yesterday, but really we are here to pick up the tab left over by the Bush administration.

The Bush administration has left us with an economy in recession, a Nation $5 trillion deeper in debt, and a budget in deficit, deep deficit, $1.845 trillion according to the CBO.

This is the hand dealt us. After 8 years of the Bush administration, we have to play the ball where it lies.

After listening to the debate on the other side of the aisle, I think it would be helpful to start by pointing out what this budget is not. This is not a budget that increases spending. Total spending in 2009 will be $3.9 trillion. If we pass this resolution, total spending in 2010 will be $3.6 trillion. That's $300 billion less, not more. And all the initiatives we specify will be paid for.

Despite what you have heard on the floor, this is not a budget resolution that increases taxes. It lowers taxes by $764 billion over 5 years and by $1.7 trillion over 10 years. It renews the middle-income tax cuts. It extends the estate tax at the 2009 level. This is not about tax increases. It's about tax decreases.

This is not a budget resolution that increases the deficit. Far from it. By 2014, this budget resolution will reduce the deficit from $1.845 trillion this year to $525 billion next year. This is a deficit reduction budget.

Let me also answer the extravagant claims made on the floor about how much debt accumulation will occur under this bill. Look at table 5 in your blue book here and look at the bottom line in debt net of financial assets. In the budget year, the first budget year, the debt net of financial assets is $8.072 trillion. In 2014 it's $10.642 trillion.

Now I am not here to tout a $2.5 trillion addition to our national debt, although it pales in comparison to what happened under Mr. Bush. But I am simply saying this is better by far than anything you have heard characterized on the House floor.

Now the budget is about more than numbers. It's about values, visions and investments. And what we have to tout and talk about in offering this budget resolution to the House is what it will do for health care in our country, and particularly for the 46 million people who do not have coverage; what it will do for the educational system of this country if we can tell every child in America, yes, you can, you can get a higher education, Pell Grants will help you do so; what it will do to help build energy independence and reduce the carbon emissions in this country. We can have energy innovation.

All of this is provided for in this bill. And I would emphasize all of it is provided for in deficit-neutral reserve funds which do not add to the bottom line the debt of the United States. This is what we are presenting here.

Now the deficit before us is a structural deficit. It's part cyclical, but mostly structural. It's built into the budget that we have to deal with. After 8 years of the Bush administration, there is a massive mismatch between revenues and spending in the budget that creates the huge deficits we have got today.

□ 1100

We cannot turn this big battleship around overnight, but we can put it on the right path towards fiscal responsibility again. And that is exactly what this budget resolution does. That is why everybody in the House who believes in budget reduction, believes in fiscal responsibility, should vote for this budget resolution.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 1½ minutes to our distinguished House Conference chairman, the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Madam Speaker, I rise in opposition to the budget conference report because it borrows too much, spends too much and taxes too much, and the American people know it.

At a time when every American family is sitting down around kitchen tables making sacrifices and making the hard choices necessary to get through these difficult days, here in Washington, D.C., we see a Democratic majority and a new administration bring forward a budget that will double the national debt in 5 years and triple the national debt in 10, a $1.2 trillion deficit in 2010 and deficits of nearly $1 trillion a year every year for the next 10 years.

The distinguished majority leader spoke of ''political courage'' on the floor just moments ago, but let me say there are no profiles in courage in this budget. The truth is, the Democratic majority in this administration has brought to the floor the most fiscally irresponsible budget in American history.

Congress should be doing what every American family is doing—cutting expenses and finding within themselves the faith, and, yes, the courage to get through these times with sacrifice. Instead, here in Washington, D.C., it is more government, more spending, more debt and more taxes.

In just 100 days, a new administration and this Democratic majority have decided to continue and to greatly expand the mistakes of the past. But we can do better, and I believe, for the sake of our children and our grandchildren, we must do better.

Let's reject this conference report and start over with a budget that will serve ourselves and our posterity with fiscal responsibility.

Mr. SPRATT. Madam Speaker, I yield 1 minute 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, I thank the gentleman for yielding.

Madam Speaker, the gentleman from Indiana just said that we don't want to repeat the mistakes of the past. He is right. So this budget does not repeat those mistakes. It does not give massive tax reductions to the wealthiest people in the country and hope they do the right thing with the money. It does not ignore the health care, education and energy needs of our country for the long term and weaken our global position. Finally, it does not further the

path of deregulation of our markets, our financial system, which has led to the cataclysmic meltdown of the U.S. economy in recent weeks and months.

No, this does not repeat the mistakes of the past. It is a new direction. It is a new opportunity. It is a new strategy that we believe will speak to the needs of the unemployed American, the American without health insurance, all of us who pay rising utility bills, and each of us who wants the finest quality education for our children.

This is a change. It is what the people asked for in November, and, with the help of the majority, it is what we will deliver today.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 1 minute.

Madam Speaker, this is a big moment. This is a big moment in our history that the historians will look back to as a key pivot in American history and the American experiment and the American project.

What this budget does not do is it does not practice Clinton economics. It does not practice the kind of economics we have had in this country that gave us the longest peacetime expansion, the kind of economics that gave us unprecedented prosperity. Bill Clinton cut tax rates and controlled spending in a bipartisan budget agreement in 1997 which paved the way for the surpluses that later occurred, which were projected, that went away. It was bipartisan.

This is different. This is new. This budget takes a look at those mistakes made in the past that we are hearing all these criticisms of, too much spending, too much debt, and what does it do? It adds to it. Instead of controlling spending, as the critics have said we should have done, this has spending go out of control. Instead of controlling the debt, as the critics say should have occurred, debt goes out of control.

I urge a rejection of this budget. Let's start over again and save this country and move us down the path of fiscal discipline, not fiscal recklessness.

Madam Speaker, at this time I yield our final minute to our distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, let me thank my colleague from Wisconsin for yielding, and thank him and all of our Republican members of the Budget Committee for their outstanding work.

Let me also congratulate the chairman. I know how difficult it is to bring a budget to the floor of the House. It is no easy task. Even though I disagree with the product, I know the chairman has worked very diligently on this project, and I congratulate him.

Our economy is in a difficult moment. We have got some of the highest unemployment we have seen in our country in 25 years. We have got economic dislocations underway. Banks aren't providing the credit that they once provided. As a result, there are a lot of people in America who are out of work, others worried about losing their job, and they are having to make difficult decisions on behalf of their families.

I think the American people look to their Congress and wonder, what difficult decisions are being made in Washington, D.C.? What is it that Washington is doing that is going to make it better for my kids and their kids?

What we see before us is a budget resolution that is nothing short of the most audacious move to a big socialist government in Washington, D.C., than anything I could have ever dreamed about before I ran for Congress, or, for that matter, any time over the last 18 years that I have been here.

Budgets are supposed to be about tough decisions. There are no tough decisions in this budget, because when you look at the document, what it does is real simple: It spends an awful lot of money, it raises a lot of taxes, and it puts all of this debt on the backs of our kids and our grandkids.

This is not the American way. The American way has been about a more limited government, a more limited role here in Washington, so we can allow American families and small businesses around our country to keep more of what they earn so they can reinvest it in themselves, reinvest it in their communities, and help our economy grow, providing opportunities for all Americans.

We live in the greatest country in the world, a country where you can grow up and be anything you want to be and do anything that you want to do. There is no country on the face of the Earth that is as good as America. Why? Because we allow our citizens the opportunity to be all that they can be. But that won't happen when government gets too big and when government takes too much out of the pockets of our citizens and government takes more control over our society.

Right here is the most expensive credit card in the history of the world. It is a voting card for a Member of Congress, and this voting card should be used responsibly on behalf of the American people. So far this year, a majority in this House have used this credit card irresponsibly. First, an $800 billion stimulus bill that was supposed to be about jobs, jobs, and jobs, and turned into nothing more than an $800 billion bill about spending, spending, and more spending and growing the size of government.

Then we had an omnibus appropriations bill, $30 billion over budget, 9,000 earmarks. How responsible was that to pass?

Now we have an opportunity with this budget, a budget that spends too much, taxes too much and puts too much debt on the backs of our kids and grandkids. The American people expect us to use this credit card, this credit card that they gave us, they expect us to use this responsibly, and the responsible decision on this bill and on this budget is to vote ''no.''

Mr. SPRATT. Madam Speaker, I yield my remaining time to the distinguished Speaker of this House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

It is indeed an honor to call Mr. SPRATT ''colleague.'' We say that from time to time about our Members, but never is it truer than in the case of Chairman JOHN SPRATT of South Carolina. He is a gentleman who has brought the values of our country, the principles of our great democracy, to bear on writing a budget.

Because of his leadership, today, for the first time in many, many years, we have a President's budget on the floor that is a statement of our national values. What is important to us as a Nation is reflected in this budget. It is a very happy day for our country, Mr. SPRATT, because of your leadership.

I thank all of the members of the Budget Committee for their hard work, expressing their views, coming forth with a budget that is a blueprint for the future. I also want to commend our conferees, Congresswoman ROSA DELAURO and Congressman BOYD, for assisting you in the conference process.

Starting at the beginning of this year, this Congress passed a stimulus package to take our country in a new direction. Since that time, we have been on a sprint to create jobs, to lower the deficit, to cut taxes for the American people. This blueprint, this budget, is a bookend to that stimulus package. It is the foundation for how we go forward into the future.

In the first 100 days, it enables us to make the claim with these two pieces of legislation and bills that have come in between, for example, the SCHIP, children's health insurance, 11 million children in America; the public lands bill, the biggest conservation bill in many, many years; and other initiatives contained in our agenda in the past few months, enables us to say that more has been done in this period of time for health care than in decades, since Medicare was passed in this Congress and signed into law. More has been done on education than in generations, since the GI Bill was passed during World War II, and even more than that. And in terms of energy, there is absolutely no contest. It is far out there in terms of breaking ground and reducing our dependence on foreign oil, creating new green jobs for a green future for America's economy, for honoring our moral responsibility to protect God's beautiful creation, and to keeping our environment clean and healthy for our children. These three, education, health care and energy, are what the business community and other sectors of our community tell us are the investments that we must make in order to turn our economy around.

So here we are today with a budget before us that creates jobs, reduces taxes, and takes us over a path of lowering the deficit. It does so in the most

transparent way of any budget in our country's history, and certainly in this Congress' history. As it does so, as I say, it focuses on those three pillars of the Obama agenda: education, health care and energy.

In terms of energy, in the first 100 days an article in Fortune magazine of April 29 states that this is ''the greenest budget ever. Obama's $3.55 trillion budget proposal is a one-two punch for cleantech. It boosts funding for renewables while slashing tax breaks for fossil fuels. Obama's wish list,'' now, this is another organization called Climate Progress, ''Climate Progress called the Obama wish list 'the first sustainable budget in U.S. history.' It includes $15 billion per year for cleantech over a decade,'' and it goes on.

This is in addition to the initiative that was passed earlier on in the recovery package known as the stimulus package. It is called ''greener stimulus.'' ''Signed in February, the stimulus package is chock-full of cleantech goodies with $43 billion for grants for clean power, extensions of tax credits for solar, wind, geothermal and energy efficiency programs, smart grid funding, weatherization programs and a new tax credit for cleantech hardware manufacturing.''

I mention that because we must see this budget in the context of the issues which we are trying to advance. Of themselves, they are worthy. They have their justification, as I mentioned in the case of energy. But they are also investments that will grow our economy and create jobs.

When it comes to health care, another pillar of the Obama budget, as the President says, health care reform is entitlement reform. As we go forward with universal, quality, accessible health care for all Americans, which this budget will lead us to, we will be reducing the cost of health care for the American people, and in lowering those costs, we will lower the cost to our budget and the cost to the deficit of Medicare and Medicaid.

This is not just about the personal health of the American people. That would be justification enough, the personal well-being of our country. And it is not only about health care, it is about the health of the American people. It is about prevention. It is about diet, not diabetes.

□ 1115

So we are moving in a path that lowers costs, makes America healthier, and in doing so, as I say, not only helps individuals with their health, personal well-being, but we are helping businesses to compete. Health care costs are a competitiveness issue, and if we're going to compete domestically and internationally, we must lower health care costs for businesses. It's about costs to our economy, of all of this money spent on health care and not having the commensurate health of America to go with it. And, again, it's about lowering the cost, reducing entitlement. Health care reform is entitlement reform.

In terms of education, this budget calls for innovative approaches from early childhood to tax credits for costs of college, as well as increasing the funding for Pell Grants and making college more affordable. So, from earliest childhood to higher education, and then beyond, this budget is a path not only for, again, the self-fulfillment of the American people, but the innovation of America. Innovation begins in the classroom.

So all three of these are measures which, again, are justified and necessary in their own right, but will reduce the deficit, will create jobs, and will do so in a new way, taking us in a new direction.

So, having said that, this is a budget about the future. I was very tempted, when I saw the leader with his voting card, to bring a picture of my granddaughter, my new granddaughter, just a little over a month old, to the floor. Oh, we do have it here. I won't resist the temptation, for two reasons. First of all, I can't take my eyes off of her, and second of all, this is what our commitment is about. It's our commitment to the future, to these children.

As we go forward, we must take the country in a new direction, and in doing so, reduce the deficit. We are not here to heap mountains of debt on our children and our grandchildren. That is what was done in the last 8 years in the Bush administration. This budget calls a halt to that and says no. It says no more debt.

We're going in the opposite direction. We're reducing the deficit as we create good-paying jobs in our economy, as we cut taxes for the middle class in our country.

This is a magnificent blueprint for the future. And again, I salute Chairman SPRATT for his extraordinary leadership in bringing it to the floor today and urge all of my colleagues to vote ''yes'' for a new direction for our country.

Mr. OBERSTAR. Madam Speaker, the Conference Report on the Budget Resolution (S. Con. Res. 13) provides a solid foundation for the surface transportation authorization act. I thank Chairman SPRATT and the Committee on the Budget for their leadership and vigorous support for transportation and infrastructure programs in the Conference on the Budget Resolution.

If the funding levels included in the Budget Resolution Conference Report are applied over the six-year period from fiscal years 2010 to 2015, the Resolution assumes a base allocation of $324 billion for highway, highway safety, and transit programs, including $312 billion of contract authority. Importantly, this allocation restores $82 billion over the six-year period of highway contract authority that had been cut from the Congressional Budget Office baseline, which assumed fiscal year 2009 rescissions would recur in all future years. The Senate had adopted this lower, unadjusted baseline and I am very encouraged that the Conference adopted the House provision providing a baseline of $324 billion for the surface transportation authorization bill.

In addition, the Resolution establishes a Reserve Fund to allow this base allocation of $324 billion to be adjusted upward as necessary to accommodate higher funding levels to the extent they can be supported by the Highway Trust Fund.

The Resolution also assumes the Airport Improvement Program is funded at $4.0 billion in FY 2010, $4.1 billion in FY 2011, and $4.2 billion in FY 2012, consistent with H.R. 915, the FAA Reauthorization Act of 2009, as ordered reported by the Committee on Transportation and Infrastructure on March 5, 2009. This is an increase of $840 million over the baseline funding level for this program over the three-year period from FY 2010–2012.

Finally, the Resolution rejects the Office of Management and Budget's proposal to change how programs funded by contract authority are treated for budget scoring purposes. This proposal, had it been adopted, would have converted the mandatory contract authority that currently funds our highway, highway safety, transit and airport grant programs to a simple authorization of appropriations for budget scoring purposes. I am pleased that the Budget Resolution continues to recognize the unique nature of trust-funded programs by rejecting this ill-advised proposal.

I urge my colleagues to join me in supporting the Conference Report on the Budget Resolution.

Mr. BUYER. Madam Speaker, I rise in strong opposition to the conference report on S. Con. Res. 13 the democrat budget for Fiscal Year 2010. This budget spends too much, borrows too much, and taxes too much.

The overall democrat budget is not good for Americans, including veterans. The democrat budget contains the largest tax hike in American History, a $1.5 trillion tax hike, including a tax hike on veterans and their families, and veterans who own small businesses.

While I am supportive of the increase that the President's budget proposes for veterans, the overall budget request is really nothing more than more of the same old Washington shell game. Instead of proposing an open and transparent budget, as President Obama and the Democrats had promised, this budget contains many of the same old tax hikes and gimmicks that hide the truth from the American people about our real fiscal situation and the impact this budget will have on our current economy and our children's and grandchildren's future.

This budget also allows the use of the reconciliation process to force government-run health care down the throats of the American people without even considering how such a proposal could adversely affect the VA healthcare system. We don't need a government run health care system that takes life changing medical decisions out of the hands of doctors and patients and puts them in the hands of government bureaucrats, while dulling the innovative and radical research that has increased the quality of healthcare in America.

Madam Speaker our nation's veterans deserve a budget that funds their priorities without causing harm to these same veterans with radical new taxes and a ballooning deficit, unfortunately this budget does not do this. I urge my colleagues to oppose the conference report on the democrat proposed budget.

Mr. DINGELL. Madam Speaker, I rise today in support of the fiscal year 2010 budget resolution. I know that today's proposal come as a result of much negotiation and discussion, and makes a number of difficult decisions about our financial future.

To be frank, 2009 has opened with a number of different challenges Congress and the Administration must address. We continue to face turmoil in our financial markets, our domestic auto industry and small businesses are struggling to stay afloat, and we have witnessed a dramatic loss of jobs. Like Roosevelt before him, Obama is facing an economic downturn of enormous magnitude. Guiding our country and our economy through this will require our government to make difficult and innovative changes. This budget resolution lays out the guideline for how these changes will be made.

As we begin to address health care reform, this budget resolution will provide the down payment to implement new changes to the way our health system cares for the sick. For the nearly 46 million Americans who are without health insurance, this budget resolution is a sign of our government's commitment to achieve reform that will ensure all Americans, regardless of their bank account, have access to quality and affordable health care. It also will ensure that our health system makes needed changes to reduce high administrative costs, and cut out fraud and abuse. Make no mistake; reforming our health care system is vital to the Nation's economic recovery efforts.

This legislation also increases investments in renewable energy and energy efficiency by nearly 10 percent for 2010. These investments will allow our country to provide loans for renewable power generation, increase the energy efficiency of our federal buildings, modernize the electricity grid to make it more efficient and reliable, among other things. Such investments will help to encourage the creation of new ''green'' jobs for workers who have been displaced, and more importantly, will help ensure that our energy needs are supplied by American innovation.

I am also pleased to support the conference agreement's provisions for our veterans. The agreement honors our veterans by ensuring they have the proper medical care. Among other things, the bill provides $53.4 billion to the Department of Veterans' Affairs—an 11.7 percent increase for veterans' health care and other services, allows Congress to provide advance funding to the VA health care system, and expands enrollment eligibility for Priority 8 veterans.

Most importantly, this budget makes a commitment to our children and their grandchildren by investing in a quality education that will prepare them for their future careers. We know now that in order to compete with our neighbors across the way our children need a high quality education and access to either higher education or training to prepare them to compete in a global economy. This budget will continue to raise the maximum Pell grant in order to ensure that its buying power increases and more low-income students will have access to the aid they need. In addition, the budget expands on the investments made in primary education and early childhood education ensuring that our schools are increasing student achievement and investing in high-quality facilities.

There is no doubt that these investments are costly, however, unlike the previous Administration, the Obama Administration and Congress have made a commitment to cut the federal deficit by nearly two-thirds in 2013. As a parting gift, President Bush provided the Obama Administration a $1 trillion deficit. This is not a deficit that came about overnight; rather it is the result of poor fiscal planning from an Administration that inherited a $5.6 trillion surplus. Madam Speaker, I rise in support of today's budget resolution not because I believe it will bring our economy out of recession overnight, but because I believe it will go a long way towards helping American families and workers who need it. For many of those in the 15th District and across the country, this economy has left their bank accounts battered and their 401(k)s depleted. Many of these folks have nowhere else to turn. A vote for this budget is a vote for those in need.

Mr. VAN HOLLEN. Madam Speaker, this budget agreement marks an important milestone on our road to economic recovery. It makes priority, forward-looking investments in the vital areas of education, health care and clean energy while providing $1.7 trillion in tax relief for middle class families. It's also fiscally responsible, slashing our federal budget deficit by two thirds by 2013.

Madam Speaker, we didn't dig ourselves this ditch overnight and it's going to take some time to climb out of it. But with President Obama's leadership, we are now well on our way to creating the next era of genuine, broadly shared American prosperity.

It starts with honest accounting. Rather than hiding the true cost of our military engagements in Iraq and Afghanistan or our domestic response to natural disasters off budget, this conference report builds them right into the agreement. Additionally, this budget reaffirms the House's continued commitment to fiscal discipline by requiring statutory PAYGO as a condition for other policy adjustments in order to enforce a realistic baseline.

To build a rock solid foundation for economic growth, this agreement invests $100 billion in education—expanding early childhood development programs, improving K–12 and special education and increasing access to college. It creates a deficit-neutral reserve fund to finally provide high quality, affordable health care for every American. It increases federal funding for clean energy by 10%. And it provides middle class tax relief for millions of Americans.

Finally, this budget takes the $1 trillion deficit President Obama inherited and cuts it by two thirds over the next four years.

Madam Speaker, this is an honest, properly prioritized and fiscally responsible agreement. I urge my colleagues' support.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of S. Con. Res. 13, the Fiscal Year 2010 Budget Conference Report.

In order to rebuild our economy and achieve long-term fiscal sustainability, we must make strategic investments into our nation's health care, education, and energy programs, while simultaneously providing meaningful tax relief to families and businesses struggling to regain their economic footing. Each week, I hear from my constituents in Rhode Island about their challenges in today's economy, such as trying to save for their retirement, send their children to college, or protect their home from foreclosure. As a member of the Budget Committee, I believe this conference report reflects the crucial priorities that families face every day while adhering to an honest accounting of our fiscal challenges.

S. Con. Res. 13 builds on the significant funding and tax incentives incorporated into the American Recovery and Reinvestment Act by increasing investments and job creation in clean energy technologies and overall energy efficiency. It supports health care reform that will lower costs, improve quality, and pave the way for coverage to help all Americans lacking proper health insurance. This budget honors the service of our nation's veterans with an increase of $5.6 billion for veterans' health care and other crucial support services. Finally, it recognizes the profound importance of education by increasing funding for programs like Title I, special education and Pell Grants for college.

Just as important as our investment in job creation and economic recovery is the commitment to tax equity and fiscal responsibility. This budget provides $1.7 trillion in tax cuts for middle-income families, permanently extending the 2001 and 2003 income tax cuts for the vast majority of Americans. It also reduces the deficit by nearly two-thirds in four years, placing our country on the fiscally sustainable path necessary to regain our economic strength.

It is time for policymakers at all levels and across the ideological spectrum to join together and offer a new vision and new solutions to rebuild our economy. I would like to thank Chairman SPRATT for his leadership and dedication to working with Congress to ensure that this budget provides the framework necessary so that we may improve the health of our nation, reduce expenditures over the long term and ultimately regain the economic prosperity of our great nation.

I ask my colleagues to support this resolution and urge its final passage.

Mr. POSEY. Madam Speaker, I'm disappointed with the budget conference report before the House today. It's a $3.555 trillion budget and leaves a $1.233 trillion deficit for the year 2010. This budget increases taxes by $1.5 trillion over the next 10 years and the Majority admits that the budget deficits never fall below $523 billion. This budget borrows from Americans of tomorrow to pay for the wants of this current generation. Over 10 years, the budget more than doubles the national debt.

I hope the economy recovers for all Americans. But sadly, this budget plan takes us down a different path that will harm our long-term economy and will likely create sluggish economic growth. This budget is not the right prescription for what ails this economy. Our children and grandchildren deserve better.

Congress needs to focus on creating the right kind of environment for job-creation, ensuring that businesses small, medium and large can grow and prosper. That means providing the right kinds of incentives for Americans to start a business, or for a business to grow and add jobs, or to provide benefits like health insurance. Sadly, this bill includes a budget process (known as reconciliation) to leave the door open for a plan to raise taxes on millions of small businesses and saddle them with billions of dollars in burdensome and costly ''cap and trade'' global warming taxes. American workers should be forewarned; the ''cap and trade'' tax will cost Americans millions of jobs.

So I ask, under this budget 'What's the incentive to do business here in America?' The U.S. has the second highest corporate income tax in the world which encourages employers to close up in America or at least do their expansions overseas rather than here at home. Cap and trade will add a further burden to businesses operating in the U.S.

And while this budget hires new bureaucrats in Washington, it allows tens of thousands of highly skilled technicians and engineers at NASA to be laid-off with the end of the space shuttle. Their jobs will of course be outsourced to Russia because the budget fails to bring the next generation space craft online for quite some time. This is a travesty when you think about the millions of high tech American jobs that have been created as a result of our investment in space—everything from cell phones, laptops and GPS to wireless technology and even Velcro. While the Budget gives lip service to additional funding for NASA and the Shuttle, the actual language in the budget does not provide actual dollars, would not add any additional Shuttle flights, and does nothing to close the human space flight gap.

For two centuries, Americans have worked hard so their children could have better lives and greater opportunity. It seems to me what some want to do is reverse that order by having our children and grandchildren work hard so we don't have to make the hard choices now. This amounts to generational theft and it is wrong, plain and simple.

You know, while families and small businesses are making sacrifices when it comes to their own budget, Washington continues to spend trillions in taxpayer dollars—money it doesn't even have—on bailouts and expansion of government programs. This has got to stop and the government has to learn to live within its own means just like everyone else.

Madam Speaker, I rise in strong opposition to this budget conference report and urge my colleagues to vote against this plan that will saddle the next generation with an unbearable debt and kill millions of jobs here in America.

Mr. BACA. Madam Speaker, I urge my colleagues to support S. Con. Res. 13, the FY2010 Congressional Budget Resolution Conference Report.

Throughout our nation, Americans are suffering due to economic hardships caused by this recession.

In my district—unemployment is at almost 13 percent.

Parents are coming home from their last day of work, afraid and worried about how they will provide for their families.

They are losing their health insurance and their hope in the American dream is faltering.

If you vote for this budget resolution, you are voting for a solution. You are voting to help American families.

The budget conference agreement makes strategic investments in education, health care reform, and energy independence that are necessary to restore our crumbling economy—and put the country in a position to remain globally competitive.

This budget is instrumental in stabilizing our economy. It provides the resources necessary to help restore the standard of living for many American families.

It also puts our nation back on the path of fiscal responsibility.

The budget improves fiscal discipline by requiring statutory PAYGO as a condition for making current policy adjustments to the baseline for tax cuts and the Medicare physician payment system.

I urge my colleagues to approve this conference report, and pass this responsible budget.

Ms. LEE of California. Madam Speaker, I rise in strong support of the Democratic budget. This budget makes the vital investments that America needs to stabilize the economy and lay the groundwork for a new environmentally sustainable and energy independent green economy.

Let me thank the Chairman for his hard work on a budget that makes many hard choices and I thank him for his consideration of the budget priorities of the Congressional Black Caucus which augments and strengthens the President's budget.

The Democratic budget contains many of the shared priorities with the CBC and makes targeted investments in strengthening education, healthcare, clean energy, transportation, and strengthens foreign aid during a critical downturn in the global economy.

We must pass a budget that will continue the anti-poverty investments that we made in the American Recovery and Reinvestment Act.

It is critical during this economic crisis, which we inherited from the Bush Administration, that we pass a budget that will lift up the millions of Americans who have fallen into poverty.

Our budget must continue our economic recovery and return our nation to the fiscal responsibility that we last saw with the budget surpluses under President Clinton.

I urge my colleagues to vote yes on the Democratic budget.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by 5-minute votes on the motion to suspend the rules on H. Res. 357, if ordered, and the motion to suspend the rules on H. Res. 109, if ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 193, not voting 7, as follows:

[Roll No. 216]

YEAS—233

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
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)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
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
Hill
Himes
Hinchey
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
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
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
Pelosi
Perlmutter
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
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
Wu
Yarmuth

NAYS—193

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
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
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Burgess
Granger
Hinojosa
Jackson (IL)
Lewis (GA)
Perriello
Stark

□ 1148

Mr. ISSA and Mrs. LUMMIS changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

SUPPORTING FINANCIAL LITERACY MONTH

The SPEAKER. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 357.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. HOLDEN). 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.

RECORDED VOTE

Mr. ANDREWS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 3, not voting 10, as follows:

[Roll No. 217]

AYES—419

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
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
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
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
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
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)
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)
Paulsen
Payne
Pence
Perlmutter
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
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—3

Chaffetz
Flake
Paul

NOT VOTING—10

Boehner
Burgess
Butterfield
Granger
Hinojosa
Jackson (IL)
Lewis (GA)
Perriello
Stark
Van Hollen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1158

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

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.

SUPPORTING NATIONAL CRIME VICTIMS' RIGHTS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 109.

The Clerk read the title of the resolution.

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.

RECORDED VOTE

Mr. BOCCIERI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 10, as follows:

[Roll No. 218]

AYES—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
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
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)
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
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
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
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
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Boehner
Burgess
Butterfield
Granger
Hinojosa
Jackson (IL)
Kilpatrick (MI)
Kirk
Perriello
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1205

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted "aye" on rollcall Nos. 216, 217 and 218.

PROVIDING FOR CONSIDERATION OF H.R. 1913, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 372 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 372

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour and 20 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; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman, my friend from North Carolina, Dr. Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, 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 Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 372 provides a closed rule for consideration of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009.

This legislation is a vital step towards bringing the full protection of the law to those targeted for violent, bias-motivated crimes simply because of who they are. This bill expands the Federal hate crimes law to include protections for crimes directed at individuals because of their gender, gender identity, sexual orientation, or disability.

These crimes are designed to intimidate entire communities on the basis of personal and immutable characteristics. All of us in this Chamber know

that hate crimes tear the fabric of our society and fragment communities because they target an entire community or group of people, not just the individual victim.

This legislation makes important new changes to Federal civil rights law by providing new Federal authority for investigating and prosecuting criminal civil rights violations. It authorizes the Attorney General to provide assistance in the criminal investigation or prosecution of violent crimes motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of the victim.

This bill spans interstate lines by establishing uniform Federal protections against hate crimes as a backdrop to existing laws in every State. It directs the Attorney General to give priority for assistance to cases in which offenders have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses associated with investigations and prosecutions.

This bill makes it a Federal criminal offense to cause or attempt to cause bodily harm through the use of fire, firearms, or explosive devices against a person due to bias-driven violence.

These provisions enhance our country's 233-year tradition of protecting liberty, freedom, and acceptance by protecting and recognizing the human dignity of every person. No person should live in fear of violence because of who they are.

Some have criticized this legislation by claiming that the hate crimes bill will infringe upon free speech, somehow turning Federal authorities into ''thought police.'' In my view, this is simply not true. The hate crime bill adds no new classes of crime. This legislation is not about thinking or believing, but acting and harming.

This legislation strengthens, not weakens, the First Amendment freedom of speech protections. It prohibits for use as evidence a defendant's speech or association unless specifically related to the crime, and this legislation does not disturb constitutionally protected speech or associations.

It is preposterous to argue that this bill criminalizes thoughts and beliefs. The bill does not criminalize those who hate or disagree with other people or groups of people. It criminalizes acts of violence against people based on the victim's characteristics.

Under current law, the Federal Government's involvement is only authorized in those cases in which the victim was targeted because of race, color, religion, or national origin. The current protection is neither uniform nor comprehensive, and this has important practical and symbolic consequences.

It is vital that the Federal Government send a message to the American people that hate crimes committed because of one's sexual orientation, gender identity, gender, or disability are as intolerable as those motivated by race, ethnicity, national origin, or religion.

Some also argue that we're federalizing crimes already illegal under State laws, providing limited jurisdiction to investigate and prosecute bias-motivated crimes. However, Congress has rejected this argument repeatedly by passing hundreds of bills that give the Federal Government jurisdiction over crimes that States already consider illegal.

From 1995 to 2006, my friends on the other side controlled Congress and enacted nearly 100 public laws imposing new Federal criminal penalties for conduct that was already under State law and creating over 600 new Federal crimes.

Hate crimes are destructive and divisive. A random act of violence resulting in injury or even death is a tragic event that devastates the lives of the victim and their family. But the intentional selection and beating or murder of an individual because of who they are terrorizes an entire community—and sometimes, the Nation.

It is easy to recognize the difference between the arson of an office building versus the intentional torching of a church or synagogue. The church or synagogue or mosque burning has a profound impact on the congregation, the faith community, the local community, and the Nation. We're all affected by violent acts of hatred, and there is ample evidence that violent, bias-motivated crimes continue to be a widespread and serious problem in our Nation.

□ 1215

In my home State, the most recent Florida Hate Crimes Report published by the Florida Attorney General reported a total of 193 hate crimes, 14.5 percent of which were motivated by sexual orientation. Additionally, poll after poll continues to show that the American public supports hate crimes legislation inclusive of sexual orientation. FBI data show 1,265 hate crime incidents directed at gays and lesbians in the year 2007 alone, the third most frequent victims and over 16 percent of all hate crimes reported that year. And 79 hate crime incidents directed at disabled victims were also reported that year. And, unfortunately, we know it is widely accepted that hate crimes specifically against those with disabilities remain vastly underreported. Mr. Speaker, this is clearly a problem that merits the passage of an expanded hate crimes law.

Furthermore, this legislation is endorsed by over 300 law enforcement, civil rights, civic and religious organizations including the National Sheriffs Association, the International Association of Chiefs of Police, National District Attorneys Association, the American Civil Liberties Union, the Human Rights Campaign, the Presbyterian Church, the Episcopal Church, the NAACP, and the National Disability Rights Network.

Mr. Speaker, this measure would give local law enforcement officials important tools to combat violent, bias-motivated crime. Federal support, through training and direct assistance, will help ensure that bias-motivated violence is effectively investigated and prosecuted. The legislation would also facilitate Federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result.

As we consider H.R. 1913 today, let us remember that this hate crimes bill is also known as the Matthew Shepard Act, in memory of the 21-year-old University of Wyoming student who was brutally tortured and murdered in 1998 just because he was gay. At the time of his murder just a few years ago, no criminal statute existed in Wyoming to charge his killers with a hate crime nor was there Federal financial assistance available to aid the local authorities in Laramie, Wyoming, with investigating and prosecuting his murder.

The fact of the matter is hate crimes happen every day and we should not wait for another Matthew Shepard to ensure justice.

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

Ms. FOXX. Mr. Speaker, I thank my colleague from the Rules Committee for yielding time to us to be able to discuss this bill, and I yield myself such time as I may consume.

The discussion surrounding this bill today will no doubt center on the idea of crimes committed out of hate. There will be talk about the scourge of violent hate crime, which begs the question: Is there such a thing as nonhateful violent crime?

But in all the debate over criminal acts, a larger and forgotten debate is often left unspoken, and that is the debate over the role of free expression in our society. If this bill becomes law, it will have a chilling effect on many law-abiding Americans' freedom of expression.

The robust and healthy exchange of ideas is an American distinction. Because we are a land where free expression is one of our cherished foundational ideals, we have a long tradition of protecting the speech of everyone, from those with the most mainstream ideas to those on the fringe. Why do we do this? Because we know that in the end, in a healthy marketplace of ideas where the public square allows for an airing of all ideas, the best ideas and principles come out on top. In a strong marketplace of ideas, an American marketplace, bankrupt ideas are destined to fail. We should not live and legislate in fear of bankrupt ideas.

Marginal concepts, bad ideas, and flawed philosophies will always be buried beneath the tide of free and democratic expression, where free speech protects the individual's right to hold and express an opinion, even if such an opinion may be wrong. Holding this ideal is one reason why we on the minority side are so distressed that this

is a closed rule and we are not going to be allowed to offer amendments today because we know yesterday from the Rules Committee that some of our amendments would garner majority support, and we are very distressed about that.

Ultimately, a healthy public square always has a chilling effect on the forces of hatred. But today we are considering a bill that will start us down the road towards a public square that is less robust, more restrictive, and that will squelch our cherished constitutional right to free speech. It will establish a new category of criminal activity, which is thought crimes. Today it is the politically correct thought crimes, those directed toward certain protected groups, but when we open the door creating this new criminal category of thought crimes, it is but a small step to add new types of thought crimes to the list, and suddenly we find ourselves back on the Orwellian threshold of Nineteen Eighty-Four and staring down the specter of the thought police.

In George Orwell's novel Nineteen Eighty-Four, the government attempts to control not only the speech and actions but also the thoughts of its subjects, labeling disapproved thoughts with the term ''thought crime.'' The Thought Police use psychology and omnipresent surveillance to find and eliminate members of society who are capable of the mere thought of challenging ruling authority.

The way this bill is written, law enforcement will be called upon to unearth a criminal's motivation for committing a crime. The questions must then be asked: What thoughts caused the perpetrator to commit the so-called hate crime? And what caused this person to have these thoughts? Could it have been, for example, the sermon of a local religious leader, perhaps a respected local rabbi, who preached a message out of a religious conviction and belief in a sacred book? Under this law that rabbi may be guilty of inducing an act of violence simply because of his religious convictions. And it wouldn't take many arrests to put a choke hold on the free speech of religious leaders across our Nation.

In closing, I would like to quote liberal commentator Glenn Greenwald, certainly no apologist for conservatives like myself. But he has some strong words for hate crime laws such as those which already exist in Europe and in our neighbor to the north, Canada. Writing on salon.com last year, he called hate crimes laws ''oppressive'' and ''pernicious.'' Allow me to quote him at length because he summarizes the consequences of this type of legislation very well:

''Empowering the State to proscribe and punish speech is not only the most dangerous step a society can take, though it is that, it's also the most senseless. It never achieves its intended effect of suppressing or eliminating a particular view. If anything, it has the opposite effect, by driving it underground, thus preventing debate and exposure.''

As I said earlier, the best antidote to hate, perceived or real, is the bright light of public debate and scrutiny, not the outright censorship contained in this so-called hate crimes legislation.

My friends, this legislation starts us down a slippery slope. No longer are all Americans subject to equal justice under the law. No. A murderer of a police officer can be treated more leniently under this law than someone who is convicted of a so-called hate-motivated murder of a protected class of citizens. This is not equal justice. This is the codifying of a thought crimes law that weakens our first amendment and that dilutes our long tradition of equal justice under the law.

I will urge my colleagues to vote ''no'' on this rule and ''no'' on the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3 minutes to the distinguished gentleman from Colorado, my good friend and member of the Rules Committee, Mr. POLIS.

Mr. POLIS. Mr. Speaker, I rise in strong support of this rule for H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act, as well as the bill itself.

Last July a young transgender Latina living in Greeley, Colorado, was brutally attacked and murdered. Her killer, who became outraged after he discovered that she was transgender and beat her to death, told authorities that he had ''killed it'' and that ''all gays must die.'' Just last week I am glad to announce that Angie's killer was convicted not only of first degree murder but also of a hate crime in the beating death of Angie under Colorado law. It was the first time in the Nation that a State hate crime statute resulted in the conviction of a transgender person's murder, and as a result, Angie's killer will serve life in prison without the possibility of parole.

Thanks in large part to Colorado's hate crimes law, which included gender identity as a protected class, justice was served in this case. But, sadly, this has more often than not not been the case. Just a few years earlier, Fred Martinez, a Navajo Native American in Cortez, Colorado, openly gay youth, was killed. The perpetrator, who along with an accomplice had met Fred at a carnival that night, attacked and beat him to death with a large rock. Later he bragged to his friends that he had ''beat up a fag.'' In contrast to Angie Zapata, Fred's killer was not charged with a hate crime because no Colorado or Federal law protecting gender identity existed at that time. His assaulter received a 40-year sentence under a plea agreement but will be eligible for parole in 25 years. If he had been charged with a Federal hate crime, he would have received a life sentence without parole.

Sadly, Angie and Fred are not alone. Since 1991 over 100,000 hate crime offenses have been reported to the FBI with over 7,000 reported in 2006. And although much is talked about violent attacks against the lesbian, gay, bisexual, and transgender community, this is not just an LGBT issue. Violent crimes based on race, religion, ethnicity and national origin are reported every year.

What makes these crimes so odious is that they are not just crimes against an individual; they are crimes that terrorize entire communities and, indeed, are against the values and ideals upon which our country was founded. With each attack, these criminals are attempting to send a message of intimidation to the victim's entire community, a message that Americans do not belong and deserve to be victimized solely because of who they are.

Far from creating a class for special protection, we are establishing equal protection under the law for people who do not enjoy it today in this country. The hate crimes bill that we are voting on today is sending a message that these crimes will no longer be tolerated. I strongly support efforts to punish hate crimes and am a proud cosponsor of the bill.

The bill is especially important for police departments in smaller towns that don't always have the resources to deal with hate crimes. For example, the cost of the investigation and prosecution of Matthew Shepard's killers dealt a severe blow to the Laramie, Wyoming, law enforcement budget, resulting in the furlough of five officers, undermining public safety. This bill would prevent that.

This bill also corrects two major deficiencies in current law: One, the excessive restrictions requiring proof that victims were attacked because they were engaged in certain ''federally protected activities''; and, two, the limited scope of the law.

It's important to note this legislation will not take rights away from anyone. Our country was founded upon certain inalienable rights, including the freedom of religion and free speech. This bill does not interfere with either of those principles, and that's why it's backed not only by hundreds of law enforcement agencies but by mainstream faith-based organizations.

It's time to pass this law. We must no longer turn a blind eye to hate crimes of any kind. Everyone, regardless of race, creed, color, and sexual orientation and gender identity, must stand equal in the eyes of the law. I encourage my colleagues to support the rule and the bill.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to my distinguished colleague from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, with all the challenges that we have

in this Nation, we still hold these truths to be self-evident: that all men are created equal and that they are equal because they are all God's children. Therefore, the essence of America is that all people should be treated with the same respect and protected completely equally under the law. Whenever we begin to divide ourselves into groups and afford one group more protection than another, we necessarily diminish the protection and equality of all the remaining groups.

Mr. Speaker, regardless of whether a person is white, black, handicapped, healthy, old, sick, young, homosexual, heterosexual, a veteran, a police officer, a senior, whatever the case is, they deserve equal protection under the law.

□ 1230

That is the foundational premise of this Nation, and this legislation moves us all directly away from that basic foundation in a profound and dangerous way.

This legislation would prosecute individuals, not on the basis of their crime, but on their alleged motivation for committing it. It requires law enforcement officials and prosecutors to gather evidence of the offenders' thoughts, rather than their actual actions and their criminal intent.

Furthermore, under this bill, such individuals who may not even have been aware of the crime could receive the same or similar penalties as the criminal himself. It would only take some arbitrary prosecutor to construe that the individual had influenced the beliefs or thoughts of a perpetrator of a crime and thereby somehow caused hateful or violent acts. One unscrupulous government entity, plus this hate crimes legislation, equals the perfect recipe for tearing away from American citizens some of the most basic constitutional rights in our Nation.

Mr. Speaker, the fundamental purpose of this body is to protect the lives and constitutional rights of the American people regardless of who they are or what they believe. Unfortunately, this legislation would do just the opposite by granting unequal protections based on personal beliefs and thoughts, and it would endanger the constitutional liberties of millions of Americans.

I thank the gentlelady for the time and urge my colleagues to vote ''no.''

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and former member of the Rules Committee, and my fellow Floridian, Ms. CASTOR.

Ms. CASTOR of Florida. I thank my colleague for yielding time and for his years of leadership in the fight against discrimination.

Mr. Speaker, I rise in support of the Local Law Enforcement Hate Crimes Prevention Act and this rule.

Mr. Speaker, hate crimes are different from other types of crimes because the perpetrator targets a certain type of person based upon physical or other personal attributes. Hate crimes are a purposeful, violent and dangerous manifestation of prejudice.

Now, to increase public safety and fight crime, we offer today additional tools for law enforcement to fight hate crimes.

I am proud to be an original cosponsor of this legislation that will ensure that hate crimes based upon sexual orientation are covered along with other crimes committed with hatred based on race, religion and national origin.

This bill provides important resources to State and local law enforcement agencies to investigate and prosecute hate crimes, and it will also be a Federal criminal offense to cause or attempt to cause bodily harm.

I am proud today to stand up for all of my neighbors. You see, hate crimes are not only a problem for victims, but also for our communities and neighborhoods.

Unfortunately, my community in Florida has not been immune from hate crimes. Tampa leads the State of Florida in the number of reported hate crimes, according to an annual FBI report. It is likely that Tampa ranks high because the police there have a zero tolerance policy. All possible or borderline cases are reported.

Last year in Florida we had cases like the KKK being scrawled on something and shoved into a family's mailbox. And a 25-year-old woman in Daytona Beach was intentionally hit by a car just because of the color of her skin. How do we know? Because the man driving the car yelled, ''Help me kill these (blanks). These (blanks) have to die.''

In 2007, a Polk County person was stabbed to death for being gay. Police arrested and charged two Pinellas County teenagers after they spray-painted anti-Semitic and racial slurs on nine portable classrooms at a high school.

The Islamic Education Center of Florida in Tampa was set on fire, and thousands of my neighbors were left without a place to hold services.

Hate crimes have no place in my community or anyplace else, but they are an unfortunate reality that must be addressed. Mr. Speaker, this legislation has languished, and it's time that it be signed into law.

I thank Chairman CONYERS for his leadership. I urge a ''yes'' vote on this rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I now would like to yield 2 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank my friend for yielding.

Mr. Speaker, I believe this bill is a dangerous proposal which can transform the criminal justice system and in spite of all the protestations that now maybe we have safeguards, I think it threatens religious liberty.

The hate crimes bill federalizes each and every State and local crime. There is no evidence that States and localities are failing to prosecute crimes under existing law.

A person intentionally hit by a car is the victim of the same crime, regardless of why. The key there is ''intentionally.'' Whether you intentionally decide you are going to run over somebody with a car because they are there and you are mad, the penalties should be the same and to suggest that it is not is a Federal mistake at the level we are suggesting mistakes would be made.

Hate crimes legislation invariably has threatened religious leaders and groups with criminal prosecution, an investigation into why that person's thoughts, beliefs or statements led to their actions.

This can easily jeopardize constitutional rights of freedom of speech and religious expression. In fact, the very fact that the people who wrote this legislation have gone out of their way to come up with a new protection suggests that there is danger. There has been danger in every other country that has come up with this kind of legislation.

This requires criminal investigations to probe if a crime occurred because of bias toward a protected group and opens the door to criminal investigations of a suspect's philosophical beliefs, politics, biases, religion, activities and past statements.

Due to the subjectivity of these kinds of feelings and motives, there is enormous potential here, Mr. Speaker, for error. This creates unequal treatment of victims by treating crimes against protected groups more seriously than nonprotected groups. Murder of a victim will be treated more seriously than murder of another victim.

Mr. Speaker, I believe that's wrong. I think this is a constitutional problem. Again, in every State, in every country that has had similar legislation, this has created a problem of speech.

Hate crimes become hate speech, become thought crimes too easily, and I urge a ''no'' vote.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to my good friend the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I am proud to support the Local Law Enforcement and Hate Crimes Prevention Act.

This is a commonsense bill with broad bipartisan support. Our law enforcement agencies, the vast majority of whom support this legislation, deserve the tools to battle hate-filled violence.

Bias-motivated crimes based on sexual orientation have more than tripled since the FBI began collecting hate crimes statistics about 20 years ago. But our law enforcement agencies still have no authority to assist communities dealing with even the most brutal crimes committed against our gay, lesbian, bisexual and transgender neighbors and friends.

This is a travesty. H.R. 1913 is a commonsense step to fix this injustice. The bill allows the Justice Department to aid State and local jurisdictions, either by lending assistance or by taking the lead in investigations and prosecutions of violent crimes which are motivated by bias.

Mr. Speaker, let us be clear. Nothing in H.R. 1913 could or would change First Amendment protections, but violence is not free speech.

Like many of my colleagues, I live in a community that was tragically altered by a senseless hate crime. Early last year, Lawrence King, an eighth grader in my district in a junior high school, was shot and killed by another student in his computer class, again, at a middle school. Lawrence was a young man who identified himself as a gay person, and this was the cause of the violence that took his life.

The police correctly identified the murder and classified it as a hate crime.

Mr. Speaker, I am very honored to stand here today and support H.R. 1913 in memory of Lawrence King and so many others who have been victims of hate crimes and acts of violence.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to the distinguished gentleman from Iowa (Mr. KING) a member of the Judiciary Committee, who offered several excellent amendments that were rejected by the committee.

Mr. KING of Iowa. I thank the gentlelady from North Carolina for yielding the time.

Mr. Speaker, this issue was debated for 2 days before the Judiciary Committee. There were many, many amendments that were offered before the committee. Every one of them was rejected and shot down out of, I think, a desire to preserve the bill to be whatever it was that was presented to the committee.

And now here we are with a rule that results in a closed rule, Mr. Speaker, a closed rule because, as the gentlelady from North Carolina said, there is a fear that there could be amendments that would succeed that would be offered here.

One of those that I happened to have offered before the Judiciary Committee was to exempt pedophiles as a special protected status that is under this bill. Now, the rational thought on the other side I couldn't follow, Mr. Speaker, but I think it would be rational for this full body as a House of Representatives to make a decision on this. And I think that there was a fear on the part of the Rules Committee that that would also be a decision that would be made.

Well, I have before me a list from the American Psychological Association of the paraphilias, paraphilias being, I will call them proclivities in my vernacular, Mr. Speaker, and among them are pedophiles and a whole list of other kinds of activities. There are 547 of them altogether. We can't even exempt pedophiles, let alone the other proclivities that are there, from special protected status.

We can't define the language that's in the bill, the language in the bill that says ''gender'' versus ''sex.'' Gender isn't the same thing as using the word ''sex.'' Sex is what an individual can determine someone else to be. Gender is what a person thinks they are in their head. So the blurry language of gender replaces the clear language of sex that has been in our law for a long time in history.

Sexual orientation is another one of these. There are three different categories. We are figuring out what's in people's heads, the perpetrator and the victim. So under sexual orientation you have a mental definition, the head of, perhaps, the victim what's going on there. You have the plumbing of the victim, that's a different kind of a definition. And then you have the act that might be carried out by someone of a specific sexual orientation. No definition exists in law.

Gender identity is another broad category that can be whatever any individual wants it to be. So how does someone discriminate against someone else? How do they determine what these particular proclivities are, Mr. Speaker?

These are the broad, mushy areas of law that lead us down a path that ends up with any combination of liberal activist judges who will turn this into a mass of special protected status people, sacred cows walking through our society, self-alleged.

The gentleman from Florida mentioned the immutable characteristics. No, that's not in the bill. We tried to put it in the bill, but that amendment was shot down. I wish we could protect immutable characteristics. I think they should be. And those characteristics are those characteristics that are independently verified and can't be willfully changed.

That's the subject matter, 1984, George Orwell. I brought this up the last time we debated this. And I think it's important that we look at the book that was written in 1949 and predicted by George Orwell that by 1984 we would be where we are today in 2009.

He was writing about the new totalitarians who learned from the Nazis and the Russian Communists. And they said, ''The Party is not interested in any overt act: the thought is all we care about. We do not merely destroy our enemies, we change them. We are not content with negative obedience, nor even with the most abject submission. When finally you surrender to us, it must be of your own free will. It is intolerable to us that an erroneous thought should exist anywhere in the world.'' This is George Orwell, 1984, anticipating we would be having this debate in 1984, and today it's 2009, Mr. Speaker.

We should punish all perpetrators. There should be no special victims, and all perpetrators should be punished the same. And I think 25 years for assault on anyone is enough. But to the gentleman from Colorado that called for a life sentence for assault, what does he do to a murderer?

I oppose the rule and the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished chairman of the Judiciary Committee and the author of this legislation, my good friend, Mr. CONYERS.

Mr. CONYERS. Thank you, Judge Hastings.

I want to thank everybody on the Committee on Rules about the careful consideration they have given me and the legislation. We had a great discussion yesterday that will no doubt continue on.

□ 1245

I wanted to assure Dr. Foxx that there can be nonhate crime. There is plenty of it. As a matter of fact, most of the crime that is committed is not hate-based. Robbery is not hate-based. Breaking and entry is not hate-based.

And I wanted to tell my distinguished colleague on the committee, Mr. FRANKS, that it is too late not to decide to create a special category for hate crime, because had he been on the committee in 1968, he would have been invited to the White House when President Johnson invited in the Southern governors to explain to them that cross-burning had gotten so out of hand that it could no longer be classified as a State crime, that it had to be federalized with an attempt to contain it. As a matter of fact, they did contain it.

To our distinguished Member, Mr. BLUNT, I want him to be very relaxed in his getting of rest every night. There is no religious infringement whatsoever. As a matter of fact, we kept saying it so much that we finally put it into the bill itself. If you look at the last section in the bill, Section 8, it says in as clear a language as we could construct that anything protected by the Constitution cannot be eviscerated or modified by this hate crimes act, which has been going on now for 31 years.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I would like to thank the gentlewoman from North Carolina for the time.

I just want to say I am as appalled as any Member of Congress by crimes committed as an act of hate. Criminals who commit acts like murder, rape and assault do belong behind bars. But I oppose this bill because it lays the groundwork for the prosecution and the potential persecution of citizens whose crimes are not actions, but rather crimes of thought and speech.

The end result of this bill and the hate crimes agenda will be the suppression of both the freedom of speech and the freedom of religion. By establishing crimes of speech and thought, this law places pundits, journalists,

preachers and religious men and women at risk.

Other nations have gone down this path before and seen their liberties curtailed. In nations like Canada and Great Britain, where hate crimes legislation has been expanded to include speech, now columnists must avoid certain subjects, and cartoonists worry that their caricatures could become a crime.

Even in this country, hate crimes legislation has already been used as a political tool to suppress religious speech. In Pennsylvania, we saw a State hate crimes law used to file felony charges against 11 Christians speaking their minds and preaching their beliefs concerning a gay pride parade. Because sexual orientation had been added to the Pennsylvania hate crimes statute, the Christian demonstrators faced the following charges: Criminal conspiracy; possession of instruments of a crime—and the instruments of the crime were bullhorns; reckless endangerment of another person; ethnic intimidation; riot; failure to disperse; disorderly conduct; and obstructing highways.

I believe America is the greatest country in the world because we do have freedom of speech and we do have freedom of religion, and we must protect those ideals.

Mr. Speaker, any acts of murder, rape, assault, harassment, theft or any other crime should be punished equally under the law. I cannot support legislation which establishes thought crimes or lays the foundation for a country in which religious and political speech can be deemed hateful and even criminal.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, for my colleagues, I think you are aware that when we are on the floor debating this procedural concept called the rule, we usually try to go into the structure of the bill so that we can be clear as we move to general debate to offer our philosophical positions. So let me try to frame what this bill is actually about so that my colleagues can offer their opinions certainly during the general debate.

This bill, though it is called the hate crimes bill, it is also a focus on local law enforcement, and the concept is that all we are doing here is providing assistance to those local and State law enforcement agencies to ensure they have the tools to prosecute a case of hate crime.

Now, it is interesting that my friends on the other side have highlighted that we are separating out and enhancing the sentencing of those who engage in hate. Well, we have done that in years past. The 1964 Civil Rights Act and our discrimination laws have indicated that we abhor discrimination against anyone.

All this bill is doing is providing the resources on a State basis in the framework of Federal constitutional protection, so therefore if someone is in a church arguing or somewhere their political beliefs, their religious beliefs, it is not covered by this bill. We are not enforcing actions against that individual.

If you look through the bill, you will find it talks about assistance, financial assistance, to ensure that a case can be investigated. What we need to understand is a case can be investigated and the person can be vindicated, can be found not guilty or will not be prosecuted because the facts are not there. To burden local law enforcement and State law enforcement with getting to the truth is something that we want to help with, because the truth is in fact a part of ensuring the Constitution is in place.

Let me also make note of the fact that this is acts of violence. So free speech, as colorful as it can be, as we have all heard in our elementary school, words can hurt us, but it is only sticks and stones that hurt us.

I ask Members to support this legislation because it is fair on its face.

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

Mr. Speaker, I think it is time for us to respond to some of the comments that have been made here this afternoon by our friends on the other side, and I appreciate the gentlewoman from Texas bringing up an issue that I think needs to be responded to.

As she pointed out, these crimes are being taken care of in the States. Forty-five States already have hate crime laws. What we are doing with this bill, as one of my colleagues has said earlier, is going in and preempting what the States are doing. This is abrogating the 10th Amendment again. The Constitution has clearly left to the States and localities and the people things that are not spelled out in the Constitution.

Ms. JACKSON-LEE of Texas. Will the gentlelady yield?

Ms. FOXX. As soon as I am finished, I will do that.

However, nobody has said that the States aren't doing an adequate job of administering the laws that they have already. We don't need the Federal Government going in and working with them.

The issue of giving them assistance is another issue. If nothing else, that is a good reason to vote against this bill, because the bill states ''such sums as are needed.'' We are creating another entitlement program. Now, the grants say $100,000, but we are going to have people going after this money, putting ourselves more in debt, not included in the budget, not included in the appropriations but outside the budget. If you didn't vote against this bill and against this rule for any other reason, you could vote against it because we are spending additional money.

I also would like to point out that there was a bill, the hate crimes bill called the Matthew Shepard Act, named after a very unfortunate incident that happened where a young man was killed. But we know that that young man was killed in the commitment of a robbery. It wasn't because he was gay. The bill was named for him, the hate crimes bill was named for him, but it is really a hoax that that continues to be used as an excuse for passing these bills.

Ms. JACKSON-LEE of Texas. Will the gentlelady yield?

Ms. FOXX. In just a moment.

I also want to point out that one of the concerns that we have and why we believe that free speech is being endangered by this bill is the fact that the word ''perceived'' is used so often in this bill. In fact, I have pulled each one of them out. It says ''is motivated by prejudice based on actual or perceived race.''

Throughout the bill, there are five instances where the word ''perceived'' is used, but the word ''perceived'' is never defined. We believe that that opens up a Pandora's box in terms of how people can use this bill to stifle free speech. Our colleagues on the other side have not been willing to define this word or, again, to take amendments that many of us believe would have made this bill much, much better.

So I say to my colleagues, this is not the kind of legislation we should be passing in this country in this day.

If the gentlewoman wants to ask me a question which I can answer quickly, since I am on my time, I will yield. If it is a matter to speak on, then I would ask her to ask for time on her side.

Ms. JACKSON-LEE of Texas. I agree. I would just ask the gentlelady if she has read section 3 that indicates the State would ask for the assistance, and then page 12 of the bill that indicates, it is part (d), I don't want to go back to the section, but page 12, line 9, indicates that no voice where someone is speaking or making expression will be in evidence to prove that that person is engaged in a hate crime.

I would ask the gentlelady if she looked at that thoroughly?

Ms. FOXX. I have read the bill and read it carefully, and I have great problems with the bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to my good friend the distinguished Congressional Black Caucus Chair, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, let me first thank the gentleman for yielding and for your steady and very fair leadership as a member of the House Rules Committee. Also to Chairman CONYERS, let me thank you for

your leadership in making sure this important legislation gets to the floor today.

I also want to acknowledge the indispensable contributions of the LGBT Caucus, on which I serve as a member, which is led so ably by our colleagues Chairman BARNEY FRANK, Congresswoman TAMMY BALDWIN, and Congressman JARED POLIS.

This legislation is long overdue. In the long history of the United States, there is much to admire and to celebrate. But, regrettably, there have been episodes in our history that are tragic, violent and shameful. Among the most horrific are violent crimes motivated by hate.

The notorious race riots in Greenwood, Oklahoma, and Rosewood, Florida, in the early years of this last century, to the church bombings and attacks on gay, lesbian, bisexual and transgendered persons, are painful reminders that we still have not perfected our Union. Whether it has been the color of their skin, their religion, gender, disability, national origin, or their sexual orientation or identity, the sad fact is that too many persons have been the victims of violence, often ending in death, simply because of a characteristic of birth.

Sadly, many of the recent attacks based on sexual orientation have been against gay black men, like Michael Sandy, who was beaten and robbed in New York by four men and lay in a coma for several days before he died. In court proceedings, it was revealed that his attackers viewed gay men as prey. Fortunately, New York's hate crimes law now includes sexual orientation as a protected class.

And closer to my home, right outside of my district in Newark, California, a young high school student named Gwen Araujo was viciously beaten to death by four young men and buried simply because she was born a male. Gwen was comfortable as herself, a transgendered woman, and had lived her high school years as a girl with the love and support of her family, particularly her mother, Sylvia Guerrero.

Gwen's story really resonates with me. Children are entitled to be free from hate-motivated violence in schools. That is why when I was in the California legislature, I authored and Pete Wilson signed into law the California Hate Crimes Reduction Act.

Members of the clergy support this bill, the Congress of National Black Churches, the Episcopal Church and the Evangelical Lutheran Church of America.

□ 1300

Ms. FOXX. Mr. Speaker, I would like to yield 3 minutes to our colleague from Texas (Mr. GOHMERT), who also offered several amendments that were not taken.

Mr. GOHMERT. Mr. Speaker, there should have been amendments to this because there are all kinds of problems with it. When, in America, we start dividing this country into groups, we've got trouble; and that's what this bill does. It divides America into groups and says these over here are more important to protect than the rest of you guys. That is a problem.

Now, I'd like to address the question that my friend from Texas raised about the rule of evidence I think is what she was talking about. It does say, ''In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense.''

18 U.S.C. section 2(a) says if you aid, abet, counsel, induce someone to commit a crime, you are just as guilty as the one that committed it.

So, for example, I have a Bible here that my uncle was given when he entered World War II. It has a flyleaf cover that says, ''As Commander-in-Chief, I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries, men of many faiths and diverse origins have found in the Sacred Book words of wisdom, counsel and inspiration. It is a fountain of strength, and now, as always, an aid to attaining the highest aspiration of the human soul.''

That's signed Franklin D. Roosevelt in this little Bible.

But if you look over to Romans, it talks about, ''For this cause God gave them up to vile affections, for even their women did change the natural use into that which is against nature; and likewise, the men, leaving the natural use of women, burned in their lust one to another, men with men, working that which is unseemly and receiving in themselves that recompense of their error which was meet.''

If somebody hears a preacher preaching that and goes out and commits an act of violence, I mean, I was a prosecutor 30 years ago. It doesn't take much imagination to say, we had to arrest the preacher; it was clear he's the one that planted the seeds in this nut's head that went out and committed an act of violence. Therefore, this evidence of what he read from the Bible, even though FDR signed it and encouraged people to read it, FDR's not around, we can't go after him, but we can go after this preacher that put that in the mind of the individual. They induced it. They're guilty as a principal. And even if they're not, just arresting pastors a few times and saying, we're going to let the jury decide what his intent was will be enough to have a chilling effect.

There's no Federal nexus here. There is no epidemic. There's no evidence of an epidemic. There's no need. Every case that's been brought up, including Matthew Shepard, in that case they got life without parole. The other got two life sentences. James Byrd, the two defendants most culpable got what they deserved, they got the death penalty, and this case will not affect that. The other guy got life. Wouldn't affect him. There is no need. There is no epidemic. It divides America. Why don't we say ''no'' to this and let America be united again.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased at this time to yield 1 minute to my distinguished colleague and good friend from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman and rise in support of this rule and the underlying legislation.

Hate crimes are real. They spread fear and intimidation among entire communities. This bill would strengthen local law enforcement's ability to prosecute hate crimes based on race, color, religion, national origin, gender, sexual orientation, gender identity and disability to the victim.

It is patently false to say that we're criminalizing thought. We are criminalizing the brutality that results when these thoughts lead to death and serious injury of an innocent victim. This is no more about criminalizing thought than the antilynching laws were about criminalizing knot tying.

And to say that pedophilia somehow belongs in here represents such uninformed, illogical and irrelevant thinking as to say kleptomania, drug abuse, school truancy, parking violation and road rage belongs here.

This bill is about hate crimes. This bill has strong support from over 300 civil rights, religious, LGBT, law enforcement and civic organizations, and I'm particularly pleased to identify the support of the Garden State Equality, a group that has fought tirelessly to fight discrimination against all Americans, including discrimination based on gender identity.

I urge support of the rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentlewoman from North Carolina for her hard work on the Rules Committee, on this rule fight, and I rise in strong opposition to the rule and the underlying bill.

My goodness. How long are we going to debate this? 40 minutes or an hour? This very important piece of legislation under this rule?

I can understand why we only have that amount of time because, after all, we're going to be working as late as 4 this afternoon here in the House. How could we possibly go just a little later than 4 to debate a very, very important piece of legislation?

And then what amendments will we be debating? None. It's a closed rule.

This is an atrocity. This is a very highly contentious piece of legislation. We held a 2-day markup on this bill with numerous amendments in the Judiciary Committee, and it is very clear that we need a rule that will allow for amendments to be considered on the floor of the House. But we certainly don't have that.

So I urge my colleagues to oppose this rule.

I would also point out that this underlying piece of legislation, which I will have the opportunity to speak more on in the general debate, is something that does, indeed, deal with thought. The only difference between beating up a senior citizen and beating up somebody who is in a protected class, under this piece of legislation, or beating up a pregnant woman, or beating up someone who's in a protected class, under this legislation, is the thought process that went into the motivation to assault that particular person. And that is legislation that is founded on criminalizing thought.

It is very deeply concerning, because I, like most Americans, believe that every victim of every crime is entitled to be treated the same under the law. Why would a senior citizen not be deserving of these additional protections that are provided based upon sex or sexual orientation or race or religion?

Why would pregnant women who suffer all kinds of violent crimes against them not be deserving of that same kind of protection?

This legislation is bad. Vote down the rule. Vote down the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 1 minute to the newest Member of the House of Representatives, at least for another 6 hours, until one newer than him is sworn in, Mr. QUIGLEY from Illinois.

Mr. QUIGLEY. I rise in strong support of H.R. 1913. I am new here, but I am not new to this issue. And I am extraordinarily aware that in our country hatred has an extraordinary tenacity, a tenacity which we must be on arm against, especially when that hatred takes the form of action.

In 2008, there were 72 reported hate crimes in the city of Chicago alone. When one of our neighbors is attacked, our entire community must feel the pain. Every American, regardless of who his parents are, where she worships, or who he chooses to love, deserves to be free from the fear of harm. This bill will go a long way towards ensuring all of our citizens have access, equal access to protection under the law.

I thank the Chair and urge my colleagues to support this important legislation.

Ms. FOXX. Mr. Speaker, I would like to yield 90 seconds now to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentlelady from North Carolina for yielding.

I want to take it back to this question. We have these vague terms in this legislation that's before us, these vague terms that the Judiciary Committee majority refused to define and refused to allow a definition, and so I've looked up some definitions of this language, and here is one of them. Sexual orientation. We'll go to the Merriam Webster's Dictionary, under medical, and it says, sexual orientation: One's attraction to and preference in sexual partners. One definition.

Here's another definition that comes from the American Heritage Stedman's Medical Dictionary. It says sexual orientation is sexual activity with people of the opposite sex, the same sex or both.

So one is an attraction definition, and the other one is an activity definition.

And now I go to the American Psychological Association, those people that have identified 547 different paraphilias, and they say sexual orientation is different from sexual behavior because it refers to feelings and self-concept. Individuals may or may not express that in their behaviors.

So, here we have, again, these broad definitions in the so-called hate crimes legislation that truly are thought crimes, because without the thought, you're not going to have the hate, and it can only be defined by trying to look into the skull of the victim and the perpetrator. And there's never been legislation that's presented that's been this broad or that imagines that it can define something that is in the head of a victim and in the head of the perpetrator at the same time, let alone what might be in the head of the judge, Mr. Speaker. So I oppose this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I would like to inquire of the gentlelady if she has any remaining speakers. I am the last speaker for this side and am prepared to reserve.

Ms. FOXX. Mr. Speaker, I am prepared to close.

Mr. HASTINGS of Washington. Then I would reserve the balance of my time until the gentlelady has closed for her side and yielded back her time.

The SPEAKER pro tempore. The gentlewoman from North Carolina has 3 minutes remaining.

Ms. FOXX. Mr. Speaker, my colleagues who have spoken here today have been extremely eloquent, and they've done a very, very good job of saying why this rule is bad and why the underlying bill is bad.

I want to end with a summary and with a quote. I want to quote from a column by William Raspberry from The Washington Post, April 9, 1999. And I'm quoting from the end of that column. The title of it is Thought Crimes. ''What I'm asking is this: Isn't it enough that people be punished for what they do, rather than for the attitudes that drive them to do it? What is the advantage of prosecuting people for what amounts to crimes of wrong thinking? Surely we don't expect expanded legislation to change their thinking, and we've already got laws against the awful behavior their warped thinking may produce. But I can't see that Clinton's proposal can do any good whatever. But as I said, it's likely to do negligible harm, so I'll just shut up.''

Mr. Raspberry is certainly not a conservative speaker or writer. However, he shares the same view that I and my colleagues have shared today.

And let me summarize, again, why we're opposed to this bill. Our criminal justice system has been built on the ideal of equal justice for all. This bill turns that fundamental principle on its head. Justice will no longer be equal but will depend on the race, gender, gender identity, sexual orientation, disability or other protected status of the victim. The bill is unconstitutional, we believe, and will likely be struck down by the courts.

The hate crimes bill will restrict religious freedom and first amendment rights by raising the possibility that religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities.

We believe this bill itself will spread fear and intimidation. Religious organizations may be chilled from expressing their ideas regarding homosexuality out of fear from involvement in the criminal process.

The bill also federalizes crimes that are being effectively prosecuted by our States and local governments.

In 2007, of the approximately 17,000 homicides that occurred in the United States, only 9 of the murders were determined to be motivated by bias. Regarding crimes where there are actual victims, there's no evidence that States are not fully prosecuting violent crimes involving ''hate.''

We all agree that every violent crime is deplorable, regardless of its motivation. Every violent crime can be devastating, not only to the victim, but the larger community whose public safety has been violated.

□ 1315

That is why all violent crimes must be vigorously prosecuted. Individuals prosecuted under this legislation, though, are not going to be punished for just their actions, but for their thoughts.

Mr. Speaker, this underlying bill is a bad bill and it is a bad rule, and I urge its defeat.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of time.

Mr. Speaker, I have been on the Rules Committee a considerable amount of time, both in the minority and in the majority, and I have seen things come to the Rules Committee that I thought were trivializing the process, but yesterday took the cake for me.

We had an amendment offered by one of our colleagues to this particular legislation. I guess it was done in a creative fashion, and certainly the author of it did spend some time looking in the dictionary or creating new terms. And I apologize to our transcriber, but I am going to put in the RECORD what we have to put up with in the Rules Committee.

''The term sexual orientation,'' this proposed amendment said, ''as used in this act, or any amendments made by this act, does not include apotemnophilia, asphyxophilia, autogynephilia, coprophilia, exhibitionism, fetishism, frotteurism, gerontosexuality, incest, kleptophilia, klismaphilia, necrophilia, partialism, pedophilia, sexual masochism, sexual sadism, telephone scatalogia, toucherism, transgenderism, transsexual, transvestite, transvestic fetishism, urophilia, voyeurism, or zoophilia.''

All I can say is the late-night comedians need to come up there with me sometime so that they can get into the spirit of spuriousness that comes there on certain occasions.

This is serious business. Mr. Speaker, we can't legislate love, but we can legislate against hate. This legislation may not rid us of the intolerance and prejudices that continue to taint our society, but it will provide an added deterrent to those for whom these feelings manifest themselves into acts of violence. They will be fully aware that, should they commit a hate crime, there will be no lenience and they will not slip through the cracks of the American legal system.

Further, passage of this Hate Crimes bill will increase public education and awareness and encourage Americans to report hate crimes that all too often are silent.

Mr. Speaker, this bill addresses our resolve to end violence based on prejudice, and to guarantee that all Americans, regardless of race, color, religion, national origin, gender, sexual orientation, gender identity or disability—or all of these philias and fetishes and isms that were put forward—need not live in fear because of who they are.

I urge my colleagues to vote in favor of this rule so that we continue to move this country toward fully achieving its promise of justice and liberty for all Americans.

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

Mr. McGOVERN. Mr. Speaker, I stand in strong support of this rule and of the underlying legislation.

H.R. 1913, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act allows for the Justice Department to assist local authorities, who are either unable or unwilling, with the investigation and prosecution of bias motivated crimes.

Hate crimes not only hurt victims and their families, but can impact a community or even an entire nation.

Perpetrators of violent hate crimes choose their victims based on an actual or perceived bias. It is a crime based on the victim's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

This bipartisan legislation empowers the Justice Department with the authority it needs to combat the prevalence of hate crimes in our communities. Since the FBI began collecting hate crimes data in 1991, bias motivated crimes against LGBT Americans has tripled; though the federal government has not provided the necessary resources to stem this uptick.

The destructive nature of hate crimes permeates throughout our society, and if we refuse to address it, then we are refusing to provide for the public safety of all Americans.

Mr. Speaker, it's important to note that this legislation does not discriminate. All victims of hate crimes are protected by this bill: every race, every religion, every sexual orientation, every disability.

I'd also like to commend Chairman CONYERS and the Judiciary Committee for crafting a bill that provides both for the protection against hate crimes and for the protection of our constitutional right of free speech.

Nothing in this legislation allows for speech, violent or otherwise, to be prosecuted.

Hate crimes by de3finition must involve death or bodily injury. Speech alone cannot be prosecuted under this legislation.

However, violent hate crimes are not constitutionally protected rights, and this legislation is needed to help reduce the divisive and sometimes deadly effects they have on communities across our country.

This legislation boasts the diverse support of more than 300 law enforcement, civil rights, civic and religious organizations and individuals, including the American Civil Liberties Union.

Mr. Speaker, I'd like to remind my colleagues that victims of hate crimes are targeted for violence and suffered attacks because of who they are.

I'd like to tell you the story of Lisa Craig, a 35-year-old mother of two, from my own State of Massachusetts. In 2003, Craig was assaulted on the street by three teenage girls and kicked in the head multiple times, causing her brain to bleed and requiring 200 stitches in her head. Craig's partner and her two daughters witnessed the attack by these teenagers, who earlier in the evening had been shouting anti-gay epithets at the couple.

This story is just one of thousands across our country, and to prevent more from occurring, I encourage my colleagues to support this rule and the underlying legislation.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I move the question on the resolution.

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

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

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and suspending the rules and passing H.R. 46, if ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 181, not voting 17, as follows:

[Roll No. 219]

AYES—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
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)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
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)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
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
Duncan
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
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
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
Ross
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—17

Becerra
Boehner
Boucher
Burgess
Butterfield
Ehlers
Granger
Gutierrez
Inslee
Kilroy
Kosmas
Larson (CT)
McCarthy (CA)
Perriello
Stark
Thompson (MS)
Waxman

□ 1348

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

Ms. BEAN changed her vote from ''no'' to ''aye.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON. Mr. Speaker, on April 29, 2009, I missed the vote on ordering the previous question on H. Res. 372 (rollcall vote 219), providing for consideration of H.R. 1913, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes. Had I been present, I would have voted "aye" for H. Res. 372.

Mr. BECERRA. Mr. Speaker, I was unavoidably detained earlier today and missed rollcall vote 219 on ordering the previous question on H. Res. 372, providing for consideration of H.R. 1913. If present, I would have voted "aye."

Stated against:

Mr. EHLERS. Mr. Speaker, on rollcall No. 219, I was inadvertently detained. Had I been present, I would have voted "no."

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

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

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 190, not voting 8, as follows:

[Roll No. 220]

AYES—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
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 (IL)
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)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
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
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
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)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
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
Ross
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

Boehner
Burgess
Butterfield
Granger
Perlmutter
Perriello
Stark
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1358

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.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Todd D. Valentine and Mr. Stanley L. Zalen, Co-Executive Directors of the New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held March 31, 2009, the Honorable Scott Murphy was elected Representative to Congress for the Twentieth Congressional District, State of New York.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE BOARD OF ELECTIONS,
Albany, NY, April 27, 2009.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives,
The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, March 31, 2009, for Representative in Congress from the Twentieth Congressional District of New York, show that Scott Murphy received 80,420 of the total number of votes cast for that office.

It would appear from these unofficial results that Scott Murphy was elected as Representative in Congress from the Twentieth Congressional District of New York.

As soon as the official results are certified to this office by the County Boards of Elections involved, an official Certificate of Election will be prepared for transmittal as required by law.

Very truly yours,

TODD D. VALENTINE,
Co-Executive Director.

STANLEY L. ZALEN,
Co-Executive Director.

SWEARING IN OF THE HONORABLE SCOTT MURPHY, OF NEW YORK, AS A MEMBER OF THE HOUSE

Mr. RANGEL. Madam Speaker, I ask unanimous consent that the gentleman from New York, the Honorable SCOTT MURPHY, be permitted to take the oath of office today.

His certificate of election has not yet arrived, but there is no contest and no question has been raised with regard to his election.

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

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the New York delegation present themselves in the well.

Mr. MURPHY of New York appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 111th Congress.

WELCOMING THE HONORABLE SCOTT MURPHY TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from New York (Mr. RANGEL) is recognized for 1 minute.

There was no objection.

Mr. RANGEL. Madam Speaker, it is my great honor as the dean of the New York delegation to present to this honorable body the Honorable SCOTT MURPHY.

Quite frankly, the Nation has said this has been a victory of Democrats over Republicans. That's just not so. This is just one great American that found himself in a district that had more Republicans who saw and wanted the best for this country.

It is my great honor to present the Honorable SCOTT MURPHY of the 20th District of New York.

Mr. MURPHY of New York. Thank you, Chairman RANGEL. It's an honor to stand on this floor of this House and join the outstanding men and women of this 111th Congress. I look forward to getting to know all of you, to learning from you, and, most of all, working with you in the spirit of bipartisan cooperation that our challenges so desperately demand.

Upstate New Yorkers made clear to me that while the challenges we face as a country are some of the greatest we have ever known, they're not Democratic challenges, they're not Republican challenges. And as our President has said, this country is not as polarized as our politics would suggest.

So while we may disagree at times on issues, we must never forget that our goals are the same: to make sure that we have good jobs for our workers; to keep our families healthy and safe; to help our small businesses grow and prosper; to build a cleaner, independent energy future; and to make sure that our kids can find jobs so that they can stay near their families and in our communities like those all across Upstate New York.

I have dedicated my career to creating jobs and helping small businesses grow, working with people of all backgrounds and parties to solve complex challenges. Beginning today, I will fight to invest in the 21st century infrastructure that will create jobs and get our economy moving again.

There are so many people to thank for making this journey here today possible. First and foremost, the voters of the 20th District of New York. I'm humbled and honored by the faith and trust that they have placed in me, and I pledge to work every day to make their lives a little bit better and to live up to my ultimate job description of being their voice here in this House.

Now, the first person I would like to thank is the most important person in my world, my best friend, the love of my life, my wife, Jen, who is up in the audience here. Without her encouragement and support, I never would have tried this and would never have been successful.

I also want to thank my kids, Simone and Lux, who are down here on the floor with me, and my son Duke. Their curiosity and energy inspires me every day and reminds me and reminds all of us that we are here fighting for a brighter future for them and all of America's children.

I also want to thank my dad. And I am a very lucky man, I have my grandparents here with me today. I want to thank them and my mom, who is not around anymore, for teaching me the lessons of hard work and thriftiness and compassion that allowed me to achieve what I have in life and to join this body.

And I want to say thanks to the family and friends that have made the trip down from New York. Many of you have heard I've got a huge family. We have got 57 people in our immediate family. At least half of them are up here in the gallery. So thank you all very much for being here and for all your support.

And I want to say thanks to Speaker PELOSI for your wonderful leadership and to the rest of the leadership team: the majority leader, STENY HOYER; Caucus Chairman LARSON; Whip CLYBURN; Chairman VAN HOLLEN, who have all been very helpful in putting this all together, and I couldn't have gotten here without your help. So thank you very much.

A special thanks to Senator GILLIBRAND, who made this opportunity possible and who did an amazing job representing the families of Upstate New York, and I heard that consistently on the campaign trail. So thanks for your support and your wonderful work on behalf of our district.

I also want to say thanks to President Obama and Vice President BIDEN for their excellent leadership. And I look forward to working with them and all the Members of this body to make sure that we get the stimulus money, the economic recovery money out and make sure it's as effective as it can possibly be in impacting our communities and getting this economy moving.

Thanks also to the outstanding New York delegation that was so excited and helpful in this race. I am looking forward to working on behalf of a brighter New York with so many other Members from our fine State.

I want to say thanks to all the other leaders that were helpful, Governor Paterson and Senator SCHUMER and all the volunteers and staff, and particularly the excellent staff that I had that are here that did so much on our behalf for this campaign. So thank you to everyone who was involved.

As I began serving the people of Upstate New York, I pledged to work with each and every Member of this body to put people back to work, to take care of the taxpayers of today and of tomorrow, and to give our kids a 21st century education, and, most of all, to summon the true spirit of cooperation that it will take to make sure that America's brightest days are still ahead of us. Thank you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the

House that, in light of the administration of the oath of office to the gentleman from New York (Mr. MURPHY), the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR of Arizona). Without objection, 5-minute voting will continue.

There was no objection.

FAMILY SELF-SUFFICIENCY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 46.

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. 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.

RECORDED VOTE

Mr. RANGEL. Mr. 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 397, noes 19, not voting 17, as follows:

[Roll No. 221]

AYES—397

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
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 (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
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 (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
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 (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
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
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—19

Blunt
Broun (GA)
Camp
Campbell
Cassidy
Culberson
Duncan
Flake
Gohmert
Goodlatte
Graves
Kingston
Pitts
Rogers (KY)
Royce
Scalise
Shadegg
Stearns
Westmoreland

NOT VOTING—17

Bachus
Bishop (GA)
Burgess
Butterfield
Cummings
Diaz-Balart, L.
Dicks
Doyle
Granger
Larsen (WA)
Linder
Nye
Paul
Perriello
Sessions
Smith (NE)
Stark

□ 1421

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.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

Mr. CONYERS. Mr. Speaker, pursuant to the rule, I call up the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

The SPEAKER pro tempore. Pursuant to House Resolution 372, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 111–91, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1913

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 ''Local Law Enforcement Hate Crimes Prevention Act of 2009''.

SEC. 2. DEFINITION OF HATE CRIME.

In this Act—

(1) the term ''crime of violence'' has the meaning given that term in section 16, title 18, United States Code;

(2) the term ''hate crime'' has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. 3. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, or tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, or tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, or tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental violence recovery service programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2011, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010 and 2011.

SEC. 4. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012, such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 7 of this Act.

SEC. 6. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(I) death results from the offense; or

''(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(3) ADDITIONAL FEDERAL NEXUS FOR OFFENSE.—Whoever, in the special maritime or territorial jurisdiction of the United States, or in Indian country, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as those provided for offenses under those paragraphs.

''(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

''(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

''(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

''(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the State does not object to the Federal Government assuming jurisdiction; or

''(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

''(c) DEFINITIONS.—

''(1) In this section—

''(A) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

''(B) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

''(C) the term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

''(2) For the purposes of this chapter, the term 'gender identity' means actual or perceived gender-related characteristics.

''(d) STATUTE OF LIMITATIONS.—

''(1) OFFENSES NOT RESULTING IN DEATH.—Except as provided in paragraph (2), no person shell be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

''(2) DEATH RESULTING OFFENSES.—An indictment or information alleging that an offense under this section resulted in death may be found or instituted as any time without limitation.

''(e) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

''249. Hate crime acts.''.

SEC. 7. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 8. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by, the Constitution.

The SPEAKER pro tempore. Debate shall not exceed 1 hour and 20 minutes,

equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, each of whom may yield control of blocks of that time.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 40 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. 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 bill under consideration.

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to yield control of 10 minutes of the debate to the gentleman from Illinois, Mr. MARK KIRK.

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

There was no objection.

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

Members of the House, the measure before us enables the Department of Justice to come to the aid of State and local law enforcement agencies in investigating and prosecuting bias-based brutality and helping defer the costs when they overwhelm State and local resources. And when necessary—and if approved by the highest, Senate-confirmed Department officials—it authorizes the Department to step in and prosecute at the Federal level.

What we are doing here today is expanding existing Federal hate crimes law beyond the confines of protecting access to a limited set of specified protected activities. What we do is add to the current list of group characteristics deservedly recognized for protection, the reason being due to their being well-known targets for bias-based violence. So we add new ones that also clearly belong on the list, and this is after careful scrutiny and hearings on this issue—they are sexual orientation, gender, gender identity, and disability.

These crimes of violence are directed not just at those who are directly attacked; they are targeting the entire group with the threat of violence. So the groups in the bill differ from other groups that some have been trying to add on—and I understand some of their reasons for that—but which do not share the same kind of history of being targeted over a period of time for hate-based violence.

Our approach is consistent with the judgment made by the States that have hate crimes laws—45 of them. They have made the same judgment as we have made for Federal law, that these many other groups should be protected elsewhere in the law, not in hate crimes law.

I close by reminding Members that under Lyndon Johnson in 1968 we first started the hate crimes bill under the church arson bill. The President called us into the White House with the governors of southern States to advise them that the burning of churches, the arson, the cross burnings were so out of control in many States that there was no other remedy except by Federal statute. The Federal Government would have to be authorized to intercede where they invited them to do so. From that has grown this bill, based on law that has been tested in the Supreme Court and many other lower courts.

And so we come before you with a bill that does not encroach upon the First Amendment, or the Fourth Amendment, or the part of the Constitution that leaves all other powers to the States. I urge your continued careful consideration of it.

I reserve the balance of my time.

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

Mr. Speaker, every year thousands of violent crimes are committed out of hate, but just as many violent crimes, if not more, are motivated by something other than hate—greed, jealousy, desperation or revenge, just to name a few. An individual's motivation for committing a violent crime is usually complex and often speculative.

Every violent crime is deplorable, regardless of its motivation. Every violent crime can be devastating, not only to the victim and their family, but also to the larger community whose sense of safety has been violated. That's why all violent crimes should be vigorously prosecuted.

Unfortunately, this bill undermines one of the most basic principles of our criminal justice system—equal justice for all. Under this bill, justice will no longer be equal. Justice will now depend on the race, gender, sexual orientation, disability or other protected status of the victim. It will allow different penalties to be imposed for the same crime. This is the real injustice.

One of the most troublesome aspects of this bill is that it divides America. It divides America by race, again, gender, sexual orientation, disability, or other status. We should focus on the opposite, uniting America, not dividing our country.

The bill also could have a chilling effect on the words of religious leaders or members of religious groups. For example, religious individuals who feel strongly about some values may hesitate to discuss their personal beliefs about homosexuality or gay marriage for fear of criminal investigation.

Some of my colleagues on the other side claim that the bill protects religious speech. But religious leaders could still be subjected to criminal investigations and be reluctant to preach the teachings of their faith as a result of this bill.

In addition, the bill itself is probably unconstitutional and will be struck down by the courts. There is little evidence to support the claim that hate crimes impact interstate or foreign commerce, an important consideration for any Federal court reviewing the constitutionality of this legislation.

In 2000, the Supreme Court in United States v. Morrison struck down a prohibition on gender-motivated violence. In that case the court specifically warned Congress that the commerce clause does not extend to ''noneconomic, violent criminal conduct'' that does not cross State lines.

□ 1430

Nor is the proposed legislation authorized under the 14th and 15th Amendments. Those amendments extend only to State action and do not cover the actions of private persons who commit violent crimes.

While the 13th Amendment reaches private action such as individual criminal conduct, it is difficult to argue that one's religion or national origin constitutes a ''badge'' or ''incident'' of slavery, the subject of the 13th Amendment.

Also this bill purports to federalize crimes that are being successfully prosecuted by our States and local governments. Furthermore, FBI statistics show that the incidence of so-called hate crimes has actually declined and substantially declined over the last 10 years. In 2007, for example, of the approximately 17,000 homicides that occurred in the U.S., only nine of the 17,000 murders were determined to be motivated by bias.

This legislation blurs the lines between violent belief, which is constitutionally protected, and violent action, which is not. If we go down this road, where does it end? With speech monitors and thought police?

I urge my colleagues to oppose the bill.

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

Mr. KIRK. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of this bill and would recognize the work of President Bush 19 years ago when he signed the first hate crimes information bill into law. That law allowed us to collect data showing two hate crimes in my district, 191 in the State of Illinois, and 7,600 in America.

This legislation is backed by the National Sheriffs' Association, the International Association of Chiefs of Police, the National District Attorneys Association, and 26 State Attorneys General.

Much of this bill may not have been needed in the earlier days of our country when we were, frankly, much less diverse. But unlike those earlier times, we have now built the freest country on Earth, with the largest economy and also the most diverse population.

This bill provides Federal help to fight violent crime. It can be important, especially to suburban police departments like Palatine, Illinois, that could be overwhelmed as two groups

squared off, overwhelming the resources of a small suburban police department.

While this bill does provide modest Federal support to help preserve order against violent crime, in my heart I support this bill for a different reason. We have witnessed diverse societies in other countries crack up and go through much pain and anguish and suffering when one group attacks another simply because of their membership or identity.

In the United States military, I saw this most clearly in Bosnia and Kosovo. Part of the modern Yugoslavia, well-entrenched in Western European values, they thought their diverse society would always remain calm and peaceful with different groups relating to one another. In those societies, the arrogance of that idea was laid bare and the countries cracked up and we saw the darkest part of the human heart open, only a few hundred miles from the capitals of Europe where we draw our own cultural heritage. It would be the height of arrogance to say something like this could never happen in the United States of America, and it is the job of this Congress to make sure that never happens.

We see violence in other countries, like in Mexico, attempt to come across into this country. We see various groups try to bring their struggles from Asia or the Middle East to the United States. Our job is to make sure not just big city police departments, but also suburban and rural police departments, have what they need to quickly respond and make sure that a kind of identity violence that has plagued so many other countries who may have thought that they were immune can never come to our shores.

If this bill in any way tried to interfere with the First Amendment or other speech of this country, I would not support it. But, instead it is directed against violent crime, and that is why I support it.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a former chairman of the Judiciary Committee and now the ranking member of the Constitution Subcommittee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this bill. The motivation behind this bill is extremely well-intentioned. We should punish violent crime. We should punish violent crime where the animus is motivated by hate against an individual or against a group because of characteristics that they may have.

But this is the wrong way to go about it. What we should be doing is we should be insisting on sentence enhancements for those who are convicted of a violent crime, a murder, an aggravated battery, a simple battery, an assault. The reason we should do it that way is that way we make sure that those who are guilty of a violent crime which is motivated by hate against an individual or a group to which he belongs gets punished more severely.

What can happen under this bill by setting up a separate hate crime is that someone could be indicted for the violent crime and the hate crime simultaneously. At the first trial, the person is acquitted of the violent crime, and at the second trial the person is convicted of the hate crime, meaning what the defendant says during the commission of that crime. And that ends up criminalizing free speech, because the actual act of violence the jury determined that the defendant was not guilty, but because of what the defendant said during the commission of the crime aimed at the victim, the person is convicted of saying that.

That is where we have the First Amendment slippery slope. And I think if this ever happens, you will find this bill declared to be unconstitutional as a violation of the First Amendment in the blink of an eye.

Now, I know that there are a lot of groups that are strongly in favor of this type of legislation. One of our jobs here in the Congress of the United States, and particularly on the Judiciary Committee, is to make sure that what we consider and what we ask the House of Representatives to pass is well thought out and does not have this glaring gap that I have just described.

I would hope that my friends on the other side of the aisle who have been pushing this legislation would stop and think about what happens to this legislation if a defendant is acquitted of the crime of violence and then convicted for what that person says while committing the crime for which he was acquitted. Please think about that and come back with sentence enhancements, because that is the way to deal with this problem, not this bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished majority leader, himself a longtime member of the bar and a supporter of civil rights, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding.

I am pleased to follow the distinguished gentleman who just spoke because what he said was he agrees with the objectives of this legislation. One could argue, I suppose, about the means, but really it is the objective that is the most important, and the objective is to in this country make a statement that violence against individuals because of the group of which they are a member or their nationality or their race or their religion or their sexual orientation, whatever the distinction might be, we in America have said that we believe all people ought to be treated equal.

This legislation, the Local Law Enforcement Hate Crimes Prevention Act, is a powerful statement, I suggest to you, of some of our most important American values, Mr. KIRK spoke of those just a little earlier; tolerance, respect for differences, and accountability for those who are driven to violence by hate.

I disagree with my friend from Illinois when he said perhaps we didn't need this earlier in our history. Yes, we have become more diverse, but in our early history, those whose skin was black were subjected to violence not because of their character, not because of anything they had done, but because of the fact that their skin was black, and because violence was visited against them, all who were similarly situated were put in fear. That is why this crime is different from simply violence animated, as the distinguished ranking member indicated, so many of our crimes are. He is right. But this is a particular character of crime that not only puts the victim at risk, but puts all members of the group to which that victim belongs at risk and at fear.

This bill allows us to expand the existing Federal hate crimes law, which was enacted nearly 40 years ago, and, as was pointed out, was signed by one of our previous Republican presidents. Under existing law, Federal jurisdiction over hate crime is limited to those acts directed at individuals on the basis of race, religion, color or national origin, and only when the victim is targeted because he or she is engaged in a federally protected activity, such as voting.

My friends, if America stands for anything, it stands for equality under the law; of inclusion; of not making arbitrary and capricious distinctions based on factors other than American citizenship, endowed by their Creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness.

What hate crimes do is to put that at risk. What hate crimes do is adopt the premise that somehow there are some citizens less than the rest of us because of the group to which they belong.

That is what this bill is all about, the basic fundamental tenet of America that all men and women are created equal. God does not see the distinctions sometimes that we see, arbitrary, capricious, and, yes, tragically sometimes hateful, that then lead to violence and injury and death.

This legislation broadens this provision to cover all violent crimes motivated by race, religion or national origin, as I said. It also expands current law to prohibit the same conduct when motivated on the basis of a victim's gender, sexual orientation, gender identity or disability.

''All men and women.'' No parentheses, ''except . . . '', no comma, ''not these . . . '', no further comma, ''but we don't mean these Americans . . . ''. ''All,'' our Constitution and Declaration of Independence say. The principle is the same. Hate crimes sow fear and division in our communities, no matter what group is targeted.

Expanding the protections of the law responds to the reality in America today. For instance, hate crimes motivated by sexual orientation are almost

as equally common as hate crimes motivated by religion. The gentleman from Illinois suggests there are less crimes, and we are pleased about that, but one is too many.

This bill would also allow the Federal Government to provide assistance to State and local law enforcement officials to investigate and prosecute hate crimes. Why? Because it is not simply a local threat. It is a threat to all Americans everywhere in every State if the group to which they belong, the distinction that is made because they are in that group is applied because of that membership. It clarifies the conditions under which such crimes would be federally investigated and prosecuted.

I have spoken to why this legislation is necessary, because hate crimes motivated by race, religion, national origin, gender, sexual orientation and identify or disability not only injure individual victims, as I have said, but also terrorize entire segments of our population and tear at our Nation's social fabric.

That is why this legislation, in my view, is so fundamental to what America is and means to our own citizens and to people around the world. This legislation does not affect, does not affect, does not affect free speech. It is actions, not speech, that is the object of this legislation.

□ 1445

It only seeks to punish violent acts. Enacting these important additions to current law will send a very powerful message. Crimes committed against any American, simply because of who he or she is, are a threat to all Americans and will be dealt with as such.

I urge my colleagues to support this legislation because it embodies the essential American values of tolerance, equality and justice.

I congratulate the chairman for his leadership. I thank the ranking member, notwithstanding his disagreement on this issue, for facilitating this bill coming to the floor.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), who is the vice ranking member of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, we all agree that every violent crime is deplorable, despicable, regardless of its motivation and regardless of who the victim is. However, this bill, no matter how well-intended, undermines basic principles of our criminal justice system and raises significant constitutional and federalism concerns.

Under the provisions of H.R. 1913, justice will no longer be equal but will depend on the race, sex, sexual orientation, disability or other protected status of the victim. In my view, all victims should have equal worth in the eyes of the law.

Why should other groups like senior citizens, veterans, children and pregnant women not also receive the added protections under this bill?

The distinguished majority leader says that this is not about thought crime; it's about conduct. But the fact of the matter is that the identical crime, be it a murder, a rape, an assault, a battery, whatever it might be, conducted against one of the protected classes will receive additional penalties, compared to that pregnant woman or senior citizen or veteran or child, simply based upon the thought process of the perpetrator of the crime. Every victim is entitled to the same fair treatment under the law.

This will have a chilling effect on citizens' willingness to speak freely, as citizens will adapt to a new world where the Federal Government can use any unpopular statements they make against them in the future.

The bill raises the real possibility that religious leaders or members of religious groups could be criminally prosecuted based on their speech or protected activities. No one should be put in fear that their constitutionally protected free speech about controversial issues will be subject to efforts by prosecutors attempting to link that speech to violent action taken by others.

There is no evidence that States are not fully prosecuting violent crimes involving hate. In fact, 45 States and the District of Columbia already have specific laws punishing hate crimes.

I abhor acts of violence against any citizen, including crimes motivated by bias against certain groups, and I believe that such crimes should be punished to the fullest extent of the law. However, this legislation gives special preferences to certain classes of citizens and would create a chilling effect on one of our most cherished constitutional rights.

I urge my colleagues to reject this legislation.

Mr. KIRK. I would now like to yield 3 minutes to the gentleman from Louisiana (Mr. CAO).

Mr. CAO. Mr. Speaker, I rise today in support of H.R. 1913, the Local Law Enforcement Hate Crimes Act.

The sharp increase in crimes in Orleans and Jefferson Parishes since Hurricane Katrina is on the minds of my constituents in every corner of our district. Because of this serious matter, I am focused on giving our law enforcement officials the tools they need to fight crime and return safety to our streets.

All violent criminals must be fully prosecuted. Crimes committed against individuals based upon their actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability are particularly insidious.

This is a Nation of acceptance, where every individual is protected by the Constitution. This promise enables them to pursue their dreams free of persecution and attack. I, as a minority, am acutely aware of freedoms and protections offered by the laws of this land and what is expected of my fellow citizens.

The provisions of this bill will assist prosecutors in enforcing the rights guaranteed by the Constitution. It allows law enforcement officials to hold those committing violent crimes accountable for their actions. This is what this bill does.

What this bill does not do is restrict free speech. Freedom of speech and freedom of association guaranteed by the first amendment are respected by the language of this bill. Despite concerns to the contrary, this bill will not subject anyone to prosecution of what they think, say or preach.

Mr. Speaker, I am supporting this bill because hate crimes are an assault on a person's dignity and humanity. They represent a type of behavior that has no place in our dignified society, and it is our responsibility to enable prosecution of these heinous crimes to the fullest extent of the law.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES), a member of the Judiciary Committee and a former ranking member of the Crime Subcommittee.

Mr. FORBES. Mr. Speaker, I'm not going to pound the podium or yell and scream about this legislation, but I'd just say to the Speaker that sometimes all the spin that we hear in here about a particular piece of legislation during debate, or sometimes our getting down into the specifics of the semantics of the legislation or arguing about what the courts say it will or will not do, causes us to do what the average citizen at home does not do, and that is to miss the common sense and the rightness of a piece of legislation.

The distinguished majority leader came to the floor a while ago and stated two principles: that all people ought to be treated equally, and if America stands for anything, it stands for equality under the law. And that's what this legislation does not do.

Mr. Speaker, just a short time ago there was a pageant in the United States, the Miss USA pageant. One of the contestants, Ms. California, went up there, and she was asked a question by one of the judges, who is an openly gay judge, about her beliefs in marriage. And she stated what her beliefs were. That judge lambasted her over and over again in blogs, calling her the most vile names, spewing out hostility and hate, and even made the statement that if she had won, he would have stormed on the stage and snatched the tiara off her head. And other bloggers who had his same orientation and, therefore, were driven to the same hatred of this young girl, had similar things in their blogs.

Had he done that, had he done what he said he would do and stormed that stage and pulled that tiara off her head and had bodily harmed when he did it, there would not have been 1 ounce of protection under this piece of legislation for that young girl.

But after he did it, if she had, in response, made a statement back about

the very sexual orientation that had led him to his hatred and dislike for her, and if she had responded by slapping him or any physical injury, she would have had the potential of a 10-year Federal piece of legislation coming against her.

If her father, sitting in the audience, had gone on that stage to stop this kind of hatred and orientation that drove him to have this feeling against that young girl and he had made a statement and he had responded with any kind of physical action, he could have had a 10-year Federal piece of legislation that would have come against him.

And, Mr. Speaker, I know you have the votes for this legislation. I know you have the resources to drive the message and you have the media to do it, but the weight of all that combined can't do one solitary thing, and that is make this piece of legislation right, and that's why I'll vote against it.

Mr. CONYERS. I yield 2 minutes to the chairman of the Constitution Committee on the Judiciary Committee, JERRY NADLER of New York.

Mr. NADLER of New York. Mr. Speaker, this House faces a historic test. Will we act decisively to deal with some of the most destructive crimes in our society, violent assaults against victims who are singled out solely because someone doesn't like who they are?

Whether committed because of the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity or disability of the victim, these violent acts are particularly reprehensible because they target not just an individual but an entire group. These crimes do, and are often intended to, spread terror among all members of the group. They're intended to say to members of a group, don't be who you are. Don't go where you're not wanted. Do not exercise your civil rights to be yourself, to speak publicly, to go wherever you want.

This bill enables the Federal Government to intervene, so as to punish such crimes and protect the rights of individuals and of groups unpopular in some quarters.

Do not believe the scare tactics. This bill does not criminalize thoughts or speech. No one will be prosecuted because of what they say or think. No preacher need worry about a sermon. Only crimes of violence are punishable under this bill.

The law routinely looks to the motivation behind a criminal act and treats the more heinous of them differently. Manslaughter is different from premeditated murder, which is different from a contract killing. We punish crimes differently if they are terrorist acts, defined as violent crimes that ''appear to be intended to intimidate or coerce the civilian population.''

Existing civil rights laws take a similar approach. A person who uses force to interfere with someone's federally protected rights such as voting, working, attending school and the like, commits a Federal crime. And that's been the law for many years. We treat an act of violence more seriously if the intent is to deny someone his or her civil rights.

The only question this bill presents to Members is whether we believe people assaulted violently because of their identity deserve Federal protection.

For many years Congress refused to adopt antilynching laws. Those were not proud times in our Nation's history. We now have the opportunity to do the right thing. I hope we do.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Speaker, it comes down to this: Free societies punish acts. Authoritarian regimes punish opinions and thoughts.

Now, the supporters of this bill speak of punishing violent acts, but we already punish those violent acts, as well we should. This measure calls for additional punishment, not for the violent act, but for the opinion behind the act.

Before we embarked down this path, the opinions of the criminal were irrelevant. It was the act that we proscribed, and it was the act that we punished. Many civil libertarians warned us then that if we place in the hands of government the ability to define what opinions it likes and doesn't like, and then to punish those opinions on top of the acts themselves, then we've started down a very dangerous and slippery slope.

That opinion, I think, was clearly illustrated when the committee voted down an amendment to include veterans, for example, under these protections under the hate crimes law. Now, the supporters of this measure made it very clear that they're actively involved in singling out particular opinions with special protection and for special prosecution.

Mr. CONYERS. I am pleased now to recognize a senior member of the House Judiciary Committee, the gentlelady from Texas, SHEILA JACKSON-LEE, for 2 minutes.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank you for your leadership and your persistence, and I thank my good friends for this vigorous debate.

I almost don't know where to start. But again, I would like to emphasize to my friends and colleagues what this legislation is about. It is about the assistance and the ability to help States in their prosecution of heinous hate crimes. And, as a very championed citizen of the State of Texas, I hesitate to make ourselves a poster child.

□ 1500

But having lived through the heinous crime of the dismemberment of James Byrd, I cannot help relating this legislation to what is real.

This will not bring down injustice on a person of faith who chooses to go into their pulpit or stand on a street corner and say that the wrath of the person they believe in will come down on those who practice lifestyles that they don't agree with, or a certain race or religion. They will go even further by saying the sword of justice, the sword of the Lord will come down and slay you.

That is not what this bill is about, but it is about individuals who would attack a person of color—in this instance, an African American male—in the dark of night, tie him to a pickup truck, and drag his human, alive body through the streets of Jasper, Texas. When they were finished, he was dismembered, his arms and legs and head were left along the bloody road. It was this heinous crime that led a State like Texas to pass its own hate crimes bill. But yet, hate crimes have gone on since that time, and State legislatures have noted, why haven't these cases been tried in this State?

This bill will help those instances.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE), a former judge and now the deputy ranking member of the Crime Subcommittee.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Speaker, in a courthouse in Houston, Texas, where I worked 8 years as a prosecutor and 22 as a judge, there is a statement that says, ''Equal justice for all.'' I guess now we need to change that, but to the phrase, ''but more justice for some.''

This bill makes some victims more important than other victims. If someone is in a legislated protected class—as this bill does—and a crime is committed against them, the defendant is treated harsher than if the crime is committed against a victim in a nonprotected class. This legislation discriminates against victims that are not special people. It reminds me of the satire in the book ''Animal Farm'' where it says, ''all animals are equal, but some animals are more equal than others.'' Likewise, this bill makes some victims of crime more equal than others. In my opinion, that denies nonspecial victims equal protection under the law, according to the 14th Amendment of the Constitution.

The question is, is it fair to treat some victims of crime better under our law than other people who are not special? This bill makes classes of victims; first-class victims and second-class victims.

No question about it, Mr. Speaker, motive for a crime has always been admissible in a court of law. In my experience at the courthouse, courts and juries nail offenders to the wall that commit crimes based upon racial hatred. Perfect example is the example that my friend, SHEILA JACKSON-LEE, just referred to in the Jasper killing. Without a hate law in Texas, the individuals that committed that crime

against that individual, Mr. Byrd, two of them got the death penalty—and unlike some States, we execute folks in Texas—they have been executed, and the other person got a life sentence. No question about it, motive is admissible in all crimes in all courtrooms. However, this legislation is not the answer. It will chill free speech, while making some victims less important than others.

American law has always punished the act. This law changes that to punish the thought process of individuals and does make some people more special than others when it comes to being victims of crime, and that ought not to be.

Mr. CONYERS. Mr. Speaker, I would like now to yield 2 minutes to a senior member of the Judiciary Committee, who is also a chairperson of another subcommittee, DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in support of this important legislation.

Mr. Speaker, I wonder if our friends on the other side of the aisle would be singing the same offensive tune if we were talking about hate crimes based on race or religion. It seems to me that it is the category of individual that they are offended by rather than the fact that we have hate crimes laws at all.

We have already heard the powerful story of Matthew Shepard. His mother, Judy, addressed our caucus this week. As the Speaker noted, we are all inspired by Judy Shepard's 10-year quest to turn her pain and tears into change because these cases are tragic and real.

Ryan Skipper was a 25-year-old gay man from Polk County, Florida. Like Matthew, Ryan's body was found murdered and dumped along the side of the road about 2 years ago. Ryan's body had been stabbed 20 times and his throat was slit. His car was found abandoned nearby and contained the fingerprints of his two killers. One of his killers told the police his conduct was justified to rebuff unwanted sexual advances. Because there was no hate crime law with which to charge Ryan's killer in Florida, only one of Ryan's attackers has been convicted, and that was of a lesser charge.

Why do we need a hate crimes law? Because hate crimes do more than threaten the safety and well-being of individuals. Hate crimes do more than inflict incalculable pain and suffering on individual victims. Hate crimes target groups and terrorize communities. Left unpunished, hate crimes send powerful messages of intolerance. Hate crimes leave both the victim and others in their group feeling isolated, vulnerable, and unprotected.

I am proud to cosponsor this legislation again this Congress. I want to commend my colleague, Judiciary Chairman JOHN CONYERS, and my committee colleague, Tammy Baldwin, for their leadership in bringing this issue forward again this year.

Let's announce here and now that we will not tolerate this kind of terror in America. Let's vow that we will not turn a blind eye to hatred and violence in America. And let us pledge to give police and prosecutors all the resources they need to stamp out this scourge.

Mr. Speaker, Matthew Shepard and Ryan Skipper may be gone, but we can honor their lives today. I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CHAFFETZ), who is a member of the Judiciary Committee and the deputy ranking member of the Court Subcommittee.

Mr. CHAFFETZ. Our Founding Fathers asserted the self-evident truth that all men are created equal. For the last two centuries, Americans of all backgrounds have worked toward the ideal of ''equal justice for all,'' but the majority's Local Law Enforcement Hate Crimes Prevention Act doesn't eliminate inequalities in our justice system; instead, it creates inequalities. It gives special protected status to a small group of individuals based on their lifestyle choices. It increases criminal penalties not based on the criminal act itself, but based on the thoughts and beliefs of the person who committed the act. It requires the government to investigate and scrutinize the religious groups and other organizations with which we might freely associate under the First Amendment. For these reasons, and a number of others, I believe this bill is unconstitutional and must be rejected.

In the United States of America, we can all agree that any violent crime should be deplored. We all should be equally free from violence, regardless of our background or beliefs. We all should expect our government officials to provide equal protection under the law. But this hate crimes bill says some Americans are more equal than others and deserve special treatment. And religious leaders and others who hold traditional values of morality and decency should be careful not to speak too vocally about their beliefs or risk being held accountable for the actions of those who might overhear and then later commit a violent crime.

During our Judiciary Committee markup of this bill, when it became clear that the Democrats planned to report it despite these objections, my Republican colleagues sponsored amendment after amendment seeking equal treatment under this bill for senior citizens, men and women of the Armed Services, pregnant women, and unborn children. All were rejected by the Democrats.

It is unbelievable to me that the sponsors of this bill think those who have chosen a different personal lifestyle should enjoy greater protection under the Federal law than those who have chosen a lifestyle of service to our country—as our men and women in the military have done—or that they deserve more protection under the Federal law than pregnant mothers.

No violent crime should be condoned, and no one on either side of this issue believes it should. But selectively protecting some while punishing others more severely based on their thoughts and beliefs is unequal, unjust, and un-American.

I urge my colleagues to vote against this affront to the Constitution and to our Nation's heritage and traditions of freedom to think and believe according to the dictates of our own conscience.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to Steve Cohen, a State legislator and lawyer for more than 24 years.

Mr. COHEN. Thank you, Chairman CONYERS. I appreciate the opportunity to speak on this bill of which I am a sponsor.

The gentleman who just spoke, who I respect, talked about the Founding Fathers and what has happened to our country. Well, it is a great country and I love our country, and it was a great country when it was founded. But when it was founded, women didn't have the right to vote and African Americans weren't citizens.

It takes time to perfect your law and to become a more perfect Union, and that is what this law is doing. It is taking an effort to perfect and make better our laws to reflect the society we have today and the thinking and the mindset that we have and the understanding of what happens in law.

If we go all the way back to always the Founding Fathers, we would have slaves, we would have second-class citizens—which are women—and we wouldn't have any rights for anybody that wasn't a white male who owned property.

Times have changed, and thank God they are changing today, Mr. Speaker. The fact is, this has no effect on anybody that speaks about hate crimes. It doesn't affect any minister that speaks from the pulpit. We have had hate crimes in this country in State legislatures, and Federal law as well, for decades, and no preacher or person using the spoken Word has ever been prosecuted or charged with a crime, and never would.

This law goes further than any law ever because it specifically says that no First Amendment rights or rights guaranteed through freedom of speech will be abridged or, because of the exercise thereof, have any charge brought against a person who exercises those rights. Never before has that been in a law that we have had here.

So more rights are given to people, even though it is unnecessary to give them because there is no problem, it is basically simply to guarantee and assure people, to calm their concerns.

People talk about people not being able to preach against people being gay. The fact is they can do it, and the fact is the Ten Commandments tell you not to bear false witness. And people who submit that preachers could be arrested for preaching against homosexuality, which they do today, that they

could be arrested, there is a commandment about that, ''Don't bear false witness.'' This is a good law.

Mr. GOHMERT. Will the gentleman yield?

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

Mr. GOHMERT. I want a clarification, Mr. Speaker, for a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GOHMERT. The gentleman said that there was a commandment against bearing false witness, as if that is what one does when they say someone can be prosecuted, and I would ask for a ruling from the Chair on whether that violates the rule of this body.

The SPEAKER pro tempore. The gentleman has not stated a point of order.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), former judge, and now the ranking member of the Crime Subcommittee.

Mr. GOHMERT. Well, unlike my friend from Tennessee, I am not going to allege that anyone on the other side of this issue is trying to bear false witness.

I believe the motivation is good, but we even heard the majority leader say this bill stands for equality under the law. I don't believe he meant to misstate the truth, but the truth is this bill sets out different classifications that are more special than others. Someone suggested that perhaps people would be happy if we just said, I'll tell you what. If you assault a white male, then you just get half the sentence of assaulting someone else.

We want equal justice under the law; that's what we are supposed to have. I have a letter here from the National Black Church Initiative that was sent to Senator LEAHY 2 years ago. It is signed by one, two, three, four, five, six, seven—well, I can't count them all. There are four pages of names. But the first is Anthony Evans, President of the D.C. Black Church Initiative. But it says things including, ''The National Black Church Initiative is a coalition of 16,000 churches.'' ''We have 18,000 sister churches.'' They are located in virtually every congressional district in America. ''If the U.S. Senate passes this bill and thus codifies sexual orientation as a protected legal class, it will open up a constitutional war between the church and the radical gay community. We know the gay community plans to use this piece of legislation to try to legally force the church to recognize their abominable lifestyle''—some very strong statements there.

I have just received a letter dated April 29 from the United States Commission on Civil Rights. ''We write today to urge you to vote against the proposed Local Law Enforcement Hate Crimes Prevention Act.'' They said, ''We believe the bill will do little good and a great deal of harm.'' They say some suggest it will only apply to hate crimes. But they point out, It is sufficient if he acts because of someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. Consider, rapists seldom are indifferent to the gender of their victims. They are virtually always chosen because of their gender. A robber might well steal from women or the disabled. Why? Because they perceive them to be weaker and more vulnerable.

Moreover, they say, The objective meaning of the language and considerable legal scholarship would certainly include these being covered. So all of these things would now become Federal crimes.

□ 1515

There is no epidemic. There are fewer numbers now than 10 years ago. There is no nexus. Ryan Skipper and Matthew Shepard's cases keep being brought up. For the defendants in those cases, I would have been happy to have signed an order for death. They got life. It would not affect them.

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

Mr. SMITH of Texas. I yield the gentleman an additional minute.

Mr. GOHMERT. This law would not affect the Matthew Shepard case. It would not affect the Ryan Skipper case.

My friend from Florida brought up the Ryan Skipper case in Florida when I was talking in Judiciary and was asking: Is there a case you can give me where this would make a difference? That case was brought up. We did the research after the hearing. Well, guess what? Two defendants. One has already got life plus extra years on top of life. The other is about to go to trial. They didn't need a hate crimes law, a Federal hate crimes law.

This divides America. We don't need to divide America. Everybody deserves equal justice. The gangs who pick their victims based on violence against random targets get acquitted under this bill. They get acquitted for acting randomly.

We've got to vote ''no'' on this.

Mr. CONYERS. I am pleased to yield now 1 minute to the gentlewoman from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Speaker, Matthew Shepard died in a hospital less than 5 minutes from my home in Fort Collins, Colorado. The depth of hate that drives such an act of violence leaves all of those it touches bereft in the knowledge that such ugliness can exist on this Earth.

Angie Zapata was an 18-year-old transgender woman who was brutally murdered in Greeley, Colorado this past July. It took a jury just 2 hours to convict Angie's killer under Colorado's first application of the hate crimes statute earlier this month.

This bill does not punish speech, thoughts, words or beliefs. It does not even punish hate speech. It punishes actions. It provides State and local authorities with Federal assistance in investigating and in prosecuting hate crimes. In this country, 45 States already have hate crimes legislation on the books. Many of these statutes are more robust than the current Federal law.

Matthew Shepard and Angie Zapata were two victims of hate crimes in my district. I have a duty to their memories that I take seriously.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, there are two very good reasons to vote ''no'' on this bill. This bill is called the hate crimes bill.

The first major reason to vote ''no'' is that this bill increases hatred in America. I will say it again. This bill increases hatred in America. How does that happen? It can be easily illustrated. Let's say that you're a parent and that you have a number of children but that you don't give the children equal laws. Some you favor and some you don't. What quicker formula to create animosity between children?

This law violates the most basic principle of law. Lady Justice is always supposed to have a blindfold across her face because, regardless of who you are when you appear before Lady Justice—whether you're black or white, male or female, rich or poor, fat or skinny—Lady Justice does not notice. This bill violates that basic principle. It creates animosity by elevating one group over another group; thus, it creates hatred. This is counter to everything American law has ever stood for, and it will increase hatred in America. For that reason alone, there should be a vote of ''no.''

A second good reason to vote ''no'' on this bill is that our courts have a large backlog of various cases. Our judges and juries have to take a look at a certain set of facts and must determine whether or not somebody did or did not do something that is specifically illegal in the law. This law says that now we're going to try and turn them all into psychologists and have them figure out whether the criminals had good attitudes or not when they did the crimes. That does not make sense to waste precious judicial resources in trying to make everybody psychologists to determine whether or not some specially protected class gets a special privilege.

It's a good reason, and there are many good reasons to vote ''no.''

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize for 1 minute the gentlewoman from California (Ms. WOOLSEY), who has been the cochair of the Progressive Caucus for many years.

Ms. WOOLSEY. Mr. Speaker, the bill before us today, the Local Law Enforcement Hate Crimes Prevention Act, is about protecting every member of our community from violence.

We understand that hate crimes don't just affect the victims of these horrible acts but that they also threaten and affect the fundamental rights of

every single one of us. Intolerance and prejudice are still a part of our world, but when the bigotry leads to violence, this Congress has a responsibility to stand up and say, ''No more.''

With this bill, we will extend and expand on the protections for victims of hate crimes, for victims of crimes based on gender, sexual orientation, gender identity, and on disability. All children and their families must have the freedom to celebrate who they are, and they should be protected under Federal law from personal attacks based on bigotry.

The time has come for Congress to pass this bill in order to send a clear message throughout the world that violence and hate are not acceptable. I urge my colleagues to join me in passing this legislation.

Mr. KIRK. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

Mr. Speaker, today, I rise in support of the Local Law Enforcement Hate Crimes Prevention Act, H.R. 1913.

This legislation will provide needed assistance to State and local law enforcement agencies, and it will make changes to Federal law to facilitate the investigation and prosecution of violent, biased-motivated crimes against people for no other reason than their perceived or actual race, religion, natural origin, sexual orientation, gender, gender identity or disability.

We must work together to protect all Americans from hate-motivated violence, which is alarmingly prevalent and so often goes unreported. Such crimes of hate have dramatic impacts on individuals, families and communities, and they must be subject to comprehensive Federal law enforcement assistance and prosecution. While State and local governments will maintain principal responsibility, an expanded Federal role will help ensure the investigation and prosecution of serious forms of hate crimes in cases when local authorities are either unable or are unwilling to do so.

Concerns have been raised that the measure will impinge free speech. I would like to reiterate that H.R. 1913 applies only to biased-motivated, violent crimes, violent actions that result in death or bodily injury. It does not restrict speech in any way. In fact, the bill explicitly states, ''Nothing in this act or the amendments made by this act shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech or free exercise clause of, the First Amendment to the Constitution.''

H.R. 1913 is supported by virtually every major law enforcement organization in the country as well as by civil rights, education, religious, and civic organizations. I urge my colleagues to join me in supporting the Local Law Enforcement Hate Crimes Prevention Act today.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. JORDAN), who is a member of the Judiciary Committee and who is also deputy ranking member of the Administrative Law Subcommittee.

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the opportunity to speak in opposition to H.R. 1913, which unfortunately is being debated under a closed rule today.

This bill represents an unconstitutional, unprecedented departure from a deeply rooted American principle of equal justice under the law. Justice should be blind. It should be equal for all Americans. All violent crime is deplorable, and it should be punished to the fullest extent. Crimes that are not aimed at a certain class of people are just as reprehensible as those committed for other reasons; but this bill would treat senseless, random violence less harshly than ''hate'' crimes.

Justice will depend on whether a victim is a member of a category deemed worthy of protection under this bill—a list, for the record, that does not include the unborn, pregnant women, the elderly, and others who are among society's most vulnerable.

In fact, during committee markup, I offered an amendment to add the unborn to this list. The amendment was ruled nongermane on the outrageous grounds that the unborn are not ''persons.'' So much for defending our most defenseless.

In addition, this bill raises the very real possibility that religious teachers of every faith could be prosecuted on what they say in the pulpit, on what they preach, by permitting legal action against anyone who willfully causes an act to be done by another person. It is not hard to imagine charges being filed against a pastor if a prosecutor believes that the pastor's message caused someone to commit an act of violence. Subjecting pastors' sermons to prosecutorial scrutiny in this way would have a chilling effect on the rights of all individuals to freely practice their religion.

This so-called ''hate crimes bill'' not only discards the fundamental American legal principle of equal justice; it also lays the groundwork to criminalize individuals and groups that might not share certain values. Crimes committed against one citizen should not be punished any more or any less than crimes committed against another.

I would urge a ''no'' vote on this bill.

Mr. CONYERS. Mr. Speaker, I rise to give 2 minutes to the Crime Subcommittee chairman for many years, BOBBY SCOTT of Virginia.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, bias crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. Despite the deep impact of hate violence on communities, current law limits Federal jurisdiction over hate crimes to incidents directed against individuals only on the basis of race, religion, color or national origin and only when the victim is targeted because he or she is engaged in a federally protected activity, such as voting. Further, the statutes do not permit Federal involvement in a range of cases where crimes are motivated by bias against the victim's perceived sexual orientation, gender, gender identity or disability.

We need to change the law so that the Federal Government will have the authority to be involved in investigating and in prosecuting these cases when the State authorities cannot or will not do so.

Mr. Speaker, the bill is narrowly drawn. It only applies to bias-motivated, violent crime, and it has specific protections to ensure that it does not impinge on public speech, religious expression or on writing in any way. In fact, the only way that expressions could involve the defendant in this crime is if the language were such that it would already qualify as something like inciting a riot or other violent crimes.

Mr. Speaker, law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into widespread tension that can cause damage to the social fabric of a community.

This problem cuts across party lines, and so I hope we will pass the bill on a bipartisan basis just as we did last year.

Washington, DC, April 27, 2009.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR MEMBER OF CONGRESS: On behalf of thousands of clergy members, pastors, and African American community leaders within our African American Ministers In Action (AAMIA) network of People For The American Way, I urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2009 (LLEHCPA)—H.R. 1913.

As people of color, we are well aware of the hideous nature of race-based violence, and understand the importance of legislation that protects Americans who are victims of hate crimes. We also are not blind to the fact that violent hate crimes are motivated not just by racism. Knowing this, as clergy members and pastors who affirm the humanity of every person, we fully understand and embrace the call to advocate for an inclusive federal law that will extend protection to victims of hate crimes based on disability, sexual orientation, gender, or gender identity. H.R. 1913 is the bill that will make equal protection under the law for victims of hate crimes a reality and not just an American dream.

Unfortunately, propaganda and lies have prevented the protections that H.R. 1913 proposes from becoming law. One such falsehood is that this bill will eliminate churches' first amendment rights; that this legislation will ''muzzle our pulpits'' or dictate what we as clergy or religious communities can or cannot say. This is not true. In fact, H.R. 1913 protects freedom of speech and freedom of religion. It only punishes violent acts like assault and murder, not religious beliefs.

The law makes clear that it cannot be used to prohibit any ''expressive conduct'' or ''activities protected by the Constitution.''

The AAMIA is passionate about protecting the civil rights of all Americans, especially those that protect people who are discriminated against because of who they are. Victims of violent hate crimes often come to our churches in search of a safe haven from enduring assaults, and they are in need of federal protections. Thus from our houses of worship to your house of policy, we trust that we can count on your support for the protection of American citizens from violent hate crimes. Please vote in favor of H.R. 1913.

Sincerely,

TIMOTHY MCDONALD,
Founder and Chair,
African American Ministers In Action.

HATE CRIMES FACT SHEET

The African American Ministers in Action has joined those urging Congress to expand the current federal law to protect victims of hate crimes based on disability, sexual orientation, gender, or gender identity. As believers who are called to love our neighbors as ourselves, we do not support VIOLENCE against any human being.

ABOUT THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

We support The Local Law Enforcement Hate Crimes Prevention Act of 2009 (H.R. 1913) because it does in fact protect individuals against the incidence of VIOLENCE motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim. The legislation also provides strong first amendment protections ensuring that the religious liberty and free speech rights of pastors, such as ourselves, and others are protected.

H.R. 1913 is crucial to protecting the rights of all Americans. This can be accomplished by strengthening law enforcement and closing loopholes in the current law, and is overwhelmingly supported by the civil rights community, law enforcement, and many religious organizations. As we work to secure the rights of women and minorities worldwide, we must also act to secure the rights of all Americans here at home.

INCIDENCE OF HATE CRIMES

Crimes against people based upon their disability, sexual orientation, gender, or gender identity are all too common. According to the most recent hate crimes statistics from the FBI (available at http://www.fbi.gov/ucr/hc2007/index.html), there were 9,535 victims (defined as persons, businesses, institutions, or society as a whole) of hate crimes in 2007. Of these, 1,512 were victims of hate crimes based on sexual orientation, and 84 were victims of hate crimes based on disability. Hate crimes legislation seeks to extend federal hate crimes protections to these and other (gender and gender identity) groups of people.

RELIGIOUS LIBERTY

H.R. 1913 protects free speech and religious liberty. The First Amendment of the Constitution will always protect preaching or other expressions of religious belief—even name-calling or expressions of hatred toward a group. This legislation punishes only violent actions that result in death or bodily injury.

There is strong language in the legislation that explicitly says that evidence of expression or associations that are not specifically related to a violent hate crime may not be used as evidence.

HATE CRIMES MYTHS OF THE RIGHT

MYTH: Hate crimes legislation is a threat to religious liberty and will ''criminalize Christianity'' by restricting what pastors and other religious leaders are able to preach. Pastors will be arrested for preaching against homosexuality.

FACT: H.R. 1913 protects freedom of speech and freedom of religion. It only punishes violent acts like assault and murder, not religious beliefs. The law makes clear that it cannot be used to prohibit any ''expressive conduct'' or ''activities protected by the free speech or free exercise clauses of the First Amendment.''

MYTH: Hate crimes legislation will lead to prosecution for ''thought crimes.''

FACT: This legislation does not restrict anybody's First Amendment rights. The law doesn't create something called a ''thought'' crime for a particular group of people. H.R. 1913 strengthens law enforcement's ability to fight violent crime—not vigorous debate, not sermons against homosexuality, not hateful speech, not the spreading of misinformation that thrives on constitutionally protected right-wing television, radio, and blogosphere, not even the infamous ''God hates fags'' protesters.

MYTH: Hate crimes legislation gives ''special rights'' to some people.

FACT: Freedom from violence isn't a ''special right.'' It's a human right. No one should be assaulted or killed because of who he or she is.

H.R. 1913 punishes only violent crimes and the hateful motivation directly related to such crimes. Distinctions like this are common place in our criminal justice system. For example, the intent of a suspected killer determines the difference between a first and second-degree murder charge.

WHAT CAN YOU DO TO HELP END VIOLENT HATE CRIMES?

Contact your Representative and Senators and tell them that you want all Americans, regardless of their race, religion, national origin, age, disability, sexual orientation, gender, or gender identity, to enjoy freedom from violence. Urge them to support hate crimes legislation, such as H.R. 1913, so that no American is treated as a second-class citizen. Sign up for People For the American Way action alerts, and we will keep you updated on new developments concerning this issue.

Mr. KIRK. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Speaker, I rise in support of this bill, which provides needed assistance to State and local law enforcement agencies and allows the Department of Justice to investigate crimes committed on the basis of the victim's race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

This legislation mirrors laws passed in 28 States, including in the State of New Jersey. We in New Jersey are proud of the legislation we have enacted in this regard. Violence based on prejudice is a matter of national concern. Federal prosecutors should be empowered to help States.

Mr. Speaker, on the wall of the national memorial honoring Franklin Roosevelt, the following words are written: ''We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred is a wedge designed to attack our civilization.'' This statement is as true today as when Franklin Roosevelt spoke it nearly 70 years ago.

I urge my colleagues to support this important legislation, and I look forward to its passage and, I hope, to its signature into law this year.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), who is also the chairman of the Values Action Team.

Mr. PITTS. I thank the chairman.

Mr. Speaker, I rise in opposition to H.R. 1913, the hate crimes legislation.

This bill would be more appropriately termed the ''thought crimes act,'' as it seeks to criminalize certain types of thoughts. Our legal structure was established to punish actions, not thoughts or beliefs, and this bill would set a dangerous precedent.

□ 1530

It will threaten our most basic right to free speech established under the First Amendment. Religious groups who hold certain convictions based on their faith could, in fact, be targeted by this law. In Sweden, a pastor was convicted by a trial court and sentenced to jail time for a hate crime after preaching a sermon that discussed biblical views of homosexuality. And in New York, the State hate crimes laws were used to justify taking down billboards on sexual immorality that a local pastor had paid to post.

This legislation seeks to create categories of citizens who are either more or less protected under the law depending on what category they fall into. This framework flies in the face of one of the most fundamental principles of our justice system. Chiseled in stone across the front of the Supreme Court building are the words ''Equal Justice Under Law.'' This means that all citizens, regardless of sexual identity or anything else, are to receive equal protection from the law. I support this basic principle that has long guided our Nation's system of justice.

But this bill undermines that principle. It seeks to establish different groups of citizens with different levels of protection under the law. And the bottom line is that this legislation simply isn't necessary.

If someone commits a violent crime, they should be punished to the full extent of the law regardless of who the victim is.

I urge you to preserve equal justice under the law and oppose H.R. 1913.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York, ELIOT ENGEL.

Mr. ENGEL. Mr. Speaker, I thank the distinguished chairman of the Judiciary Committee, my good friend from Michigan, for yielding me this time. And as a proud cosponsor of this bill, I am proud that it's on the floor today.

This bill is a carefully crafted measure that would provide desperately needed resources to State and local governments for the investigation and

prosecution of violent crimes based on sexual orientation, gender identity and disability. It is a bill long, long due to add sexual orientation and the others, including gender, to the list of hate crimes.

To my friends on the other side of the aisle who say that we are creating a special class, well, by that logic, right now we have race, color, religion and national origin protection. So by that logic, we should eliminate those as well. It's ridiculous.

To those who say, ''Why should we protect people who have chosen a different personal lifestyle?'' our gay and lesbian friends don't choose this lifestyle. They are what they are and they should be protected just like anybody else who has a religion, who has a gender obviously, color, religion or national origin.

This bill does not violate free speech or First Amendment protections. Nothing in this bill would prohibit the lawful expression of one's religious beliefs. This bill only punishes violent crimes motivated by bias. Congress is saying clearly, unequivocally, that the people of this country reject and condemn all forms of hate violence. That's why this bill is here.

Today, we uphold the principles that are considered the foundation of American democracy that all people are created equal and that all people are entitled to equal protection under the law. It includes gays and lesbians and includes everybody.

Pass this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee and the ranking member of the Immigration Subcommittee.

Mr. KING of Iowa. I thank the gentleman from Texas for his leadership in opposition to this issue and for yielding.

The gentleman, the previous speaker, just said this bill only punishes violent crimes. I take you to the language from the bill. Here's the definition of a crime of violence. It means an offense that has, as an element, the threatened use of force against the property of another. If one threatens to use force against the property of another—this is verbatim from the section that is referenced in the existing code—property crimes are included in this, threats against property crimes are included in this. Hate crimes, the definition of hate crimes in the Federal statutes means a crime when the perpetrator selects property because of the property owner's actual or perceived sexual orientation.

This isn't just violent crimes. It is in some of the Federal segment of it but not in the assistance that goes to local governments. And in local governments it also states in the bill that any local jurisdiction's hate crimes ordinance or legislation can be supported by supporting the prosecution of the local hate crimes legislation that's there.

And so whatever local jurisdiction may determine is a hate crime is covered under this bill. It might be a city, a county, a municipality; it might be a parish, it might be a State. It might be San Francisco's ordinance that says, Thou shalt not discriminate against the short, the fat, the tall, or the skinny. That is hate crimes ordinances that could be prosecuted with Federal assistance under this bill. The short, the fat, the tall, the skinny. That will cover some regular people, I think.

And so I would ask this: Why are you dividing us? Why are you pitting Americans against Americans? That's a rhetorical question, Mr. Speaker. This divides us and pits Americans against Americans. And the definitions in this bill are broad, ambiguous and undefined anywhere with any consensus, even among the professionals that deal with this on a daily basis.

In the committee, I asked specifically the question, ''What is the definition for sexual orientation?'' The answer that I got back from the gentlelady from Wisconsin was, ''This bill only covers homosexuality and heterosexuality.'' Now it presumably excludes bisexuality, but in the rule debate, the gentleman from Florida (Mr. HASTINGS) said, ''No, no. Here's what we have,'' and he read through a whole list of philias, he called it.

There are 547 specific paraphilias that are listed by the American Psychological Association. About 30 of them have been read into this RECORD. I've got a list of these 30 philias. Among them pedophilia—the obsession with children—which specifically was excluded from the bill when I offered the amendment by the Judiciary Committee.

So, Mr. Speaker, we're going down the path here of no one really knows. Am I going to buy into the statement made by the very senior member of the Rules Committee who says I want to protect all philias whatsoever no matter what the proclivity? And many of them are perversions, Mr. Speaker. We're going to grant that protected status to people who are actually breaking the law if they act on their particular sexual orientation, or are we going to limit it to—as the gentlelady from Wisconsin says—homosexuality and heterosexuality, not bisexuality.

I tried to explain this to the press as they asked me questions. And finally my answer became, ''If this sounds confusing and gibberish, it is.'' And it leaves it open to any judge, any lawyer, anyone for anything that is in their head or might be their plumbing or might be in the perception of the perpetrator as well as, and/or, the perception of the alleged victim.

There is no precedent for this in law, this broad, broad idea that we're going to punish what is in the head of the perpetrator by dividing what may or may not have been in the head of the victim. That's where this legislation takes us.

Why are they dividing us, Mr. Speaker?

I oppose this legislation.

Mr. CONYERS. Mr. Speaker, would you advise us with regard to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Michigan has 11½ minutes. The gentleman from Texas has 8½ minutes. The gentleman from Illinois has 1½ minutes.

Mr. CONYERS. Mr. Speaker, I yield for the purpose of a unanimous consent request to the gentleman from Pennsylvania, CHAKA FATTAH.

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

Mr. FATTAH. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I thank the Chairman for the time and for his work on this legislation. The Local Law Enforcement Hate Crimes Prevention Act, H.R. 1913, is a long overdue effort to address the scourge of bias motivated crimes in communities across the country. This is not simply about criminalizing violent acts, those are already illegal. This is about recognizing that these crimes affect more than just the individual involved, they are meant to instill fear in whole communities.

Hate crimes in this country have a terrible history. For decades African Americans, particularly those who spoke out for justice and equality, were brutally lynched in communities across the country while law enforcement officials and upstanding members of the community stood by. Murder was illegal then too, but it took the brave efforts of citizens, including Ida B. Wells, for the problem to be addressed. These murders were meant to send a signal to newly freed men and women and often targeted veterans returning from war.

Our Jewish neighbors have been subjected to campaigns of terror with property destruction and symbols of hate sprayed across synagogues and community centers. Irish, Italian, Catholic, Latino, Muslim and Asian Americans have all seen ''disagreements'' and ''displeasure'' expressed with barbaric crimes meant to convey the message that they were unwelcome in this nation of immigrants.

Opponents have suggested that this legislation will affect what can and cannot be said in houses of worship. This is false. H.R. 1913 explicitly recognizes the right of individuals to be ignorant, narrow-minded, or malicious whether motivated out of faith, conscience, or generic hatred. This bill will have no effect on any interpretation of the Bible or religious tradition. They say that they worry there will be a ''chilling effect'' on religious speech. This is nonsense. This bill is about criminal acts, those that are already illegal, and enables law enforcement to carry out responsibilities they already have under current law.

The man whose name is now associated with this bill, Matthew Shepard, was tortured and killed because he was gay. This crime wasn't about him as an individual, it was about what he represented. Every day there are smaller incidences in neighborhoods around the country. Individuals are targeted coming out of certain bars, wearing certain clothes, or walking with too much flair. This is a systemic problem that requires a systemic approach. This bill will go a long way in allowing local law enforcement to do their job and providing Federal assistance where it belongs. It is about time.

Mr. CONYERS. Mr. Speaker, I now recognize the distinguished gentleman from Texas (Mr. AL GREEN) for 1 minute.

Mr. AL GREEN of Texas. Mr. Speaker, I rise in support of the Declaration of Independence. All persons are created equal, endowed by their Creator, with certain inalienable rights, among them life, liberty and the pursuit of happiness. Not some people, not people of a particular race, not people who just happen to be heterosexual; all persons are created equal.

And for the record, I support the rights of gay people. Gay people have the same rights as any other Americans, and they have the right to pursue happiness. I support this—the Declaration of Independence speaks of it—and but for the grace of God, we all ought to realize, There go I. Any one of us could become the victim of a hate crime regardless of your race, your creed, or your color. We should support people and the rights of people.

For those who say that we are creating a separate class of people, we already have a class that we've distinguished in the State of Texas for peace officers. If you assault a police officer, your punishment is going to be enhanced.

That is what this is all about: enhancement of punishment.

Mr. SMITH of Texas. Mr. Speaker, I would like to reserve my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the distinguished gentlelady from Maryland, an attorney herself, DONNA EDWARDS, for 1 minute.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in strong support of the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2009, H.R. 1913.

This really is about civil rights. Now, in an ideal world, I wouldn't be standing here speaking here before you now because we wouldn't need legislation like this. But this is anything but an ideal world. And sadly, violent hate crimes are still an unfortunate reality in our society. Last year there were 150 reported hate crimes in my home State of Maryland, and local law enforcement estimates that the actual numbers are higher due to reporting discrepancies.

Now, recent statistics also say there were more than 9,000 reported hate crimes. So the time to do something about this is now. And as a long-time violence prevention advocate, I believe we have to do everything in our power to eradicate violence in all its forms.

By passing this legislation, we're saying that acts of violence motivated by hate will simply not be tolerated, not for any person, not for any reason.

Mr. Speaker, I thank you and I thank the leadership of the Matthew Shepard family for keeping us on mark about what it means to protect people.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, under this legislation, criminals who kill certain people will be punished more harshly than people who kill a police officer, a member of the military, a child, or a senior citizen.

Is a murder motivated by hatred for something other than the victim's membership in a particular group any less devastating or tragic? All crime victims should have equal worth in the eyes of the law. Ordinarily, criminal law does not concern itself with motive, why a person acted, but rather with intent, whether the perpetrator intended or knew that they would cause harm. If someone intends to harm a person, no motive makes them more or less culpable for their conduct.

This legislation will force law enforcement officials and prosecutors to gather evidence about the offender's thoughts and words regardless of the criminality of their actions.

When the government starts to punish thoughts, this is a dangerous road to travel. And where does it end? With thought police?

Mr. Speaker, we cannot legislate away hate, nor should we criminalize a person's thoughts, no matter how much we might disagree with them. I urge my colleagues to oppose this bill.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that I be permitted to control the remainder of the time that I previously yielded to the gentleman from Illinois (Mr. KIRK).

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

There was no objection.

Mr. CONYERS. Mr. Speaker, I am now pleased to recognize the gentlelady from Wisconsin who has served ably on the Committee on the Judiciary for a number of years, TAMMY BALDWIN, for 5 minutes.

Ms. BALDWIN. I want to thank Chairman CONYERS for the time and for your diligent work on this measure. It has been an honor and a privilege to work closely with you.

Today, by passing the Local Law Enforcement Hate Crimes Prevention Act, the House has a historic opportunity to reinforce the principles of equal rights and equal protection embodied in our Constitution.

Hate crimes are acts of violence motivated by prejudice and committed against individuals that end up victimizing entire groups of people.

In 1968 in response to horrific hate-based violence in our country, cross burnings, lynchings, fire bombings and the like, we acted to protect people who were victimized on the basis of their race, color, religion or national origin. Today, we strengthen our response to this form of domestic terrorism by adding protections for people targeted for violence because of their gender, disability, gender identity, or sexual orientation.

We add these characteristics to the hate crimes legislation not because they deserve special protection, but because of a history and pervasive pattern of heinous violent crimes committed against individuals because of these characteristics.

Some opponents of this legislation are disseminating misinformation in order to derail this bill. But make no mistake—this legislation we pass today has been carefully crafted to protect our First Amendment rights to free speech, expression, and association.

The First Amendment protects these freedoms, but it does not protect violence. This is not a hate thought bill. This is not a hate speech bill. This is a hate crimes bill that will provide needed Federal resources to local law enforcement authorities when they confront violent crimes motivated by prejudice and hate.

□ 1545

I want to share with you a few reasons why I believe the passage of this legislation is so urgently necessary.

I'm thinking today of Angie Zapata, an 18-year-old transgender woman who was brutally murdered in Greeley, Colorado, last summer. Angie's killer beat her to death with his fists and a fire extinguisher when he learned that she had been born a male. Thankfully, Angie's killer was brought to justice under a State hate crimes law. But we know that with staggering frequency, those who commit similar acts of violence and murder based on hate are not.

I think of Lawrence King, a 15-year-old in Oxnard, California. Larry had suffered harassment from his peers and then was killed by a 14-year-old classmate because of his sexual orientation and gender identity.

Americans across the country, young and old alike, must hear Congress clearly affirm that hate-based violence targeting gays, lesbians, transgender individuals, women, and people with disabilities will not be tolerated.

I think today of Matthew Shepard, who was brutally attacked by his homophobic assailants and left to die on a fence in Wyoming 10 years ago. Matthew's death generated international outrage by exposing the violent nature of hate crimes and the horrific effect on the targeted community.

I think of Judy Shepard, Matthew's mother, who is here with us today, still courageously advocating for the passage of this legislation more than 10 years after losing her son.

The passage of the Local Law Enforcement Hate Crimes Prevention Act will not make all hate crime go away. But this bill gives State, local, and Federal law enforcement authorities the necessary resources and tools to combat violent crimes based on hate and bias.

Mr. Speaker, the arguments have been made, the evidence has been proffered, and, sadly, the lives have been lost that more than justify the passage of this legislation. I urge my colleagues to pass this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the

gentleman from Indiana (Mr. PENCE), who is also chairman of the Republican Conference.

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

Mr. PENCE. I thank the gentleman for yielding, and I especially thank the ranking member of this committee for his strong and principled and thoughtful opposition to H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act.

Mr. Speaker, those who know me, including my colleagues on this committee and the distinguished chairman of this committee, know that I abhor discrimination. I have associated myself throughout my career in Congress with efforts to advance the interests of minorities, and I will continue to do so. People who know me back home know that I have no tolerance for unkindness or disrespect to any individual for any reason, but most especially any disrespect or discrimination that is based on race, creed, or color is anathema to me. So I don't question the motives of those who would advance this legislation. I think I know the heart of many and understand it.

But I rise in opposition to this legislation for three reasons:

Number one, I believe that we should not treat thought the same way we treat action before the law. Number two, I believe this legislation is unnecessary when a careful examination of State prosecutions and the work that's being done at State levels is examined. And lastly and most ominously, I fear this legislation, intentionally or unintentionally, could have a chilling effect on the religious expression and the religious freedom of millions of Americans. So let me speak to each of those points.

Thomas Jefferson once said, ''Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith and his worship, the legislative powers of the government reach actions only, not opinions.'' Thomas Jefferson again stated the core of my objection to hate crimes legislation as a whole, and that is that violent attacks against people or property are already illegal regardless of the motive behind them. And it seems to me that the wisdom expressed by Thomas Jefferson in that quote is wisdom that ought to discipline this legislative body, that we ought to focus the reach of government on actions only and not opinions. And that remains the core of my objection to hate crimes legislation.

But even to those who believe, Mr. Speaker, that this legislation is appropriate, I must say that it is also important for our colleagues and anyone looking in to understand that this legislation is also unnecessary. The underlying offense in each of these crimes is already fully and aggressively prosecuted in all 50 States.

This bill designates in particular gender identity for federally protected status without, I might add, any evidence of any hate crimes occurring against individuals for gender identity. The hate crimes bill before us today makes a Federal offense out of any violent crime that is alleged to be motivated by gender identity including, for instance, people who describe themselves as transsexuals, even though the Hate Crimes Statistics Act of 1990, as amended in 1994, never collected any data to show that such hate crimes are even occurring. In fact, the truth be told, FBI statistics show that the incidents of what are described as hate crimes has declined over the last 10 years, for which we have data. In 1997 a total of 8,000 what are called ''bias-motived'' criminal incidents were reported to the FBI. The data for 3 of the last 10 years, 2003 through 2005, demonstrated a steady decline in the number of those crimes, and the incidents as the present day approaches decline even further.

And, also, lastly, there is zero evidence that States are not fully prosecuting violent crimes that are motivated by hate or for any other reason. Every State in the Nation prohibits a variety of violent crimes that constitute ''willfully causing bodily injury.'' For whatever the purpose of the will of causing bodily injury, those crimes are prosecuted. And for those who advocate hate crimes legislation, a Federalist note: 45 States and the District of Columbia already have specific laws punishing hate crimes.

Which brings me to my last objection to this Federal legislation, and that is the concern that I have about the threat to religious freedom and religious expression. The gentlewoman who just spoke said, memorably, that this is not a hate speech bill, this is a hate crimes bill. But because those 45 States already have legislation involving hate crimes, we can see how this kind of legislation actually operates in practice.

One case in particular, in 2004 in Philadelphia, 11 individuals were arrested at something called OutFest, which is a gay pride festival. These individuals held signs that displayed segments of the Holy Bible. They were arrested after protesting peacefully. They were charged with three felonies and five misdemeanors. Their felony charges included ''possessions of instruments of crime,'' which apparently was a bullhorn; ethnic intimidation, which was apparently their statement that they believed as Biblical Christians that homosexuality is a sin; and also they were charged with inciting a riot for reading passages from the Bible related to that moral practice. Now, whether or not a riot occurred involving these Christians was debatable, but they faced $90,000 in fines and possible 47-year prison sentences.

In San Francisco a city council enacted a resolution urging local broadcast media not to run advertisements by a pro-family group. In New York a pastor who rented billboards posting Biblical quotations on sexual morality had them taken down by city officials who cited hate crime principles as justification.

We saw a new colleague today take that oath that we all take, and it was a solemn moment, Mr. Speaker. But we swear to support and uphold the Constitution, which reads, I remind my colleagues, ''Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.''

We must not pass this hate crimes bill. It is unnecessary and it threatens that constitutional obligation that we have.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, who is Chair of the Finance Committee but previously has served his entire career on the House Judiciary Committee, and his name is BARNEY FRANK.

Mr. FRANK of Massachusetts. My thanks to the gentleman from Michigan, who has been such an extraordinary moral force in his leadership in the Judiciary Committee and under whom I was proud to serve.

Let me begin by saying apparently we have in Philadelphia one of the longest pending criminal cases in history because the gentleman from Indiana mentioned that people were arrested and charged in 2004. But he didn't tell us what happened to them. Well, he said it was terrible, they were charged. One would assume that people would be interested in knowing what happened.

I will tell the House what happened. The charges were dismissed. Now, the gentleman from Indiana apparently forgot to say that. Those arrests were false. They should not have taken place. But let me say this: If we were to repeal every criminal statute because some police officer may have made an improper arrest, things would be pretty anarchic.

I also do think if you're going to talk about an incident, certainly would be my practice, and if you talked about criminal charges and they were dismissed that you would say so, that you wouldn't leave people wondering. So I do want people who are worried about the fate of those poor people in Philadelphia who, if you listened to the gentleman from Indiana, these last 5 years have been facing felony charges, please don't worry. Those charges should not have been brought and they were dismissed. Now, you hear about that often because it's apparently the only case we do have. No one has been successfully prosecuted, nor should they be, for this.

Now, I do want to say this: I'm delighted to hear some of the most conservative Members of this House expressing support for free speech in this context. Only in this context. They have not been conspicuous in demanding the right of free speech, but I'll take it when I can get it.

There was a statute proposed here that interfered with the free speech of

a member of the clergy. Now, he is a lunatic member of the clergy named Phelps, and he was going and standing out at cemeteries and denouncing them on his religious grounds. I did not think people should be allowed to disrupt funerals, but I voted against the bill, along with my colleague from Texas (Mr. PAUL) and my colleague from Oregon (Mr. WU), and all the rest of these great defenders of free speech on the other side said he couldn't stand half a mile from the cemetery an hour before with his anti-gay sign. Now, I will confess that when he heard that I had come to his defense, that caused him more aggravation than anything else; so it was for me a twofer. I got to defend free speech and aggravate a lunatic. But I don't remember a lot of free speech defenses then because it wasn't popular.

Now, in addition to free speech, there is one other thing that's very interesting. You would think this is the first time hate crimes ever came up in American history. There are on the books statutes that increase the penalty for crimes depending on the motivation. And people say everybody should be treated equally. By the way, I assume Members know that there was a special statute that makes it particularly egregious in terms of sentencing if you assault a Member of Congress.

□ 1600

I assume nobody knew that on that side because they would have moved to repeal it. They apparently are perfectly comfortable getting a greater degree of Federal protection against crime than the average citizen.

Did they forget to repeal that? Where was that motion? Mr. Chairman, did that come up in the committee? Well, apparently not. But there were other categories, age and race.

Let's be very clear, Mr. Speaker. It is not the concept of hate crime protection that is controversial. We have had it and it has been administered. It is extending it to people like me, to those of us who are gay, to people who are transgender. And the assertion that there is no basis for protecting transgender people against violence, that's Marxist in its oddity.

And I mean by that, of course, Chico Marx, who said at one notable point when Groucho caught him red-handed, ''Who are you going to believe—me or your own eyes?''

The fact is that crimes against people who are transgender have been very serious. I know they are not always prosecuted as well as they should have been. But I do want to stress, the notion of hate crimes, of increasing the penalty because of the motivation for certain characteristics of the victim, has not been controversial on the Republican side. They have made no effort to change it.

If they were really motivated by what they claim to be saying, or what they are saying, then they would be for repealing hate crimes in general. They would be for repealing hate crimes based on race and age and other categories. It's only when it deals with gay people. And because in some people's minds saying that it's wrong to assault someone who is transgender may mean that you have to show some respect for that person.

Well, let me reassure them. I do think that there ought to be hate crimes protection against gay, lesbian and transgender people. By that I mean that if there is a physical crime, actions that are otherwise criminal, the fact that it is based on that prejudice should count.

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

Mr. CONYERS. I yield the gentleman an additional minute.

Mr. FRANK of Massachusetts. I thank the chairman.

I want to make it very clear. Yes, I do want there to be protection against violence committed against people like me, but let me reassure those, some on the other side. In asking that transgender people or people like me or people like my colleague from Wisconsin be protected against violence, I am not seeking your approval. Your approval of the way in which I live is not terribly important to me, I would say to them, Mr. Speaker, so I do want to differentiate.

Those of us who think that violence should be prevented are not asking for approval from people with whom we are perfectly prepared not to associate any more than necessary. This is not a request for acceptance. We don't want it. We don't need it from those people. What we are talking about is a protection against violence.

The last point is this. Why a hate crime? Because when someone is assaulted as an individual, that individual is put in fear. But when a group is assaulted because of race or religion or sexual orientation, members who aren't assaulted, if there's a pattern to this, are also put in fear. That's the rationale, and it applies here as well as elsewhere.

The SPEAKER pro tempore. The gentleman from Michigan has 30 seconds.

Mr. CONYERS. Mr. Speaker, I thank you.

I would like to congratulate the Members of the House for the debate that's occurred on the hate crimes legislation because of the very effective way that they have communicated their reservations about the way we approached the subject.

Mr. VAN HOLLEN. Madam Speaker, I rise today in strong support of the Local Law Enforcement Hate Crimes Prevention Act of 2009 of which I am a cosponsor.

Our country was founded on the bedrock principle of protecting individual freedoms. We need to protect the rights of individuals who are assaulted because of who they are.

This bipartisan bill provides local and state law enforcement agencies with the resources needed to combat the thousands of hate crimes that occur in our country each year. H.R 1913 allows the Federal Government to equip our local law offices with the tools they need to prosecute hate crimes and provides monetary relief to those agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

Our nation thrives because of the freedoms we guarantee each of our citizens. Those liberties are at risk if hateful discrimination and violence are allowed to flourish and threaten the safety of individuals and our communities. Current federal hate crimes law authorizes federal aid in cases of violent crimes motivated by the victim's race, color, religion, or national origin. H.R. 1913 expands the federal definition of hate crime, allowing the Department of Justice to assist local authorities in cases of violent crimes committed against persons because of their gender, sexual orientation, gender identity, or disability.

I am proud to have voted for this legislation, as it will enhance civil rights protections and help protect individuals and our communities from the terror and anguish that hate crimes inflict.

Mr. PERRIELLO. Madam Speaker, although I could not cast my vote today due to scheduling conflicts, I would like to record my support for the Local Law Enforcement Hate Crimes Prevention Act. This legislation does two important things: it moves our communities one step closer towards having the support necessary to ensure that all Americans can live without fear and it advances the ongoing struggle to defend human rights.

This bipartisan bill reaffirms our commitment to protecting the rights of every individual citizen. It defends the dignity of all individuals and recognizes that no one should live in constant fear of hatred and discrimination. Importantly, it advances this goal while also protecting our Constitutional right to freedom of speech and of religious expression. Unlike many nations where individuals may be prosecuted for their words and beliefs, the United States remains firm in defending our ability to express our opinions and exercise our values without fear of legal action. Since the introduction of America's first hate crimes laws in 1968, such legislation has focused only on acts of violence, never on ideas, and this bill continues that commitment to the Constitution by explicitly stating that it cannot be used to limit our First Amendment rights, including the rights of faith leaders speaking from their pulpits. This legislation is a testament to the strength of our Constitution even in times of change.

The necessity of this bill has recently been highlighted in Virginia's 5th District, where several weeks ago an 18–year-old University of Virginia student and his friend were physically attacked in a parking lot because of their perceived sexual orientation. Such incidents remind us that there are still individuals who would use violence to intimidate and isolate others simply for who they are, and that hate crimes remain a serious and under-addressed problem in our communities.

These crimes not only target individual victims, but also terrorize entire communities. All individuals deserve to live free of fear of such attacks, and we must not allow violence inspired by hatred to go unpunished. Throughout our nation's history, we have been reminded that the principles of our founders endure, and so does their charge to us to remain vigilant in each generation about expanding

those freedoms. We continue to emerge from these struggles a stronger and better nation, truer to our values and closer to fulfilling our highest aspirations.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 1913, the ''Local Law Enforcement Hate Crimes Preven of 2009.'' As an original cosponsor of this legislation, I believe that H.R. 1913 is critically important to ensuring that those who commit hate crimes are appropriately prosecuted and punished. I want to commend Chairman CONYERS and the Democratic Leadership for bringing this legislation before the House of Representatives early in the 111th Congress so that we may finally get this bill to the President's desk.

Each story is tragic, someone who is assaulted or murdered because of nothing more than his or her race, gender, sexual orientation, or religion, for example. Someone who may have done nothing other than walk down a particular street, attend a certain house of worship, or simply be who they are. Today we send the important message that we will not tolerate these acts of violence by ensuring that local law enforcement agencies have the necessary resources to investigate and prosecute hate crimes.

On June 11, 2000, at the annual Puerto Rican Day parade in New York City, more than fifty women were sexually harassed and assaulted by a group of men. I was outraged not only that the attacks occurred, but that according to many of the victims, the police did not take their allegations seriously. Unfortunately, women are all too often targeted because of their gender.

Although the bill as reported out of committee does not include provisions from legislation that I have introduced, H.R. 823, the ''Hate Crimes Statistics Improvement Act of 2009,'' I understand that this language will be included in future legislation that Chairman CONYERS intends to bring before the House of Representatives. The provisions included in my bill would ensure that hate crimes motivated by gender are accounted for by the FBI and local law enforcement agencies. Violence against women is a serious problem in this country. With accurate data, local communities will be better able to identify gender-based hated crimes in their area, ensure that the prosecution of such crimes is a priority, and chart their progress toward eliminating them.

H.R. 1913 is landmark legislation that I believe will go a long way in reducing violence in communities across this nation. I urge my colleagues to support the bill.

Mr. BLUMENAUER. Mr. Speaker, today I am proud to support the Local Law Enforcement Hate Crimes Prevention Act which will help prevent violence and ensure that justice is served.

The special attention that hate crimes require can easily stretch local law enforcement beyond their capacity. Many of these crimes go unreported, allowing the perpetrators to escape punishment. This is unacceptable.

The Local Law Enforcement Hate Crimes Prevention Act provides the necessary resources to state and local governments for the investigation and prosecution of these crimes. This kind of commitment to justice is the only way to prevent such random acts of violence from occurring in the first place.

In my home state of Oregon, four hate crimes have been reported this year and in 2008, twenty-nine hate crimes were reported. Just last month, a man and his boyfriend were on a spring-break trip over the weekend when they were beaten unconscious on a beach in Seaside, Oregon. Last November, a 20-year-old woman was walking along a street in Aloha, Oregon, when the man asked for a cigarette. He asked if she was gay and when she said yes, he then started berating her about her sexual orientation. Eventually he pushed her and she fell to the ground. She tried to defend herself, but he knocked her back down and struck her in the head with a rock.

These violent crimes effectively terrorize the entire community and chip away at our freedoms. We must protect all our citizens—whether they are black, disabled, Christian, or gay.

Mr. BACA. Mr. Speaker, I urge my colleagues to vote in support of H.R. 1913—the Federal Local Law Enforcement Hate Crimes Prevention Act of 2009. This legislation has had bipartisan support during the 106th, 108th, 109th and the 110th Congresses.

Many law enforcement organizations throughout the nation have endorsed the bill. We have their support because local police and sheriffs' departments will get resources they need to help investigate and prosecute violent criminals.

The bill allows the Federal government to provide crucial federal resources to state and local agencies to equip local officers with the tools they need to prosecute hate crimes.

Everyone deserves to be protected and to feel safe in their communities. African Americans, Hispanics, disabled Americans, Christians, members of the GBLT community, and every other American deserve this right. And we should give our local law enforcement the tools and support necessary to ensure our safety. We are all created equal and should be afforded the same freedoms and protections.

H.R. 1913 will provide assistance to state and local law enforcement agencies and amend Federal law to facilitate the investigation and prosecution of bias-motivated crimes of violence.

I ask my colleagues to join me as we pass this much needed civil rights legislation.

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009 and I am pleased to see the bill we reported out of the Judiciary Committee last week is on the House floor today.

I believe we finally have the opportunity to see this legislation signed into law and I encourage my colleagues to do the right thing today and support this bill.

We must ensure that all Americans can exercise their civil rights and be free from threats of violence against them because of their race, color, nationality, gender, age, disability or sexual orientation. It is past time to protect gays, lesbians, bisexuals and transgendered individuals from hate crimes. We must never again allow an 11-year-old child to be so bullied and harassed that he sees no other option to end his torture by taking his own life.

In 2004 in Los Angeles, the 15-year-old son of movie producer Lee Caplin and his wife, Gita, received death threats by a group of students at his private high school. According to the police complaint, some of the messages directed at their son were anti-gay slurs among other epithets.

In 2007 in Los Angeles, a mentally disabled man was beaten to death by an unidentified man wielding an aluminum baseball bat. The victim was James McKinney, 41, who was walking to the store from his home, a mental health care facility. The attack was caught on surveillance camera, but the attacker is still at large.

The most recent data from the FBI is from 2007. It shows that in Los Angeles, there were 279 crimes categorized as motivated by bias: 132 crimes based on race; 50 crimes based on religion; 43 crimes based on sexual orientation; and 54 crimes based on ethnicity.

While I strongly support this bill today, I know that more work is needed, particularly in the area of crimes against the homeless. As Chair of the Financial Services Subcommittee on Housing, I can tell you that with the housing and foreclosure crisis we are facing, more and more Americans are becoming homeless. Sadly, the number of violent crimes against the homeless are increasing, and I believe a significant portion of these attacks are indeed hate crimes. The State of Maryland just recently became the first state in the nation to add homelessness to their hate crimes statute. They noted that from 1999 through 2007 there were 774 acts of violence against homeless men, women and children in 45 states and Puerto Rico. These attacks resulted in 217 deaths.

I'm looking forward to working with Chairman CONYERS and our Crime Subcommittee Chairman SCOTT to get accurate data on violent crimes and hate crimes against the homeless. It is important to get this data promptly, and then, after an appropriate hearing, we can determine if additional legislation is needed.

In closing, I commend Chairman CONYERS for his tireless work on this legislation and urge my colleagues to do the right thing today and vote to pass this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act. I have been a strong supporter of increased law enforcement support and protections against hate crimes for many years, and today's vote represents a historic step forward in recognizing and fighting against violent bias-motivated crimes.

Each year there are thousands of individuals who are targets of violent crime based solely on their appearance, means, or lifestyle. These hate crimes are not only meant to physically harm the victim, but degrade all individuals of similar identity and instill a pervasive sense of fear amongst that community. While each and every violent crime is traumatic, hate crimes are not only devastating for

the victim and their family, but for all individuals who identify with the victim, whether or not they actually knew that person.

Hate crimes are more prevalent than many may realize. Despite significant underreporting, more than 100,000 hate crimes have been reported since 1991. In addition, the number of hate groups that exist within our country continues to rise; espousing a message of hatred and often plans of targeted violence.

This legislation will allow for much needed federal assistance in the prevention and prosecution of hate crimes, and provide money to states to develop hate crimes prevention programs. No American deserves to feel a threat to their physical safety simply because of who they are or how they look.

While I strongly support the passage of this legislation, I do believe there is a strong need to include homeless individuals into this bill. Often nameless and faceless victims of violence, homeless individuals are amongst the highest targeted groups for hate violence.

According to statistics collected by the National Coalition for the Homeless, there have been 774 violent acts perpetrated against homeless individuals since 1999. These attacks occurred in 235 cities throughout our country, in 45 states, and in one territory. 217 of these attacks resulted in death ranging from these individuals suffering severe beatings to being set on fire. Many of these incidents were committed by groups targeting the homeless, and some were even video-taped for future sale and amusement.

It is important that we recognize these acts as hate crimes at a federal level. Many states are currently considering the recognition of these violent acts as hate crimes, with Maryland having already done so. We cannot continue to ignore the plight of this group, and the fear and violence that have been experienced by scores of homeless individuals.

Mr. SMITH of Texas. Mr. Speaker, I would like to submit the following letter from four members of the U.S. Commission on Civil Rights who are opposed to H.R. 1913:

UNITED STATES COMMISSION
ON CIVIL RIGHTS,
Washington, DC, April 29, 2009.

Re: H.R. 1913

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. STENY H. HOYER,
Majority Leader, House of Representatives, Washington, DC.
Hon. JAMES E. CLYBURN,
Majority Whip, House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives, Washington, DC.
Hon. ERIC CANTOR,
Minority Whip, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER AND MESSRS. BOEHNER, CANTOR, CLYBURN AND HOYER: We write today to urge you to vote against the proposed Local Law Enforcement Hate Crimes Prevention Act (H.R. 1913) (''LLEHCPA''). Although time does not permit this issue to be presented for formal Commission action, we believe it is important for us to write as individual members to communicate our serious concerns with this legislation.

We believe that LLEHCPA will do little good and a great deal of harm. Its most important effect will be to allow federal authorities to re-prosecute a broad category of defendants who have already been acquitted by state juries—as in the Rodney King and Crown Heights cases more than a decade ago. Due to the exception for prosecutions by ''dual sovereigns,'' such double prosecutions are technically not violations of the Double Jeopardy Clause of the U.S. Constitution. But they are very much a violation of the spirit that drove the framers of the Bill of Rights, who never dreamed that federal criminal jurisdiction would be expanded to the point where an astonishing proportion of crimes are now both state and federal offenses. We regard the broad federalization of crime as a menace to civil liberties. There is no better place to draw the line on that process than with a bill that purports to protect civil rights.

While the title of LLEHCPA suggests that it will apply only to ''hate crimes,'' the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts ''because of someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. Consider:

Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen ''because of their gender.

A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally, they are chosen ''because of their gender or disability.

While Senator Edward Kennedy has written that it was not his intention to cover all rape with LLEHCPA, some DOJ officials have declined to disclaim such coverage. Moreover, both the objective meaning of the language and considerable legal scholarship would certainly include such coverage. If all rape and many other crimes that do not rise to the level of a ''hate crime'' in the minds of ordinary Americans are covered by LLEHCPA, then prosecutors will have ''two bites at the apple'' for a very large number of crimes.

DOJ officials have argued that LLEHCPA is needed because state procedures sometimes make it difficult to obtain convictions. They have cited a Texas case from over a decade ago involving an attack on a black man by three white hoodlums. Texas law required the three defendants to be tried separately. By prosecuting them under federal law, however, they could have been tried together. As a result, admissions made by one could be introduced into evidence at the trial of all three without falling foul of the hearsay rule.

Such an argument should send up red flags. It is just an end-run around state procedures designed to ensure a fair trial. The citizens of Texas evidently thought that separate trials were necessary to ensure that innocent men and women are not punished. No one was claiming that Texas applies this rule only when the victim is black or female or gay. And surely no one is arguing that Texans are soft on crime. Why interfere with their judgment?

We are unimpressed with the arguments in favor of LLEHCPA and would be happy to discuss the matter further with you if you so desire. Please do not hesitate to contact any of us with your questions or comments. The Chairman's Counsel and Special Assistant, Dominique Ludvigson, is also available to further direct your inquiries at *dludvigson@usccr.gov* or at (202) 376–7626.

Sincerely,

GERALD A. REYNOLDS,
Chairman.
GAIL L. HERIOT,
Commissioner.
TODD GAZIANO,
Commissioner.
PETER N. KIRSANOW,
Commissioner.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009.

This legislation will include penalties in the federal code for crimes that are motivated by race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

Further, H.R. 1913 allows the Department of Justice to make grants to support State and local programs designed to combat hate crimes, particularly those committed by juveniles. Finally, the bill supports programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes. In this way, the bill empowers state and local officials to investigate and prosecute these crimes without limiting their jurisdiction or authority.

I have heard concerns from some of my constituents that this legislation could infringe on the right to free speech. I could never support a bill that does that. In fact, Section 10 of the bill contains a specific exemption that clarifies that speech, no matter how hateful, is not criminalized under this act. Only violent acts by those who willfully cause bodily injury are prohibited. I strongly oppose attempts to limit anyone's right to free speech or put one class of people above another.

While all acts of violence are deplorable, hate crimes are specifically meant to intimidate and frighten an entire group of people because of prejudice on the part of the perpetrator. Violent acts that are meant to terrorize American citizens should not go unpunished.

I urge you to support H.R. 1913.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to express my strong support of the Local Law Enforcement Hate Crimes Prevention Act.

This bill will extend federal hate crimes law to protect individuals targeted because of their sexual orientation, gender, gender identity, or disability. Since the federal government began collecting data in 1991, over 100,000 hate crimes have been reported by state and local officials; but, most analysts believe this data significantly underreports the actual number of hate crimes. During this time period, approximately 16% of hate crimes were perpetrated because of a person's sexual orientation. With 1,265 reported incidents in 2007, sexual orientation is the third most common target of hate-based violence, trailing only race and religion. This bill is a logical improvement to existing federal law and is needed to ensure that the federal government has the jurisdiction to assist in all cases of hate-based violence.

In addition to expanding the categories of hate crimes, this legislation would allow the Justice Department to aid the investigation and prosecution of hate crimes at the local level through technical assistance and supplemental funding. The cost of investigating and prosecuting these often high-profile cases can be prohibitive for a local community, forcing them to spend precious resources on one case. In these instances, it is essential for the federal government to be able to provide assistance to ensure that justice is served without unduly burdening local resources.

Finally, this bill would require the Justice Department to expand its tracking of hate

crimes to include crimes based on gender or gender identity. The federal government currently collects data on hate crimes committed due to sexual orientation and disability, but not for gender or gender identity. This expanded resource will provide law enforcement officials the information they need to more accurately gauge the prevalence of hate crimes and to evaluate efforts to combat this violence.

The Local Law Enforcement Hate Crimes Prevention Act is an overdue step towards addressing all forms of hate-based violence that traumatize communities across the country. Hate crimes have a chilling effect beyond a particular victim, spreading fear of future attacks among the targeted group. Congress cannot prevent hate from motivating individuals to commit violence, but we can ensure that the proper laws and resources are available to prosecute these cases to the fullest extent of the law. That is what this bill does, and I ask all of my colleagues to support it.

Mr. ISRAEL. Mr. Speaker, I rise today to urge my colleagues to support H.R. 1913, the Matthew Shepard Act.

Many of my colleagues have already spoken informatively about the bill's provisions, how it will focus on enhancing resources at the local and state level for combating hate crimes, and how it will enable local and state officials to prosecute people who commit hate crimes. These are all important reasons to vote for this bill.

I want to tell you the story of a hate crime that happened in my community.

Marcelo Lucero lived in Patchogue, NY and was walking home one evening when a car load of teenage boys surrounded, beat and murdered him.

He was walking home, and they were out looking for someone who looked Hispanic. One of the defendants later told the police, ''I don't go out and do this very often, maybe once a week.''

Now, what happened to Marcelo Lucero is wrong when it happens to any person.

But what makes a hate crime so disturbing is that it's not simply aimed at the victim.

An entire community gets the message—you are not welcome here. And, what makes the story of his attackers so disturbing is the casualness of their attitude.

It reflects a comfortableness that is unacceptable in any community.

That is why I'm supporting this bill and why I urge my colleagues to support this bill: it sends a message back to those who would commit a hate crime. And that message is that hate is not welcome in my community.

I would like to thank Chairman COYERS for the time to speak and his leadership on this important issue.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today as a cosponsor and strong supporter of the Local Law Enforcement Hate Crimes Prevention Act of 2009.

Ten years have now passed since a University of Wyoming student was tied to a fence and fatally beaten just because he was gay. In the time since, we've seen a Texas man dragged to his death by a truck just because he was black and a woman brutally beaten and killed with a fire extinguisher just because she was transgendered. We've even seen young children at day camp shot just because they were Jewish.

Passage of comprehensive federal hate crime legislation that would allow the Department of Justice to assist state and local jurisdictions unable or unwilling to prosecute violent, bias-motivated crimes is long overdue.

Mr. Speaker, as a former Constitutional law professor at West Point, I want to make something perfectly clear. Nothing in this bill impinges the right of an individual's freedom of speech as guaranteed under the First Amendment of the Constitution. The ability to think or express sentiments repulsive to most members of society absent the fear of legal recrimination is part of what makes this country great and free. The ability to prosecute to the fullest extent of the law those who cause injury or death to an individual because of who they are or what they believe is also what makes this country great and free.

Ensuring that states and local law enforcement throughout the United States have the resources they need to go after the perpetrators of these crimes is not just something we owe to the victims and their families. It also helps to free the rest of society—particularly members of the group to which the victim identified—from being intimidated by the hatred of a few.

I urge my colleagues to support this bill and send a clear message that those who injure or kill another human being because of who they are will be brought to justice for their crimes.

Mr. WAXMAN. Mr. Speaker, hate crimes are fundamentally different from other crimes. Hate crimes—violent acts that target victims precisely because of who they are, or are perceived to be—aim to terrorize, intimidate, and oppress an entire class of people. They are assaults not just on those victims, but on an entire community. When the perpetrators of these acts are not held accountable, we suffer as a nation.

As a cosponsor of the Matthew Shepard Act, I look forward to its enactment into law. Today there are only 11 States that have hate crime laws that cover both gender and sexual orientation. By expanding the federal definition of a hate crime to include one based on sexual orientation, disability, or gender, we take the first step toward reducing these violent acts across the country.

This legislation will provide much-needed federal support for local law enforcement so that police can more effectively identify, investigate, and prosecute hate crimes. By joining together at all levels, we can help build safer and more tolerant communities. I urge my colleagues to support this important bill.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 372, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. GOHMERT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOHMERT. Yes.

Mr. CONYERS. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gohmert moves to recommit the bill H.R. 1913 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 8, line 11, insert ''and shall be subject to the penalty of death in accordance with chapter 228,'' after ''or both,''.

Page 9, line 11, after ''or both,'' insert ''and shall be subject to the penalty of death in accordance with chapter 228,''.

Page 9, line 4, strike ''or''.

Page 9, line 4, insert '', age, status as a current or former member of the Armed Forces, or status as a law enforcement officer'' after ''disability''.

Page 8, beginning in line 19, strike ''OR DISABILITY'' and insert ''DISABILITY, AGE, STATUS AS A CURRENT OR FORMER MEMBER OF THE ARMED FORCES, OR STATUS AS A LAW ENFORCEMENT OFFICER''.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that there would be agreement to dispense with that portion of the motion dealing with the armed services.

Mr. GOHMERT. I would object.

The SPEAKER pro tempore. Does the gentleman from Michigan care to reserve his point of order?

Mr. CONYERS. No, sir, I do not.

The SPEAKER pro tempore. The reservation is withdrawn.

The gentleman from Texas is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, the motion to recommit is simple and straightforward. It adds three categories to the list of groups in this bill and provides the death penalty for certain hate crime offenses.

I would like to address what our friend from Massachusetts has indicated when he talked about the people who were arrested for their Christian position, nonviolent, and he kept indicating the charges were dismissed.

But as my friend from Massachusetts would surely know, when you can arrest people, even if you don't pursue charges, it has a chilling effect. Over and over it has a chilling effect.

And, also, there was some inference in his comments that we may believe that transgender individuals who were not worthy of being defended under the law or were not victims, I wasn't sure, but the truth is every American deserves to be equally protected. That is the law. That's the way it should be. That's the way wherever you go in the country. You don't find cases that are held up as poster cases for hate crimes that justify the hate crimes.

The James Byrd family, bless their hearts, I grieved with them. And based on the evidence that was presented, it was clear that these defendants committed a violent crime for which they should have gotten the death penalty. The two that did got it appropriately. This bill will not affect that case one bit. It will not affect it.

So we have tried to say, look, please don't divide us. Don't keep dividing into different categories and say these deserve more protection than these. Treat us all the same. That has fallen on deaf ears.

Every amendment was voted down in committee that we tried to present to make it more clear and to treat Americans equally. It's clear the majority has the votes to move forward and pass this. So our effort is then to add other worthy classes to this.

For example, in 2004, Private First Class Foster Barton of Grove City, Ohio, was brutally beaten. Six witnesses who didn't know Barton said the person that beat him up was screaming profanities and crude remarks about U.S. soldiers.

In 2007, a Syracuse woman pleaded guilty for spitting in the face of a Fort Drum soldier she didn't know.

These things happen. My friend from Florida in committee had indicated that she was not sure it appeared that the military should be added as a protected class under this bill, that not necessarily were they victims.

But I can tell you personally, having been spat at and on, after Vietnam, when I was at Fort Riley, Kansas, and we were ordered not to wear our uniforms off post in our platoon because of violence that was being done to servicemembers. It still happens. It still happens.

And witness the unseemly events outside some of our military hospitals by those who are so very insensitive. Now even the administration is targeting returning veterans as potential extremists. As the report said, ''Returning veterans possess combat skills and experience that are attractive to right-wing extremists.'' Even the administration is trying to target veterans. So we would hope that they were included.

And there is absolutely no question that law enforcement officers are frequently targeted specifically because of who they are and because they are wearing the uniform and attempting to protect all the rest of us. We have so many brave public servants. Even in this building people have given their lives so that others in the building could have theirs. That needs to be honored.

The statistics show that even though the number of hate crimes, or crimes reportedly committed because of bias or prejudice, are lower now than they were 10 years ago. Those crimes have increased against law enforcement.

Age is another class that should be protected. The statistics are clear, and we have seen film evidence of elderly being attacked because they were perceived as elderly and less able to protect themselves. They deserve to be protected. These are classes that should be.

And then we come to another issue, and that is the fact that the hate crimes bill, as proposed, will not affect one of the hate crime bills held up so far as a poster case. We will add the death penalty so it can make a difference in those places where there was a horrible heinous crime. This will make a difference.

Mr. CONYERS. I rise in opposition to this motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. I thank you.

I suppose this is the parliamentary part of the legislative process that a motion to recommit has to be entertained, but before I begin my discussion about the regrets of it, I still insist on complimenting the Members of the House of Representatives who have understood that there are particular acts of violence against the law that are intolerable and should be dealt with as effectively as possible.

The question is what is the most effective way.

Now, what we have been proposing, since 1968, during the civil rights era, where there was an inability to seek prosecution of violators of civil rights laws at the State level, a southern President, Lyndon Johnson, began realizing that there had to be a Federal method of dealing with certain crimes that were not only violent to the victims but served to send a message of intimidation to others in that same class or group. Those groups, we have listed.

These groups are being denied the most fundamental protection of liberty. They are targeted for the most extreme violence by extremists who have decided, in their own warped view of how we should exist among each other in our society, as people who don't deserve to have life.

□ 1615

The groups that are on this protected list and are identified as where hate crime laws kick in are being protected in the same way that has been going on all the way back these many years, since 1968.

The targets are not only the particular individuals who are attacked, but an extension of everyone in the group. The unmistakable intended threat to all is that not only are you not welcome, but you are despised, and you are not safe, and we are coming after you.

But this motion seeks simply to ignore these essential facts.

Let me talk about the three areas mentioned. The armed services, for example. While people who are disturbed at governmental policies and may direct anger at the military, members of the armed services are not victims of bias-based prejudice or hatred. To the contrary, they are honored for their service to our Nation, with national holidays in their honor, memorials, and other economic benefits, all of which are deserved. But they are not in the same situation as the groups we are seeking to protect in this bill. Besides, specific protections for members of the armed services already exist in the Federal law——it makes killing someone in the military a capital crime.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 185, nays 241, not voting 7, as follows:

[Roll No. 222]

YEAS—185

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Cuellar
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Holden
Hunter
Inglis
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Radanovich
Rehberg
Reichert
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—241

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Cao
Capps
Capuano
Cardoza

Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
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 (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Berry
Burgess
Butterfield
Granger
Perriello
Stark
Teague

□ 1644

Messrs. KIND, FARR, BISHOP of Georgia, PETERSON, RUSH, MORAN of Virginia, WAMP, CARDOZA, McMAHON, LYNCH and ADLER of New Jersey and Mrs. TAUSCHER, Ms. LEE of California, Ms. WOOLSEY, Ms. SPEIER and Ms. TITUS changed their vote from ''yea'' to ''nay.''

Messrs. WILSON of South Carolina, DUNCAN and LUETKEMEYER changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. 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 249, noes 175, not voting 10, as follows:

[Roll No. 223]

AYES—249

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Cao
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
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 (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
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
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—175

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Chaffetz
Childers
Coble
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Berry
Burgess
Butterfield
Granger
Miller, George
Murtha
Perriello
Ruppersberger
Stark
Teague

□ 1655

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE OBSERVANCE OF NATIONAL CHILD ABUSE PREVENTION MONTH

The SPEAKER pro tempore (Mr. WALZ). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 337.

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. 337.

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.

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.

PROTECTING INCENTIVES FOR THE ADOPTION OF CHILDREN WITH SPECIAL NEEDS ACT OF 2009

Mr. MCDERMOTT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 735) to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 735

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 ''Protecting Incentives for the Adoption of Children with Special Needs Act of 2009''.

SEC. 2. ELIMINATION OF RESTRICTION ON PAYMENTS FOR FISCAL YEAR 2008.

Effective as if included in the enactment of the Omnibus Appropriations Act, 2009 (Public Law 111–8), title II of division F of such Act is amended under the heading ''CHILDREN AND FAMILIES SERVICES PROGRAMS'' under the heading ''ADMINISTRATION FOR CHILDREN AND FAMILIES'', by striking ''That without regard to the fiscal year limitations set forth in section 473A of the Social Security Act, from the amounts appropriated herein, the Secretary shall pay adoption incentives for fiscal year 2008 in the same manner as such incentives were awarded in fiscal year 2008 for the previous fiscal year: *Provided further*,''.

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

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and exclude extraneous material on this bill under consideration.

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

There was no objection.

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

Mr. Speaker, last fall, Congress passed bipartisan legislation that provided broad improvements to our Nation's child welfare system. The legislation, the Fostering Connections to Success and Increasing Adoptions Act, won unanimous approval in both the House and Senate last fall and was signed into law a short time later.

The landmark legislation represented the most significant reform in the child welfare system in over a decade.

Among the provisions of the Fostering Connections to Success and Increasing Adoptions Act was the reauthorization and improvement of the Adoption Incentives Program. To encourage and reward States for increasing the number of children who are able to leave the public foster care system for a safe, permanent and loving adopted home, Congress established the Adoption Incentives Program in 1997 as part of the Adoption and Safe Families Act. The Adoption Incentives Program provides States with financial incentives for increasing, above a certain specific baseline, the number of adoptive families for children in foster care, particularly for those with disabilities or with other special needs or for older youth.

The bill under consideration, the Protecting Incentives for the Adoption of Children with Special Needs Act of 2009, will ensure that the improvements made to the Adoption Incentives Program last fall are implemented as Congress intended.

The bipartisan bill eliminates a restriction that was inadvertently placed in the Adoption Incentives Program by the Omnibus Appropriations Act of 2009. The Omnibus Appropriations Act included a provision that required the Department of Health and Human Services, or HHS, to pay adoption incentive payments awarded for fiscal year 2008 in the same manner as they were awarded in the previous years. The provision was prior to the changes being made to the program of the Fostering Connections for Success and Increasing Adoptions Act.

The bill before us simply eliminates the provision included in the Omnibus Appropriations Act, thereby allowing HHS to base upcoming award payments on the new criteria established by last fall's bipartisan child welfare legislation. Removing the inadvertent provision will ensure that the newly reauthorized and improved Adoption Incentives Program is operated as intended by Congress.

I reserve the balance of my time.

Mr. LINDER. I thank the gentleman from Washington for bringing this bill to the floor.

Mr. Speaker, I rise in support of the Protecting Incentives for the Adoption of Children with Special Needs Act of 2009. This bipartisan legislation makes an important technical fix to ensure that Congress' intent is carried out and that States have improved financial incentives to help more children in foster care find permanent, loving adoptive homes.

This legislation continues a long tradition of bipartisan activity by the Ways and Means Committee, a tradition designed to promote the adoption of children from foster care. In 1997, the committee played a key role in crafting the landmark Adoption and Safe Families Act; in 2003 the Adoption Promotion Act; and last fall the Fostering Connections to Success and Increasing Adoptions Act of 2008. These laws streamline the adoption process. They encourage more efforts to quickly move children from foster care into permanent, loving homes, and they helped achieve the dramatic increases in the number of children successfully adopted from foster care in the past decade. In each case, the legislation was designed to benefit children who face some of the most daunting personal challenges in our country—those who have spent years, sometimes practically all of their lives, in the foster care system.

The legislation before us today would ensure the goals of last year's bipartisan Fostering Connections law are realized. That legislation encouraged increased adoptions from foster care by revising the Adoption Incentives Program and by extending its authorization through fiscal year 2013.

Among other improvements, the Fostering Connections law gave States more generous Federal funds if they helped more families adopt children now languishing for years in foster care, especially older and disabled children.

Unfortunately, the fiscal year 2009 omnibus appropriations bill, which passed through the House with limited consideration, included an error that effectively overrides some of the improvements in last year's Fostering Connections law. In short, the omnibus bill incorrectly stipulated that adoption incentive funds should be provided under the old, less generous rules Congress wanted to replace instead of the new, more generous rules included in the Fostering Connections law.

This legislation makes a simple repair of ensuring that congressional intent is followed so that States have the full intended incentives to promote the adoption of older and disabled children in foster care, among others. According to the Congressional Budget Office, this technical fix has no cost.

I would like to thank my colleagues, Representatives CAMP and RANGEL—ranking member and chairman of the House Committee on Ways and Means respectively—for introducing legislation to correct this error in the House. Their bill, H.R. 1840, is identical to the

legislation before us, S. 735, which Senators BAUCUS and GRASSLEY introduced in the Senate and worked to pass earlier this month.

I encourage all Members to support this important legislation so it can be signed into law as quickly as possible.

APRIL 15, 2009.

Hon. CHARLES RANGEL, *Chairman*,
Hon. DAVE CAMP, *Ranking Member*,
Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES RANGEL AND CAMP: On behalf of the American Public Human Services Association (APHSA) and its affiliate the National Association of Public Child Welfare Administrators (NAPCWA), we applaud and support your efforts to fix the incentive program for states that increase their numbers of adoptions from foster care and support H.R. 1840.

As you know, the adoption incentive program, originally part of the Adoption and Safe Families Act of 1997 (P.L. 105–89), was reauthorized in the previous Congress through the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110–351). States perform well when provided with incentives. Between 1998 and 2006, states received approximately $211 million in incentive bonuses for increasing the number of children adopted from foster care. During the same time period, nearly half a million children were adopted from state custody. Today, the waiting child population tends to have higher special needs and may pose challenges for caseworkers to find families willing to adopt them.

The reauthorizing language reset the base number of adoptions a state needs to finalize to earn an incentive bonus to FY 2007. For each child adopted above that baseline, a state will continue to receive $4,000. Recognizing that older children and children with special needs may be more difficult to place in adoptive homes, Congress improved the bonus awards. The incentive amount for adopted children nine or older increased from $4,000 to $8,000 and adopted special needs children increased from $2,000 to $4,000. For the first time, Congress also added an increased rate of adoptions bonus for states. To earn this bonus, states must achieve a ''foster care adoption rate'' that exceeds its previous ''highest ever foster child adoption rate'' back to 2002 adoption numbers. Moreover, states now have 24 months to spend incentive funds on any Title IV–E and IV–B programs.

These were significant improvements to the program that would help many children languishing in foster care find permanent loving homes with adoptive families. However, due to an oversight, the recent Omnibus 2009 Appropriations Act (P.L. 111–8) changed the adoption incentive program back to pre-Fostering Connections. Prior to the reset of the baseline, many states were unable to reach continued higher goals of finalized adoptions and the numbers of children waiting to be adopted were starting to decline in many states.

On behalf of those that work so diligently to find homes for waiting children, we thank you for fixing this oversight. You are true champions for our nation's most vulnerable children.

Sincerely,

JERRY FRIEDMAN,
Executive Director.

AMERICAN HUMANE,
Alexandria, VA, April 27, 2009.

Re HR 1840—Protecting Incentives for the Adoption of Children with Special Needs Act of 2009.

Hon. CHARLES RANGEL, *Chairman*,
Hon. DAVE CAMP, *Ranking Member*,
Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES RANGEL AND CAMP: American Humane supports HR 1840, the Protecting Incentives for the Adoption of Children with Special Needs Act of 2009, which would ensure that States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110–351).

American Humane is a national, nonpartisan membership organization that was founded in 1877 to protect the welfare of children and animals. Our support for the Protecting Incentives for the Adoption of Children with Special Needs Act reflects an over 100-year history of progressively advocating at the federal, state and local levels for laws that protect children and animals from abuse and neglect.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 reset the base number of adoptions a state needs to finalize to earn an incentive bonus to FY 2007. Recognizing that older children and children with special needs may be more difficult to place in adoptive homes, Congress improved the bonus awards. Congress also added an increased rate of adoptions bonus for states. To earn this bonus, states must achieve a ''foster care adoption rate'' that exceeds its previous ''highest ever foster child adoption rate'' back to 2002 adoption numbers.

However, due to an oversight, the recent Omnibus 2009 Appropriations Act (P.L. 111–8) changed the adoption incentive program back to pre-Fostering Connections. HR 1840 will restore the reset of the baseline to help give more children permanent homes.

Thank you for your leadership on such an important issue. We look forward to continuing to work with you. Please do not hesitate to contact Patty Chávez, Legislative Analyst, if we can be of further. assistance.

Sincerely,

ALLIE PHILLIPS,
Director of Public Policy.
PATTY CHÁVEZ,
Legislative Analyst.

Mr. CAMP. Mr. Speaker, I am pleased to support S. 735, the ''Protecting Incentives for the Adoption of Children with Special Needs Act of 2009.''

Throughout my time in Congress, I have built on the lessons I learned working as an attorney helping families with their adoption proceedings. As a Member of the Committee on Ways and Means, I have been privileged to continue working on these issues, helping parents adopt children and form loving families. I am still impressed with the number of individuals, organizations, and legislators interested in the well-being and development of children and in encouraging more families to take in and adopt children in foster care.

Congress has made important strides improving the adoption process, by enacting my legislation, the Adoption and Safe Families Act, in 1997, followed by the Adoption Promotion Act in 2003. Additionally, just last fall I was pleased to support the Fostering Connections to Success and Increasing Adoptions Act of 2008, which was enacted with bipartisan and bicameral support. The legislation further encouraged adoptions from foster care by revising the Adoption Incentives program and extending its authorization through fiscal year 2013. Among other improvements, this law gave States more generous Federal incentive funds if they succeed in helping more families adopt children now languishing for years in foster care—especially older and disabled children.

Unfortunately, the fiscal year 2009 Omnibus Appropriations bill (P.L. 111–8), which passed through the House with limited consideration, included a flawed provision that effectively overrides the improvements to the Adoption Incentive program made in last year's Fostering Connections law.

In short, the Omnibus bill incorrectly stipulated that Adoption Incentive funds should be provided under the ''old'', less generous rules Congress wanted to replace, instead of the ''new'', more generous rules included in the Fostering Connections law. That means States would have less incentive to pursue the adoption of older and disabled children in foster care, among others, because they would receive less Federal funds if they are successful in achieving those goals.

We can't know for sure which States would lose if this fix is not made, because we don't yet know which States will successfully improve their performance in increasing adoptions in the wake of the Fostering Connections law. But we do know that America's most vulnerable young people stand to lose if, as a result of this error, they spend more time in foster care instead of with loving adoptive families. We can't and shouldn't let that happen.

That is why I and my colleague CHARLIE RANGEL, the Chairman of the House Committee on Ways and Means, introduced legislation to correct this error. Our bill (H.R. 1840) is identical to the legislation (S. 735) the Senate passed on April 2 and that is being considered by the House today.

I encourage all Members to support this important legislation so it can be signed into law as quickly as possible.

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

Mr. MCDERMOTT. Mr. Speaker, 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 Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the Senate bill, S. 735.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 627 and to insert extraneous material thereon.

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

There was no objection.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The SPEAKER pro tempore (Mr. AL GREEN of Texas). Pursuant to the order of the House of Tuesday, April 28, 2009, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 627.

□ 1709

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (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 for other purposes, with Mr. CUELLAR in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the order of the House of Tuesday, April 28, 2009, the bill is considered read the first time.

General debate shall not exceed 1 hour, equally divided and controlled by the Chair and ranking member of the Committee on Financial Services.

The gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I would like to yield at this moment 2½ minutes to the chief architect, promoter, the person who really brought this bill to fruition here on the House floor not once but for the second time, the gentlewoman from New York, Congresswoman MALONEY.

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Credit Cardholders' Bill of Rights, and I thank the Democratic leadership, Chairman FRANK, Chairman GUTIERREZ, and my Democratic colleagues for their support of this important legislation.

The House bill would provide consumers protection from credit card fraud and deception. Today's action builds on the vote that we had last year when the bill passed by 312–112. We held numerous hearings and meetings, and came forward with a set of gold principles that many issuers have voluntarily followed. Today's bill is another step forward towards making these protections permanent, and importantly, we expand upon them in a number of key areas to provide consumers with additional protections.

The bill targets specific abusive practices—retroactive rate increases that can trap cardholders in a downward spiral of unexpected debt, double-cycle billing that charges interest on balances that have already been paid, payment allocation rules that deny cardholders the right to pay down their high interest rate balances first, due date gimmicks that trick people into paying their bills late and then hitting them with retroactive rate increases, penalty interest rates, late fees, multiple over-limit fees for one over-limit transaction, and subprime cards of which the annual fees alone eat up most of the credit line before a single charge is ever made. It gives consumers more tools to better manage their own credit, such as setting their own credit limit.

This is not a bill that takes away consumer choice or that infringes on anyone's rights. It simply says it is not right to be deceptive, to be unfair or to engage in anticompetitive practices.

The bill has been endorsed by consumer groups, labor unions and civil rights organizations that have made the passage of this bill a top priority because these unfair practices affect so many people every single day of the year. There have been more than 54 editorials and op-eds endorsing the need for credit card reform across our Nation. Just last week, President Obama called to the White House the top executives from the credit card industry to tell them that the days of any time/any reason increases must come to an end.

This is an important bill that affects many people. It is hard for me to come to the floor of Congress or to walk down the street without hearing some story of some type of credit card abuse. This would end the tricks and traps, and it builds also on the Federal rule that came out after our bill passed that resembles strongly our bill. Sixty-six thousand comments were written in support of the Federal rule which we are supporting today, too.

I urge a ''yes'' vote on this important legislation. It will help millions of people in America. We have done a great deal to help our banks shore up their capital requirements and allow them to provide more loans. This will allow consumers to protect their interest rates, to keep them lower so that they have more money, their own money, to invest in our economy. It's fair to all concerned. I urge a ''yes'' vote.

Mr. BACHUS. Mr. Chairman, let me start out by saying that I know the Members on the other side and I think there is one thing that we all share—most of the Members if not all of the Members—and that is that we want to protect consumers from unfair and deceptive credit card practices and ensure that they receive useful, complete, fair disclosures as they enter these agreements and, once they enter these agreements, that the terms and conditions are met and that they're not abused.

□ 1715

Like many of my colleagues, I have received calls from constituents about credit card practices that certainly don't seem to be fair. In fact, many times they are not fair. And I don't defend them. That's why I don't question the motivation or the sincerity of those who want to address this practice with this bill.

Having said that, I don't believe that this bill is the right solution. But there is an alternative, and I want to discuss an alternative that I think has been taken. Because in going in and over-restricting the offering of credit and overly restricting credit card companies' ability to price and by over-restricting terms and conditions, you do affect the availability of credit. In fact, the Small Business Administration has testified—not about this bill, so I don't want to mislead anybody; it is not about this bill—that they have said that with small businesses, availability of credit is their greatest concern, restrictions on credit are their second greatest, and only third is the terms and conditions. And that there has to be a balance between the government—they didn't say this; this is what I am saying—if we over-restrict what companies or people offering credit, what they can do or offer, you do—and I think we all agree—you do, whether you unconsciously do it or intentionally do it, you do restrict the offering of credit.

This bill will do that. I mean, there will be people who can have a credit card today at a higher interest rate, or if they don't pay on a timely manner at a rate that escalates, that if this bill passes, will not get credit at all. Now some people might say, well, that's good.

But today, you have got to have a credit card. And we have to take, I believe, in offering rates and in changing rates from time to time, the payment history of the person, of the credit card holder, we've got to take into consideration whether they have met the obligations.

Now, the sponsor of this bill—and I have agreed for some time that there are some practices that we ought to address. Double-cycle billing. You mentioned this bill addresses that. And it ought to be addressed. Mr. GUTIERREZ and I talked about them offering a rate and then coming back in 6 months and suddenly changing that rate without any notice, number one, and then changing it on the existing balance as far as going forward. We both think that they shouldn't do that unless there are unusual or extenuating circumstances.

I think we also all agree that—and I have had complaints from other Members knowing that I am the ranking member of Financial Services—that people get their credit card bill and they are out of town and all of a sudden they couldn't get it back and they didn't have time to pay it. The gentlewoman from New York says we're going to extend that to 21 days. That's a good thing. But all three of those things, and several other things that we agree on, the Federal Reserve has acted.

Now there is a disagreement among us. Mrs. MALONEY has said, and others have said, that they ought to be able to do this in 30 days, or 60 days. But the Fed has issued 1,200 pages of regulations—1,200 pages—and we simply don't think that 30 days or 60 days, the credit card companies, the banks tell us—and these are not just the big banks; these are community banks, these are credit unions—they have all said, ''Look, we agree there were abuses,'' and the Fed and members of this committee on both sides have pushed them into making changes. But I honestly don't think they can do it in 30 days or 60 days. That's a fair argument.

What I fear is, as I said, credit cards play a crucial role in the lives of everyday Americans and the overall economy. I mean, the availability of credit cards, credit card offers, they are essential. And any regulation or any legislation affecting credit card practices is going to have a profound effect on every American and every American family. Those effects can be good in cases. I think when you give people 21

days, I think that's a good thing. I think when you say let's not change someone's interest rate on a balance, you ought to give them like you do, and we agreed and the Fed agreed, to give them 5 years, amortize it and give 5 years.

I think it was a good thing to prohibit double-cycle billing. In fact, there are 12 or 14 things that the regulators have now told the banks they've got to do.

But I believe there is always if you say one size fits all, yes, there will be people, if this bill passes, that will receive a lower interest rate or their interest rates won't go as high. But there are other people, I think a far greater universe, where the interest rates will go up on people that pay on time, people that have better credit, and that this is sort of a leveling, and I think you're going to see that interest rates are going to go up from 10 to 12 percent.

Let me just simply stop there. I will give the lady a chance to respond. But I do want to say one thing and then I will quit.

We're in the midst of a severe economic downturn. Unemployment is up. Hardworking Americans are facing unparalleled difficulties. Now, if a credit card company doesn't treat them right, they just add to those difficulties. But if we over-restrict these offers of credit, put too much conditions on it, we've been told that the credit limits are going to come down. Some people are going to be told, ''I'm sorry, we're pulling your lines of credit.'' That's already happened. And particularly, investors and people that invest and put capital behind credit card offerings are not going to be there. I do have all of those concerns.

For that reason, I sincerely believe that H.R. 627 is going to do some good, a lot of it the Fed is doing anyway, but it's going to do some harm. And you weigh all of that out, and I am afraid that the consumers are not going to benefit. Some will, but I think most won't.

At this time, I will reserve the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I yield 1½ minutes to Mr. PASCRELL from New Jersey.

Mr. PASCRELL. Mr. Chairman, that was, to my good friend from Alabama, the best apologist presentation that I have heard in a long time.

The very same people stood on the floor of this House and condemned folks trying to get a part of the American dream in buying a house and then finding out they couldn't afford it, condemned those people. Not the folks who loaned them the money, not the many unscrupulous people. I have heard it before and will hear it again, I am sure.

There has to be a balance, and I would agree. The question is we've gone out of balance, and no one can deny looking at the data of the past 20 years that we have reduced our standards, there have been financial products that nobody has overseen, and I place the blame on both political parties. Neither party is privy to virtue on this. We'll stand for the consumer this time. Hopefully we'll get it past this House and we will get it past the Senate. That's necessary.

We have before us here legislation which would give consumers protection against credit card abuses. That's what we are targeting here. And this is at a time when Americans are sick and tired of being the victims of a crafty and fatally opportunistic financial sector. You may defend that sector. You have all of the right to do it. Thank God we're in America.

Americans are discovering that even if they pay their bills, their interest rates still get jacked through the roof. Even if you pay your bills. The credit card industry and some Members have been quick to condemn this legislation. But today, I ask those who have spoken against the legislation, what possible detriment is there in increasing transparency in the imposition of fees? How can we possibly be against empowering Americans for taking control of their credit card finances?

Mr. BACHUS. Mr. Speaker, I yield to the gentleman from Texas (Mr. HENSARLING) such time as he may consume.

Mr. HENSARLING. I thank the ranking member for yielding.

Before entering into the debate, I certainly want to acknowledge, as I have before throughout this debate, number one, the work of the subcommittee chairman with whom I have served, proud to serve as the ranking member, it has been a very open process, a very good debate. And I certainly want to congratulate the gentlelady from New York who I know has been quite passionate about this issue. And although we certainly disagree with the implications of her legislation, what I believe or I hope to believe are unintended consequences, I certainly share, at least, a number of the goals that she has.

However, I do have great concerns about this legislation.

First, if this was a debate on whether or not there are credit card companies in America that use misleading and deceptive practices, I think we could pass that legislation with unanimous consent.

Now, Mr. Chairman, if this was legislation about whether or not the average consumer can understand their credit card agreement—the average one running 6,691 words, it would take the average American almost an hour to read, much less comprehend—my guess is we could pass that with unanimous consent as well since indeed most Americans cannot understand the provisions in their credit card agreements.

But unfortunately, the legislation before us goes way beyond simply ending deceptive practices. It goes way beyond simply trying to effectuate effective disclosure for the consumer. And although the bill is entitled the Credit Card Bill of Rights, I have great fears that ultimately this will prove to be the Credit Card Bill of Wrongs.

I believe that ultimately three things will happen if this legislation is passed: Number one, because of its prescriptive way in dealing with risk-based pricing, by essentially imposing a form of price controls on late fees, either, number one, the borrowers who do it right—now, Mr. Chairman, that's half of America; half of America either pays their bill off in full at the end of the month or does it almost every month. And then there is about a quarter who miss some. And then there is about a quarter who are always universally late.

But what is going to happen, Mr. Chairman, is the people who are doing it right, who are working hard, trying to pay their bills, are going to be forced to bail out those who don't. This bill will take us back to a previous era, a bygone era where everybody paid higher interest rates, where a third fewer people had access to credit, and we had all of these dreaded annual card fees.

□ 1730

Now, that was a previous era before we had this thing called risk-based pricing, Mr. Chairman, and what is that? It says, you know what, if you have a checkered credit past or maybe you have a lower income, maybe you're having trouble meeting your bills, well, risk-based pricing says you can still get access to credit if you're willing to pay more for the risk of the creditor. The option, of course, is not to have any credit at all, in which case if you lose your credit card, then you're looking at some other option. And in that respect there are provisions of this bill that maybe ought to be called the ''Pawn Shop Owners and Payday Advance Lenders Relief Act,'' because, Mr. Chairman, if you start to take away credit opportunities of those who have checkered credit pasts, those who are low income, they may be forced into options they don't like.

Now, again, I want to make it very clear I think the payday lenders, the pawn shop operators, they serve a very vital function in our economy. Many people use them. That's not my point. My point is the consumer ought to be able to choose. So if you start taking that ability away to risk-based price, you're taking away credit, number one.

Number two, you're going to be forced to this bygone era where the people who did it right have to bail out the people who did it wrong. I mean, does that sound like a fairly consistent theme out of this particular Congress: bailout, bailout, bailout? And that's what this is, Mr. Chairman. Unfortunately, it will force the good credit cardholders to bail out those who aren't.

And you know what, Mr. Chairman. We have now seen out of this Democratic Congress a $700 billion bailout bill costing the average American family over $6,034. We have seen a $1.13

trillion, with a ''t,'' government stimulus plan, costing the average American household $9,810. We've now seen out of this Democratic Congress, Mr. Chairman, an omnibus spending bill $410 billion, costing the average American $3,534. And now just today, just today, a $3.6 trillion budget, which is going to triple the national debt in 10 years.

I mean, Mr. Chairman, isn't it enough that this Congress has taken all the cash out of our wallets? Is it going to take the credit cards out of our wallets as well? I hope not. I don't believe that's the intent of the legislation, but I fear that will be the effect.

Now, again, there are many problems in this credit card market. There are credit card companies, one in particular, that my wife and I absolutely refuse to do business with because we don't like their practices. But throughout this debate, and I challenge Members on the other side of the aisle to show to me, where is it that we don't have a competitive market? Where is it that the consumer doesn't have the choice? Now, up until the recent economic turmoil that we've had, I believe there were over 14,000 different credit card issuers in this Nation with a dizzying array of options for consumers to choose from. It's the competitive market that is the consumer's best friend.

Now, if people don't understand their disclosures, and I believe, again, many of them don't, what we ought to do is not take away the economic opportunities, not take away consumer choice, but ensure that there is effective disclosure written in English, not voluminous disclosure written in legalese. Part of this is the fault of Congress and the regulators. When you disclose everything, you end up disclosing nothing. Part of it is an answer to an explosion of liability exposure to where some of these credit card companies feel, well, if we don't disclose this, we may get sued.

And then last but not least but, again, there are misleading and deceptive practices of credit card companies. That should be stopped, and particularly under the Truth in Lending Act, under the Deceptive Trade Practices Act. Sometimes, Mr. Chairman, the answer is to enforce the laws that we have on the books.

I don't see the gentlewoman from New York on the floor at the moment, but I want to commend her for that portion of the legislation that deals with disclosure. Now it roughly parallels that of the Fed regs that the ranking member spoke of, and I think a lot of good can be done here in informing consumers about what their rights and responsibilities are.

But, again, ultimately I feel that if we enact this legislation, bad things are going to happen. And it's not just a theory that I have. It's not just me personally. I mean, let's listen to our own Congressional Research Service. They said: ''Credit card issuers could respond in a variety of ways,'' speaking of the legislation. They may ''increase loan rates across the board on all borrowers, making it more expensive for both good and delinquent borrowers to use revolving credit. Issuers may also increase minimum monthly payments, reduce credit limits, or reduce the number of credit cards issued to people with impaired credit.'' So it's not my opinion. That's the opinion of the Congressional Research Service.

Now, I'm sure that every Member here has a number of financial institutions throughout their congressional districts. I'm proud to represent a number of community banks in the Fifth District of Texas. It's an informal poll, but I went to three of them—First State Bank in Athens, Texas; East Texas National Bank in Palestine; First State Bank in Mesquite, Texas—and I asked them what's going to happen if this legislation is passed? And what they told me was, you know, at that point the cost of these cards to community banks just become so much to justify continuing the program, the card portfolio ends up getting sold to the big banks and the consumers lose their options in smaller markets. That's what we are hearing from community bankers.

What do we hear from academics? Well, we heard testimony from Professor of Law Todd Zywicki at George Mason University: ''Increased use of credit cards has been a substitution for other types of consumer credit. If these individuals are unable to get access to credit cards, experience and empirical evidence indicates that they will turn elsewhere for credit such as pawn shops, payday lenders, rent-to-own, or even loan sharks.''

And, indeed, Mr. Chairman, we see this happening in the marketplace now. Pick up the newspaper. Recently in the IndyStar, I read: ''More Middle Class Families Are Seeking Payday Loans As Financial Turmoil Mounts.'' The Boston Globe: ''Tight Credit Drives Consumers Towards Pawn Shops.'' As you begin to take away people's credit cards, you send them elsewhere.

And perhaps the most relevant piece of data, Mr. Chairman, is what happened in the U.K., in Great Britain, when they passed a similar law. They decided credit card default fees were too high, and they ordered the credit card issuers to cut them or face legal action. What happened? You can look at the record. Two of the three largest issuers promptly imposed annual fees on their cardholders. Nineteen of the largest raised interest rates. And by one independent estimate, 60 percent of new applicants were rejected. Those are what I assume to be the unintended consequences of this legislation.

So, Mr. Chairman, as people shoot at credit card companies, and there's a number of them that need to be shot at, I hope they don't end up wounding hardworking, struggling American families who rely on these credit cards to finance their small businesses, to help them with their health care needs, to buy groceries. And I know people can go and high-five each other and say, look, we beat up on the credit card companies today. But if you take away risk-based pricing, you're going to take credit opportunities away from the people who need it most. And if you impose this bill, what you're going to say is to half of America who pays their bill on time, well, folks, you're going to have to bail out somebody again. You know, we're reaching for your wallet. We're going to force you to bail out the people who don't do it right.

That's not right, Mr. Chairman. It is not fair. And because of that, this legislation in its current form needs to be defeated. We need disclosure. People need an adequate amount of time to pay off their balances if their interest rates or terms change, but we cannot restrict in a competitive marketplace the options and opportunities of struggling Americans at a time of a great credit crunch when they desperately, desperately need access to those credit cards today.

So I urge defeat of this legislation.

Mr. GUTIERREZ. I thank Mr. HENSARLING for his very kind words. I look forward to continue working with him.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas, a member of the subcommittee and of the full committee, a really dynamic member of Financial Services.

Mr. AL GREEN of Texas. I thank the chairman of the full committee, Mr. FRANK. I thank Mr. GUTIERREZ, our chairperson of the Financial Institutions Subcommittee. I would like to thank the ranking member, whom I have a great relationship with and I look forward to working with. And I would like to move quickly now to why I am supporting this legislation.

Mr. Chairman, the right time to do right is right now. We do not want to allow ourselves to become victims of something known as the paralysis of analysis. We have analyzed this bill for years. It is now time for us to act.

It is right for us to do something about retroactive rate increases. This bill does something about it. If you have a balance and the rate goes up, should the interest rate increase apply to your previous balance or should it apply to balances going forward? That's what this bill does. It does not allow it to apply to charges that you've already made.

Should a person who is not emancipated, who is younger than 18 years of age receive a credit card? I don't think so. This bill prohibits this.

Should persons have adequate notice to deal with rate increases? Forty-five days is really not unreasonable if you get a rate increase on your credit card. This bill accords 45 days' notice of rate increases.

Should a person have the right to have the payment go to the lowest interest rate so as to pay off that rate

first as opposed to the highest interest rate? Well, I think that we ought to let people pay off the highest interest rate so that they can make sure that they are not going to have higher bills in the future.

The right time to do right is right now. Let's not become a victim of what's known as the paralysis of analysis. Let's move forward. Let's pass this legislation.

Mr. GUTIERREZ. Mr. Chairman, I now yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON), who came here to fight for our people here.

Mr. ELLISON. Thank you, Mr. Chairman, for yielding.

All appropriate thanks being given except for one person who deserves special thanks. I believe Congresswoman MALONEY must feel like a mother giving birth. This bill is phenomenal. I am so incredibly proud to be a friend of hers.

Let me say that I knew that we had a problem in America when my 19-year-old son, who didn't have a job and was a college student, kept getting solicitations for credit cards; but I was quite convinced we had a real problem when my 13-year-old son, who did nothing more than apply for a Sports Illustrated subscription, started getting credit card solicitations.

I hope some people don't have access to credit, namely my 13-year-old son. I hope some people don't get credit cards, people who cannot handle credit. But credit card companies have given credit card solicitations out all over the country to anyone, and so it's no doubt that some people have gotten credit cards who perhaps should not have them.

This legislation is about keeping good credit card companies good. Not all credit card companies engage in some of these policies that even the Federal Reserve Bank found were deceptive and abusive. Some credit card companies didn't engage in universal default; some did.

This bill sets a basis for an entire industry so that good credit card companies never have to be tempted to engage in some of these nefarious practices just to stay competitive with companies that do.

I am happy that at least nine Republicans voted for this bill in committee. They understand the wedding of good policy and good politics.

□ 1745

My friends, this bill is popular because it makes sense for the American people. And so, from a partisan standpoint, I hope I do see a bunch of red up there from the other side of the aisle.

The fact is that in 2008, credit card issuers imposed $19 billion in penalties and fees on families with credit cards. This year the credit card companies will break all previous records.

I am proud to be associated with this legislation.

Mr. GUTIERREZ. I am delighted to always see members of our leadership show up here.

Congressman VAN HOLLEN of Maryland is recognized for 2 minutes.

Mr. VAN HOLLEN. Mr. Chairman, this is an opportunity for all of us on a bipartisan basis to stand up for consumers around this country.

I want to recognize the terrific leadership of Congresswoman CAROLYN MALONEY, BARNEY FRANK, LUIS GUTIERREZ and the members of the Finance Committee who put this together.

We all know we are facing uncertain times, and many Americans around this country are trying to figure out how they can save, how they can plan financially to get through this difficult period. And yet I have received lots of calls from constituents in my district who have talked about how the abusive and often unpredictable practices of some of the credit card companies have made it impossible for them to plan.

A lot of them have played by the rules for years. They have used credit responsibly. Yet now they are being tripped up and surprised by unwarranted increases in their credit card fees and in their interest rates.

We all know about the Pew Charitable Trusts report that 93 percent of credit cards allow the issuer to raise any interest rate at any time by simply changing the terms of the account without adequate notice.

Other cards allowed the issuer to impose automatic penalty interest rate increases on all balances, even in cases when only a portion of the account was less than 30 days past due. In fact, 80 percent of the cards showed that happened.

A constituent who called my office recently talked about how his card interest rate had been unfairly doubled and that it, quote, materially and adversely affected his family's ability to pay down their debt and borrow in the future.

When they contacted the credit card issuer, all they got was no details as to why they had been downgraded in their credit, just it was, quote, made an adjustment based on economic conditions.

Another constituent, somebody else who also had been on time and paid reliably, saw her interest rate jump from 9.5 percent to 16.99 percent. When she contacted the company, she was told ''the current financial conditions.'' That's what she was told, not why she saw her interest rates go up.

We have heard reports of credit card companies moving around the due dates or holding a payment in order to trigger a late charge. Some credit card companies mailed out bill statements close to the due date to trip up their consumers.

Those are the kinds of practices we have got to put an end to. This is our opportunity to say to the consumers, we're on their side.

Mr. GUTIERREZ. I recognize the gentleman from New York, who I enjoy working with on Judiciary and also on Financial Services, Mr. MAFFEI, for 2 minutes.

Mr. MAFFEI. I want to thank Chairman GUTIERREZ for yielding and for all his leadership. I want to thank the chairman of the full committee, BARNEY FRANK, as well. And especially I want to thank the former chairwoman of the subcommittee, CAROLYN MALONEY, for her persistence on behalf of American families.

Mr. Chairman, I rise to ask for support of this very important bill, because I feel strongly that we must stop the deceptive and unfair practices that have taken advantage of honest consumers.

For too long, credit card issuers have buried important details in the fine print or never showed consumers the 30-plus pages contract they are signing onto. Credit card issuers then hit consumers with rate increases and fees, always with the excuse, well, it's in the contract.

I am okay with needing a lawyer to close on a house, but regular people shouldn't need a lawyer just to get a credit card. We must make sure credit cards have fair rules.

I hear time and again from people in my district who have seen their interest rates substantially increased on their credit cards or the limits decreased for arbitrary reasons or no reason at all. This is an issue that crosses into every part of my district.

Without fail, someone shares some story each time I am at home. One, for instance, is Reverend Aaron Overton of the Temple Baptist Church Baldwinsville, New York. He saw his credit card company raise the rate on his church's existing balance to more than 36 percent, even though he had evidence that his bill was always paid on time. And, believe me, this Baptist church showed no risk of default or of running away.

The Credit Cardholders' Bill of Rights takes important steps to level the playing field. It provides that customers receive 45 days' notice of an interest rate increase. It institutes commonsense changes, such as requiring that every statement display a clear due date.

Finally, and most important to my constituents, the Credit Cardholders' Bill of Rights ensures that companies cannot raise rates retroactively on existing balances. Raising rates on preexisting balances means that issuers are raising rates on funds already disbursed to customers, and that's simply unfair.

The credit card issuers have taken advantage of American families, small businesses and even churches that are too responsible to run away or default but too financially strapped to pay off their balance. This is unfair at any time. But during a time of recession, it is unconscionable.

This bill of rights for credit cardholders will restore fairness to the consumers.

Mr. GUTIERREZ. If I could inquire of the Chair how much time is remaining on each side?

The CHAIR. The gentleman from Illinois has 18 minutes remaining. The gentleman from Alabama has 8 minutes remaining.

Mr. GUTIERREZ. I would like to yield 1½ minutes to someone who has a great history of protecting, came here to continue to expand protection of consumers, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank you, Mr. Manager of the bill. I thank CAROLYN MALONEY, the Representative who has provided leadership on this from the Financial Services Committee.

The legislation that is before us is overdue. It does provide basic transparency and protection to consumers who had no rights to anything.

But there are two things that I hope will be part of the future debate about protecting consumers. Not in this bill. This bill on its own deserves to be passed.

But those two issues are, one, is it time to consider a cap on interest rates? And, number two, is it time to provide protection to the merchants, the small businesses?

I believe it is time to have an interest rate cap. We have historically had it until the Supreme Court took those away, but we have had caps on interest as far back as the Babylonian times. Commerce has succeeded when there have been reasonable interest rate caps.

It's one thing if somebody gets notice that their interest rate is going to go from 8 percent to 38 percent. But it probably shouldn't go up to 38 percent and we ought to have a lid.

Second, there's an argument that the banks are making that this will compress credit, making it more difficult to get. The reality is that credit is shrinking already because of practices that have been excessive.

Over 8 billion solicitations go out, not just to consumers, but sometimes to their pets. There is an alarming parallel between what is being done here in credit cards, or what has been done, and what happened in the subprime crisis.

Credit card issuers securitize and pass off their risk to the secondary market, pass on the losses by increasing fees on responsible users of credit, and they fail to exercise reasonable underwriting standards. We have got to change the business model so there is responsibility on both sides.

Mr. GUTIERREZ. I yield an additional 2 minutes to the chief architect and sponsor of this bill, the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the chairman for yielding and for his leadership on this important bill in so many areas.

I would like this time to respond to my good friend and colleague on the other side of the aisle, Mr. BACHUS, where he pointed out that the bill may cause interest rates to rise and credit lines to be cut.

But what we are hearing now, interest rates are rising and credit lines are being cut, and we don't have the bill in place. In fact, what we are hearing from many people on this floor, and what we hear when we go home to our districts, that oftentimes when you pay on time and do not go over your limit, interest rates can go up, and it's totally legal.

I have talked to constituents and others who have told me that their rates have doubled. They have called the issuers, and they don't even have to give them a reason. Because, now, in the very fine print, they can raise the rates any time, any reason, retroactively on existing balances.

One astonishing hearing was when the head of Freddie Mac, Syron, testified before our Financial Services Committee, and he said that he and his wife read the credit card contract fine print for hours and could not figure out what it said. The Federal Reserve also came forward and said that Reg Z or disclosure was not enough. They said the practices were unfair and deceptive and misleading, that the average citizen, like the chairman of Freddie Mac, could not even understand what was in the fine print.

This bill really is very balanced and fair and allows consumers to have notice when interest rates are going up. They have 45 days' notice, so they can decide whether they want to opt into this higher rate or go to another card that has a lower rate and pay off their balance. This will put competition into the system, and, I believe, lower rates.

I wanted to respond to the gentleman on the other side of the aisle. In good times and in bad times, the issuers have been opposed to this legislation, and we need it now. We are in bad times. Consumers need protection.

Mr. GUTIERREZ. Mr. Chairman, in continuing our agreement, I am going to yield myself 5 minutes. That will put us at about the same amount of time on each side of the aisle.

Mr. Chairman, first of all, let me rise in strong support of H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

Let me once again thank the gentlelady from New York, Congresswoman MALONEY, for her tireless effort and work on defending consumers. I can't think of a better legislative product that I could have as chairman of the Subcommittee on Financial Institutions to bring before this House of Representatives than the bill that the gentlelady has worked so tirelessly on over many, many years. I am delighted that I got this opportunity and it's, indeed, a great privilege.

We have more than 640 million credit cards in circulation that account for an estimated $1.5 trillion of consumer spending. Clearly the U.S. economy has gone plastic.

I mean, you have been around. Nobody takes out a checking account anymore. Nobody sticks their hand in their pocket and brings out cash. We have become a credit card economy and society.

But America's love affair with credit cards comes with a hefty price. The average credit card debt among American households has more than doubled during the last 10 years. Today the average family owes roughly $8,000, Mr. Chairman, on credit cards. The debt has helped generate record profits for the credit card industry.

Unfortunately, a growing share of the industry's revenues don't come because you took $200 at 10 percent, but come because the industry's revenues come from deceptive practices such as universal default terms spelled out in very fine print.

As a matter of fact, we now know that even the Federal Reserve Board when they evaluated this situation said, listen. I want the American people to understand that it isn't that they aren't smart, it isn't they can't read, it isn't that somehow they didn't get schooled well. Look, these things are designed to be deceptive. They are designed to trick you.

And so you get tricked, you get fooled. That's what we are here for, to make sure it no longer happens. And that has been independently confirmed. That's the way they do it. That's the magic of what they do. And kind of the recipe here is to make sure there is a level playing field, and that's what this thing does.

The terms and conditions can be changed. Not only is there fine print, but then they can change it with 15 days' notice at any time for any reason.

According to a recent Pew study, 100 percent of 400 types of credit cards that they reviewed contained in its terms at least one practice that has been found, not by the Democrats, not by the Republicans, not by the Obama administration, but by the Federal Reserve to be unfair and deceptive. And 93 percent of the cards studied allowed for any time, any reason, repricing, allowing an issuer to hike the APR on a consumer's credit card even if they never missed a payment.

So I wanted everybody to understand we are not talking about people who are late with their credit card bills, not paying late. They are not somehow scofflaws. These are people who every month paid on time, get it in to the credit card company, and they are still increasing their interest rate.

In 2008, the House passed the Credit Cardholders' Bill of Rights by a vote of 312–112, but it was unfortunately not signed into law. This year, once again, under the leadership of Representative CAROLYN MALONEY, we have taken up H.R. 627, which appropriately carries the name of its predecessor, and it has moved swiftly to the floor for final passage.

□ 1800

We must pass this legislation once again. Americans are suffering from rising unemployment rates, dramatically falling household wealth and declining real wages. I want to say that again. Americans are suffering from rising unemployment rates, dramatically falling household wealth and declining real wages, all of which makes

it harder for them to pay off their credit card debt. It makes it harder, more difficult.

If there was ever a time for the Congress of the United States to step up and defend consumers, it is now. We are in an economic crisis and meltdown. Unemployment, millions of people are unemployed, and probably hundreds of thousands more will continue to be unemployed.

Look, all we are saying is we did a lot for the banks. Everybody knows that. When they were in tough shape, we did a lot for them. Can't we do a little bit for the consumer, for the person who has to tirelessly work at these jobs, and their wages are going down and their health care benefits are going down and everything around them seems to be just causing more and more anguish and suffering? That is what I hear from the American people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GUTIERREZ. I yield myself an additional minute, Mr. Chairman.

So we have to pass this.

Let me just end with this. Look, I understand that we don't want to restrict credit. We want people to have it. But, golly, if I go take a loan at 10 percent, and then all of a sudden they charge me 20 percent on the same money I took at 10 percent, that is wrong. That is just wrong. Nobody should be able to change the terms.

This is America, right? You shake hands, you make an agreement, you say this is how much you are going to pay on that $100. But we know the credit card companies are not doing that. As a matter of fact, what they do is they say, you know, LUIS, that $1,000 you took at 10 percent? I am not only going to charge you 20 percent on it, but, you know what? I am going to go back two or three months retroactively and charge you the 20 percent on that money.

That is wrong. And it is wrong when you pick up a telephone and you say, listen, I just got my bill, but it is 3 days before it is due. Can I pay you over the phone? And they tell you yes, for 15 or 20 bucks.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GUTIERREZ. I yield myself 30 additional seconds.

I will end with this. How many people in America haven't picked up the phone to complain to a credit card company, and if you get a little testy with them, which I have because they angered me, and I say, can you please explain this to me, they go click.

Well, you know what we are doing today? We are going ''click'' right back to the credit card companies, except this time we are hanging up the phone on abusive practices here in America against the American consumer.

Mr. Chairman, I rise in strong support of H.R. 627, the ''Credit Cardholders' Bill of Rights Act of 2009.''

With more than 640 million credit cards in circulation that account for an estimated $1.5 trillion of consumer spending, the U.S. economy has clearly gone plastic. But America's love affair with credit cards comes with a hefty price. The average credit card debt among American households has more than doubled over the past decade. Today, the average family owes roughly $8,000 on their credit cards. This debt has helped generate record profits for the credit card industry.

Unfortunately, a growing share of the industry's revenues come from deceptive tactics, such as universal default terms spelled out in the fine print of cardholder agreements—the terms and conditions of which can be changed at any time for any reason with 15 days' notice or less.

According to a recent Pew study, 100 percent of the 400 types of credit cards they reviewed contained in its terms at least one of the practices that have been found by the Federal Reserve to be unfair and deceptive. And 93 percent of the cards studied by Pew allowed for any-time, any-reason repricing, allowing an issuer to hike up the APR on a consumer's credit card even if they've never missed a payment.

In 2008, the House passed the Credit Cardholders' Bill of Rights by a vote of 312–112 but it unfortunately was not signed into law. This year, once again under the leadership of Representative CAROLYN MALONEY, we have taken up H.R. 627, which appropriately carries the name of its predecessor, and moved it swiftly to the floor for final passage.

We must pass this legislation once again. Today, Americans are suffering from rising unemployment rates, dramatically falling household wealth and declining real wages, all of which make it harder for consumers to pay off credit card debt. In fact, in 2008, we saw the percentage of accounts 30 days past due rise to an all-time high of 5.6 percent. On average, American families owe 24 percent of their income in credit card debt.

These are daunting figures in an unstable time, but Congress can and must do something about it, by making sure that unfair credit card practices and fees do not deter consumers from paying down their debt. The Federal Reserve has mandated new regulations that mirror many of the protections included in H.R. 627. I applaud the Board for its work on the UDAP and Regulation Z changes, but I believe that this Congress should codify these important consumer protections to send the message to the industry and consumers that Congress is serious about standing up for consumer rights.

H.R. 627 would level the playing field between card issuers and cardholders by applying commonsense regulations that would ban retroactive interest rate hikes on existing balances, double-cycle billing, and due-date gimmicks. It would also increase the advance notice of impending rate hikes, giving cardholders the information and rights they need to make decisions about their financial lives.

I urge my colleagues to support this important consumer protection bill.

Mr. BACHUS. Mr. Chairman, at this time I yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I was listening very carefully to my colleagues on the other side of the aisle, and, again, I want to say I believe every person in this Chamber would agree that there are misleading and deceptive practices with credit card companies. I have congratulated the gentlelady from New York for that title in her bill that would provide effective disclosure. Consumers need it, they demand it, and they are not receiving it.

But in taking one step forward, her legislation, unfortunately, probably takes 10 steps backwards. And ultimately what is unfair, what is unfair, Mr. Chairman, is in a time of a credit contraction to reach into people's wallets and take their credit cards away. Ultimately, that is what this legislation will do. Regardless of its noble intentions, that is what the legislation will do.

It is not just theory I have. It is history. We have seen similar legislation enacted in Great Britain, and that was the impact.

Now, I have heard in the context of the debate on the budget colleague after colleague on the Democratic side of the aisle decry budget deficits. ''The budget deficit is horrible.'' Well, it was $160 billion when they took it over, and now it is going to $1.8 trillion. They increased it 10-fold.

Now I hear Democratic colleague after Democratic colleague lament the credit contraction. Yes, there is a credit contraction. Why do you want to worsen it? Why do you want to exacerbate it? And when you engage in forms of price controls, and you may come up with all kinds of different names for it, but if you are going to restrict fees for people who pay their bills late—they need to be disclosed, people need an opportunity to pay off their bills—but ultimately in a free market, people ought to have consumer choice and they ought to be able even with a checkered credit past to get credit.

People are counting on these credit cards. Risk-based pricing. You are taking tools away from those who use it and you are leading to two consequences. Either, number one, half of America is paying their bill on time and you are going to force them through this legislation to bail out the portion of America that doesn't; and for those who are struggling, you are going to deny them credit card options.

People need these credit cards for their small business. They need it for personal items. I hear from the people in my district. I hear from the Vehon family of Rowlett, who said, ''We were laid off from our jobs at the same time,'' the gentleman talking about himself and his wife. ''We moved into our first home together in July of that year. Needless to say, the layoff was quite a shock, and without access to our credit cards at the time, frankly, I don't know what we would have done.'' And yet the legislation before us could take away the credit cards of the Vehon family of Rowlett.

I heard from the Howard family of Canton. ''My wife and I use our credit cards, at times, to pay for medical-related bills. My wife has a heart condition, which between her medical bills and mine we spend out-of-pocket

$18,000. And yes we had to put some of that cost on credit cards.''

I heard from the Juarez family in Mesquite. ''I oppose this legislation. I have utilized my credit cards to pay for some costly oral surgeries. I don't want to get penalized by this legislation for making my payments on time.''

Let's not penalize the people that are doing it right. Let's not penalize the people who desperately need credit in a credit contraction. We need disclosure. We need adequate time to pay off bills. But don't take away credit in a credit contraction.

Mr. GUTIERREZ. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Chairman, don't believe that unless this Congress allows some credit card companies to abuse consumers, that no one will have credit. It is just not true. Don't believe that if we say no to double cycle billing, no to switching due dates around at random and arbitrary times, no to giving credit cards to minors, if we say no to these kind of practices, it will not drive out credit in America. It is nothing but fear-based stuff that will allow credit card companies, that have made record profits, to continue to take advantage of American consumers.

The Democrats, and many Republicans as well, are joining together to say we are on the side of the American consumer. Vote no to this bill at your own peril. The fact is that with the confusing disclosures that the gentleman from Texas has accurately said are present, this bill says those things are wrong. We ask everyone to join with us to say the provisions that allow these confusing disclosures should be stopped. We ask everyone in this Chamber to say no to this.

The fact is, Mr. Chairman, if we don't do something to protect the American consumer, we are abdicating our responsibility as stewards of this sacred trust of being a Member of Congress. This is the time to do something for the American consumer.

Mr. GUTIERREZ. I yield 2 additional minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding and would like to respond to some of the statements that my good friend on the other side of the aisle made.

He mentioned the Great Britain example, but in the Great Britain example there were fee caps and interest rate caps. The Credit Card Bill of Rights does not have any caps on fees or interest rates. It merely gives information to consumers to better manage their credit and make decisions of how they would better manage their credit.

He gave the example that he did not want interest going up on consumers who are paying their cards on time and not going over the limit. Precisely what this bill does is protect those consumers from rate increases, any time, any reason, even when they have done everything right. It is totally, totally unfair.

And there is absolutely no penalty in this bill for anyone doing the right thing. If anything, it protects them from unfair and deceptive practices that could hinder and raise their interest rates.

He mentioned that he would like more choice, but that is basically one of the main goals of the bill. This bill is not a bill that takes away consumer choice or infringes on anyone's rights. It simply says it is not right to be deceptive, to be unfair or to engage in anti-competitive practices.

I would caution my friends on the other side of the aisle that voting against this bill is a rare opportunity to vote against the Federal Reserve, the body with the responsibility of safety and soundness in our financial institutions. They have come out in support of this bill with a rule that mirrors it to a great degree. The major points of this bill are encompassed in the Federal rule.

This is a bill that protects our consumers and has been endorsed by many editorial boards and consumer groups across the country.

Mr. BACHUS. Mr. Chairman, I yield myself the balance of my time.

Let me be very clear again. This bill, we requested the Congressional Research Service to analyze the bill, and they came out, and I am going to introduce this, with about 18 things that this bill does. Fifteen of those things, including probably what we spent 90 percent of our time on here today, the Federal Reserve required in their announcement. There are four provisions in this bill that are not in the Federal Reserve bill.

Let me tell you, raising interest rates, we are all against that. The Fed says you can't do it without good reason, and it strictly defines the reason. There is something you hadn't mentioned that the Fed does. It says if you have got a higher interest rate on certain payments and a lower interest rate on another, you have to either direct the payment at the higher interest rate, and your bill does too, or prorate it, which is fair.

Look, the American people are upset. You are absolutely right. Credit card companies haven't played by the rules. A lot of them have. Some of them haven't. But that is really not a difference of opinion, because we have the Federal Reserve saying you can't do it.

Now, here are the things that the Federal Reserve doesn't do that your bill does. Your bill says if the outstanding balance on the credit card consists only of accrued interest, and it could be several hundred dollars, then no fee may be imposed in connection with such balance, and the failure to make timely repayments on the balance shall not constitute a default.

Now, I don't understand that. Somebody owes $600 or $700, they are not paying on the bill, but it is not considered a default? Well, what is it? What is it?

□ 1815

Here's another one. And I think there is a real difference of opinion about this because we have gone round and round on this one. It prohibits a creditor from informing a credit bureau that they've opened a credit card with a, say, $10,000 limit on a customer until such time as the customer uses that credit card, makes a charge against it.

Now, let me tell you what I have a real problem with. What if somebody goes out and, hey, we've seen outrageous schemes perpetrated on the American people by some real crafty individuals, as well as firms? What if you went out and you got 10 credit cards for $10,000 apiece, you didn't draw against any of them, you kept getting them, and I'm a community bank and I give you a 5 or $10,000 line of credit, and I have no idea that you've opened up 10 just like it? You borrow the money, and you walk away with $100,000. Now, that can happen. That's why the Fed looked at this and said, whoa, no way.

Now, here's the third one. Look, I've got five children, and I am just like the gentleman from Chicago. These credit card offers amaze me. But honest difference of opinion. What you say here is if you're under 18 years old, unless you've been emancipated by the State you're a resident of, you can't get a credit card. I don't think that's the right way to do it. I don't think that's right, because, let me tell you, there are 16- and 17-year-olds in this country that they've been cut off by their parents. They've been abused by their parents. They're out there working, and they're going to need this.

So those are some differences of opinions we have. But I will tell you this: Most of what you do, and I commend you, what you have been proposing for years, and some of us on our side, is that the Federal Reserve is addressed.

But as I said to start with, I never imply that we don't have sincere differences on some of these points.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 26, 2009.

MEMORDANDUM

To: House Financial Services Committee
From: Mark Jickling, Specialist in Financial Economics, 7–7784.
Subject: Comparison of H.R. 627 and the Federal Reserve's Credit Card Regulations.

This memorandum provides the comparison you requested between H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009, and the credit card regulations adopted by the Federal Reserve in December 2008. The table below sets out the provisions of the bill and the comparable provisions in the regulations.

The Fed's credit card regulations involve amendments to its Regulation AA (Unfair Acts or Practices) and Regulation Z (Truth in Lending). The Fed also issued rules related to overdrafts on deposit accounts and returned checks by amending Regulation DD (Truth in Savings). The latter set of rules do not apply specifically to credit cards and are not included in the table. The texts of the final rules, as printed in the Federal Register, are online: [www.federalreserve. gov/newsevents/press/bcreg/20081218a.htm]

TABLE I.—COMPARISON OF H.R. 627 AND THE FEDERAL RESERVE'S DECEMBER 2008 CREDIT CARD RULES

Issue	H.R. 627—as introduced	Federal Reserve regulations
Universal Default Clauses	Amends the Truth in Lending Act (TILA) to prohibit creditors from raising interest rates on an existing balance of a credit card account except for specified causes (see below). Also prohibits imposition of fees in lieu of a rate increase on an existing balance. (Sec. 2(a)).	See below (''Increasing Rates on Outstanding Balances'')
Raising Interest Rates	Interest rates on existing credit card balances may not be increased, unless the increase is solely due to (1) a change in a published index not under the creditor's control, (2) the expiration or loss of a promotional rate; or (3) the consumer's minimum payment being at least 30 days overdue. In the case of expiration of a promotional rate, the new rate may not exceed the rate that would have applied under the terms of the agreement after expiration of the promotional rate. (Sec. 2(b)).	Requires banks, at the time an account is opened, to disclose all interest rates that will apply to the account. Banks may not increase those rates, except under certain conditions: (1) if a promotional rate expires, the rate may rise to a higher, previously-disclosed level; (2) rates may rise in a variable rate account if the rate is linked to an index; (3) after one year, banks may raise rates for new balances after giving 45 days advance notice; and (4) rates may increase if a minimum payment is received more than 30 days after the due date. (Reg. AA)
Repayment of Existing Balances	If a creditor raises rates, but the higher rate does not apply to an existing balance, the creditor must offer a 5-year amortization period for repayment of the existing balance, and may not increase the percentage of the existing balance included in the minimum payment by more than double. (Sec. 2(a)).	When different interest rates apply to different balances in a credit card account, banks must allocate payments in excess of the monthly minimum to the balance with the highest rate, or divide the excess payment among all balances on a pro rata basis. (Reg. AA)
Advance Notice of Credit Card Rate Increases	Requires creditors to provide written notice at least 45 days before any rate increase takes effect. The notice must describe in a complete and conspicuous manner the change in the rate and the extent to which such increase will apply to an existing balance. (Sec. 2(c)).	Consumers must be given written notice of an interest rate increase at least 45 days before the higher rate takes effect. This includes rate increases stemming from default, delinquency, or a penalty. Change-in-terms or penalty rate notices must include a summary table setting out the key terms being changed. (Reg. Z)
Double-Cycle Billing	Prohibits double-cycle billing, or finance charges on balances on a credit card account that are based on days in billing cycles preceding the most recent such cycle. Exceptions are provided for deferred interest that may have accrued over several billing cycles, and for adjustment of finance charges following resolution of a billing dispute. (Sec. 3(a)).	Prohibits banks from imposing interest charges using the ''two-cycle'' billing method. (Interest charges may not be calculated using the account balance for days in the previous billing cycle.) Exceptions are provided for deferred interest that may have accrued over several billing cycles, and for adjustment of finance charges following resolution of a billing dispute. (Reg. AA)
Account Balances Attributable Only to Accrued Interest	If the outstanding balance on a credit card account consists only of accrued interest to previously-repaid credit, no fee may be imposed in connection with such a balance, and failure to make timely repayments on such a balance shall not constitute a default on the account. (Sec. 3(b)).	No comparable provision.
Periodic Account Statement Disclosures	Each periodic credit card account statement shall contain a telephone number, Internet address, and web site at which the consumer may request the payoff balance on the account. (Sec. 3(c)).	Mandates new formats to clarify required disclosures, for example, by grouping fees and charges together. Both monthly and year-to-date totals for fees and interest charges are required. The effect of making only the minimum payment must also be disclosed. (Reg. Z)
Right to Cancel Account Before First Notice of Open Account Provided to Credit Bureau.	Prohibits creditors from providing information about a credit card account to a consumer reporting agency (credit bureau) until the consumer has used or activated the card. Permits a creditor to furnish information about an application for a credit card account or any inquiry about such account to a consumer reporting agency. (Sec. 3(d)).	No comparable provision.
Use of Certain Terms Describing Interest Rates	Specifies the way certain terms may be used. ''Fixed rate'' may only refer to a rate that may not change for any reason over a specified time period. The term ''prime rate'' must not be used to describe a rate other than the rate published in Federal Reserve statistical releases. (Sec. 3(e)).	Advertising may use the term ''fixed rate'' only if the rate cannot be increased for any reason during a specified time period. If no time period is specified, the rate may not increase for any reason as long as the account is open. (Reg. Z)
Due Dates and Timely Payments	Payments received by 5 p.m. (local time) on the due date must be considered timely; electronic payments received by 5 p.m. must be credited to the consumer's account the same day; and evidence that a payment was mailed 7 days before the due date creates a presumption of timely payment. (Sec. 3(e)).	Banks may not treat a payment as late unless the consumer has been given a reasonable amount of time to make that payment. The ''reasonable'' standard will be met if banks mail statements at least 21 days before payment is due. (Reg. AA) Mailed payments received by 5 p.m. shall be considered timely. If payments are not accepted on the due date (if it falls on a weekend or holiday), payment received the next business day must be considered timely. (Reg. Z)
Pro Rata Payment Allocations	If the balance of a credit card account is charged 2 or more different interest rates (e.g., separate rates for cash advances and purchases), the creditor may not allocate more than a pro rata share of a consumer's payment to the part of the outstanding balance carrying the lowest interest rate. In the case of an outstanding balance subject to a promotional rate, other balances must be paid in full before payment (in excess of the minimum payment) is allocated to that balance. In addition, a creditor may allocate the entire amount paid to a balance on which interest has been deferred for the past 2 billing cycles. (Sec. 3(f)).	When different interest rates apply to different balances in a credit card account, banks must allocate payments in excess of the monthly minimum to the balance with the highest rate, or divide the excess payment among all balances on a pro rata basis. (Reg. AA)
Prohibition on Restricted Grace Periods	If a creditor offers cardholders a grace period within which to pay in full and not incur finance charges, that grace period must be available to cardholders who receive a promotional rate or deferred interest plan. (Sec. 3(f)).	No comparable provision.
Timely Provision of Periodic Account Statements	Creditors must send consumers periodic account statements not less than 25 calendar days before the due date. (Under TILA, the current standard is 14 days.) (Sec. 3(g)).	Banks may not treat a payment as late unless the consumer has been given a reasonable amount of time to make that payment. The ''reasonable'' standard will be met if banks mail statements at least 21 days before payment is due. (Reg. AA)
Consumer Choice Regarding Overthe-limit Transactions, and Limits on Related Fees.	If a credit card plan has a credit limit, and fees are charged for exceeding that limit, consumers would be able to prevent the creditor from completing any transaction that would exceed the limit. (Federal Reserve would issue regulations to provide for certain de minimis exceptions.) Consumers must receive annual notification of their right to opt-out of such fee-incurring transactions. Over-the-limit fees may be imposed only once over the two billing cycles following the transaction that exceeded the credit limit. An over-the-limit fee due to a hold may not be imposed unless the actual transaction for which the hold was placed would have resulted in the consumer exceeding the credit limit. (Sec. 4).	No comparable provisions. (A provision regarding holds on accounts that cause an account to go over-the-limit was part of the proposed regulations, but was not adopted in the final rules. See: Federal Register, Jan. 29, 2009, p. 5505.)
Information Collection Regarding Credit Card Lending	Directs the Federal Reserve to collect semiannual data on the types of transactions for which different rates are charged, the various types of fees, the number of cardholders who pay fees, finance charges, or interest, and other matters. The Fed shall report annually to Congress on the amount of credit card lenders' income derived from: interest paid at above and below 25%; fees from cardholders and merchants; and other material sources of income. (Sec. 5).	No comparable provision.
Subprime or ''Fee Harvester'' Cards	For cards whose annual fees exceed 25% of the credit limit, no payment of any fees (other than late fees or over-the-limit fees) may be made from the credit made available by the card. (Sec. 6).	Banks are prohibited from providing financing for security deposits and fees (such as account-opening or membership fees) if charges during the first 12 months would exceed 50% of the initial credit limit. Such fees and deposits charged at the time the account is opened may not exceed 25% of the credit limit. Any additional fees (up to 50%) must be spread over at least 5 billing periods. (Reg. AA)
Underage Consumers	Prohibits the issuing of credit cards to consumers less than 18 years old, except to consumers who are emancipated under applicable state law. (Sec. 7).	No comparable provision.
Applications and Solicitations	No provision.	Modifies required disclosures as to format and content. For example, key terms must be more clearly displayed, and new disclosures are required about penalty rates, grace periods, and variable rates. (Reg. Z)
Effective Date	3 months after enactment. (Sec. 8)	July I, 2010

Mr. GUTIERREZ. I yield myself the balance of my time.

Well, let me first of all say, I look forward to continuing working with the ranking member of the full committee, SPENCER BACHUS. We have, indeed a great, I think, friendship. And we have a difference of opinion. That's what it is. And in America you can do that. That's part of what makes this the best Nation in the world.

And I look forward to continuing our discussion with Mr. HENSARLING. We may not agree, but we will agree not to be disagreeable or attack each other personally or question our motives about what we do and why we do it because, for me, the bill does not equate to price controls. And I think a lot of America, listening to my friends on the other side of the aisle, think there's price controls here. There are none. There is no limit in this bill on the interest rate that you can charge. None whatsoever. Free market.

Rather, what the bill does is it brings transparency. It brings openness to the credit card marketplace. What could be better than to shine daylight on any product? Because then the consumers know what they're getting and what they're not getting and they can say, no, I don't want that, or, yes, I do want that.

Transparency promotes competitiveness in the marketplace, which will eventually bring prices down. If you know what the price of something is at Store X and Y and Z, you're going to go where you can get the best deal because that's what Americans do. That's what this bill really does.

What this bill does is it tells the consumers and the credit card issuers,

honor your contract. Here's the contract. You told me it was 10, you told me it was 15, you told me it was 20 percent. You can't change it.

Under existing law, issuers can change the contract terms in the middle of the game. And what do they leave consumers with? As we know, we have a constricting credit, with nothing but to pay the higher interest rate.

You know, I want to tell the American people that right now, credit card companies can issue cards to 14-, 15-, 16-year-olds that are not emancipated. Now, who's going to pay those credit card bills? Mommy, Daddy, that's who's going to pay them. We all know that. Who's going to leave their kids out there? No one is. All good parents are going to say, well, that's my child, my son. I'm responsible for my daughter. I'm responsible. And the credit card companies know it. They know it. I don't know this to be a fact, but I'm sure they're checking into just what your credit ability is, and they say, well, Daddy can pay. Mother can pay. Let's give the child.

And listen, I want to make one thing clear. Even though the bill says 18, you know, emancipation, come on. In America, what 18-year-old is emancipated? You're not emancipated. They're 19, 20, 21, 22, and nobody throws their kids out of the house. Everybody keeps them and cherishes them and nurtures them and continues. Credit card companies know that, too, when they're issuing credit cards.

College students, you're paying tuition. You're paying for their room and board. You're paying for their health care. You're paying for their clothes, and then they send them a credit card to undermine your ability to give your child a college education.

And listen, everywhere you go in America, you want to buy clothes? Take a credit card. You want to fix your car? Got a credit card for you. Want to go buy a refrigerator? Take it on a credit card. Everybody offers you. So what we have is an economy that's on credit card basis. So all we're saying is, hey, since this has been promoted so much, let's make sure that we do this.

And listen, I remember when I didn't make $174,000 as a Member of Congress. I remember when I lived paycheck to paycheck. I remember when the credit card companies would increase the interest rate or tell me, Mr. GUTIERREZ, through no fault of your own, we're not going to extend you any more credit. Pay down your bill at this credit interest rate higher than the one you took it out. I remember. Maybe we should all go back to remembering when things weren't so rosy in our own personal lives in terms of being Members of Congress and put ourselves in the position of people who live paycheck to paycheck. If we do that tomorrow, I think what we're going to do is we're going to stand on the side of consumers.

As Mr. BACHUS says, consumers are angry. The American public is frustrated. They're outraged by what credit card companies are doing.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chair, I rise in strong support of H.R. 627, the Credit Cardholders Bill of Rights Act.

I'd like to thank Congresswoman MALONEY for her work on this issue. She has been a longtime champion of credit card reform and I wholeheartedly support her efforts.

The Credit Cardholders Bill of Rights Act could not be more timely. The constant stress of mounting bills in the face of skyrocketing unemployment and a foreclosure epidemic has American families caught between a rock and a bigger rock.

More and more working families have been forced to rely on credit cards to cover basic living expenses. The least we can do is make sure the credit card issuers are fair, open, and honest about rates and terms.

For decades, credit card companies have been allowed to operate under special rules that, under any other circumstances, would be considered outlandish.

Take for instance the credit card industry's ability to raise an unsuspecting cardholder's interest rate because he was one day late paying a different card belonging to a different company. Where else can creditors suddenly change the rules in the middle of a game?

It's like an umpire deciding that a batter hit by a pitch can take two bases instead of one in the middle of a baseball game. Consumers are playing an unfair ball game and there's no way to win.

Cardholders continue to pay millions of dollars in hidden charges, outrageous late fees, and unpredictable interest rates.

Despite the fact that most consumers make monthly payments that are more than the minimum required, cardholders cannot seem to make a dent on the average credit card debt of $8,600.

There's a term for such one-sided contracts: UNCONSCIONABLE. And that's exactly what these credit card agreements are.

In the midst of the worst economic crisis since the Great Depression, I am certain that the passage of the Credit Cardholders Bill of Rights Act is simply the "right thing to do."

Provisions in the bill will level the playing field for consumers by barring credit card companies from raising interest rates without proper and timely notification.

These much-needed changes are long overdue and will help struggling debtors from sinking deeper in a financial hole.

I urge my colleagues, on both sides of the aisle, to join in fixing the inequities in the credit card industry by supporting this vital legislation.

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

The CHAIR. All time for general debate has expired.

Pursuant to the previous order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. MARKEY of Colorado) having assumed the chair, Mr. CUELLAR, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (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 for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–92) on the resolution (H. Res. 379) providing for further consideration of the bill (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 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. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the Concurrent Resolution (S. Con. Res. 13) entitled ''Concurrent Resolution 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.''.

APPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

The SPEAKER pro tempore. Pursuant to 44 U.S.C. 2702, and the order of the House of January 6, 2009, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Advisory Committee on the Records of Congress:

Mr. Joseph Cooper, Baltimore, Maryland

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 44 U.S.C. 2702, I am pleased to re-appoint Mr. Jeffrey W. Thomas of Ohio to the Advisory Committee on the Records of Congress. Mr. Thomas has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN BOEHNER,
Republican Leader.

APPOINTMENT OF MEMBERS TO THE CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 6913, 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 Congressional-Executive Commission on the People's Republic of China:

Mr. LEVIN, Michigan, Co-Chairman
Ms. KAPTUR, Ohio
Mr. HONDA, California
Mr. WALZ, Minnesota
Mr. WU, Oregon
Mr. SMITH, New Jersey
Mr. MANZULLO, Illinois
Mr. ROYCE, California
Mr. PITTS, Pennsylvania

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 333(a)(2) of the Consolidated Natural Resources Act of 2008 (P.L. 110–229), I am pleased to appoint Mr. Danny Vargas of Herndon, Virginia as a voting member of the Commission to Study the Potential Creation of a National Museum of the American Latino.

Dr. Aida Levitan of Key Biscayne, Florida and Mrs. Rosa J. Correa of Bridgeport, Connecticut were previously appointed and shall remain voting members.

Mr. Vargas has expressed interest in serving in this capacity and I am pleased to fulfill the request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

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 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.)

□ 1830

NEVER AGAIN: WHAT WE DO DOES MATTER

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. Madam Speaker, a few weeks ago, I came to this House floor to address my colleagues and bring to their attention the danger that Iran poses to Israel. I shared with my colleagues some of the things that the Iranian leader had said about Israel to illustrate the seriousness of the threat.

Madam Speaker, the Iranian President, Mahmoud Ahmadinejad, has again spoken. Last week, at the opening day of the United Nations Anti-Racism Conference, the Iranian President was given a platform on which to spread racist and hateful views. In his address to the conference, he called Israel ''the most cruel and racist regime,'' said that Zionism ''is a paragon of racism,'' and said the creation of Israel was founded on ''the pretext of Jewish sufferings and the ambiguous and dubious question of the Holocaust.''

While the Iranian leader's comments are disturbing in any context, it is even more troublesome that he would question the Holocaust on the day before we celebrated the Holocaust Remembrance.

It is hard to understand how the United Nations and so many other countries fail to take the Iranian threat seriously. It is more than ironic that the U.N. would give one who has denied the Holocaust and advocated for the destruction of Israel the opportunity to speak at a conference convened to combat hatred and racism.

Although the United States and a few countries had the sense to boycott the summit and thereby refuse to lend credibility to the conference and speakers like Ahmadinejad, too many nations continue to act with complacency.

Last Thursday, our Nation's leaders gathered in our Rotunda here in the Capitol for the National Commemoration of the Day of Remembrance to remember the 6 million Jews who were murdered in the Holocaust. The theme of this year's events was, ''Never Again: What You Do Matters.'' That theme is a message for all of us to take very seriously.

When we say ''never again,'' we need to think about the current threats to peace and security and take appropriate action to prevent senseless violence. Iran's pursuit of nuclear weapons is an existential threat to the people of Israel and a grave danger to the rest of the world.

Madam Speaker, the things we do do matter. It is time for us to join together and confront this Iranian threat.

Today, Israel celebrates its 61st anniversary of its independence; again, a day in which we ought to remember the threat that still remains. Congress can take action to address this threat by approving H.R. 1327, the Iran Sanctions Enabling Act, and H.R. 1985, the Iran Diplomatic Enhancement Act.

The Iran Sanctions Enabling Act gives States and local governments the authority to divest their assets from any company that invests $20 million or more in Iran's energy sector. The other piece of legislation, H.R. 1985, would sanction any entity engaged in activities that contribute to Iran's ability to import gasoline or fine petroleum.

I am a sponsor of these bills, and I believe that sanctions will increase pressure on the Iranian regime to change course and abandon its pursuit of nuclear weapons.

The Days of Remembrance call us to soberly evaluate the changes to peace we face and take swift action as best we can to address them.

Madam Speaker, I ask the House of Representatives to quickly approve the Iran Sanctions Enabling Act and the Iran Diplomatic Enhancement Act. ''Never again: What we do does matter.''

A KINDER, GENTLER MARXISM

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

Mr. CARTER. Madam Speaker, recently I read an article by Gene Edward Veith entitled, ''A Kinder, Gentler Marxism.''

He begins his comments by saying, ''Barack Obama is not a socialist, explained Eric Etheredge of The New York Times, he is a ''social democrat.'' The administration's attempt to control private companies and the free market should not alarm us, according to Etheredge and other pundits. European nations do this all the time. It is simply an application of the European political and economic theory known as ''social democracy.''

We were promised several things by our President during his campaign. He promised us government reform, a renewed and repaired economy, and more ethical business practices. And he did all this as we watched our economy crash.

After these 100 days in office, we need to illuminate the path that this administration is actually taking us down. It could be the path that leads us from limited government, that stimulates our economy naturally, to a government mostly aligned with social democracy like the social economies of Western Europe, with massive taxes and chronic high unemployment.

An objective definition of social democracy from Merriam-Webster's online dictionary is as follows: ''A political movement advocating a gradual and peaceful transition from capitalism to socialism by democratic means.'' Or a second definition, ''A democratic welfare state that incorporates both capitalist and socialist practices.''

So this political and economic system either moves from capitalism to socialism or combines both capitalism and socialism to form a welfare state. We need to know more.

Here is the first paragraph from the Encyclopedia Britannica about social

democracy. ''A political ideology that advocates a peaceful, evolutionary transition of society from capitalism to socialism using established political processes.

''Based on 19th century socialism and the tenets of Karl Marx and Friedrich Engels, social democracy shares common ideological roots with communism, but eschews its militancy and totalitarianism. Social democracy was originally known as revisionism because it represented a change in basic Marxist doctrine, primarily in the former's repudiation of the use of revolution to establish a capitalist society.''

These definitions, paired with some of the actions we've seen so far in the administration, cause us concern that they may be indicative of gradual movement towards social democracy. We've got the stimulus bill, we've got the bank bailouts, now we've got the proposal that they will own 50 percent of General Motors, along with a 39 percent share for the unions, a 10 percent share for the bondholders, and a 1 percent share for the stockholders. As a result of these actions, the Federal Government's outrageous spending now equals almost 90 percent of gross domestic product. The GDP for last year was 14.2, and now 12.8.

So the question is, did we elect a President because we wanted to have a social democracy system? When Americans cast their vote for Barack Obama and they cast it for the Democratic Congress, did they also intend that this country should adopt social democracy, that lesser form of Marxism?

These are issues we need to talk about. And if this is the place our country is going, then maybe we need to amend or adopt new founding documents that more fit this form of government.

These are thoughts we ought to all think about. I know I'm thinking about them. I hope you are, too.

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

(Mr. BOYD 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.)

NORTH KOREAN FREEDOM AND HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, in Dante's ''Divine Comedy,'' the inscription above the entrance to hell reads, ''Abandon hope all ye who enter here.'' That should also, sadly, be the inscription above the DMZ for those turning northward, for North Korea is truly hell on Earth.

This is a land where the techniques of torture and brainwashing have been finely perfected, as portrayed in the film ''The Manchurian Candidate.'' This is a land where political prisoners labor under conditions of slow starvation and massive abuse, as reflected in the South Korean drama ''Yoduk Story.''

Madam Speaker, I wish I could say that North Korea was no more scary than an Orwellian novel or a Cold War movie or a tragic musical production. Sadly, however, North Korea is no mere bogeyman who disturbs a child's dreams in the shadows of the night. North Korea is a frightening reality, a daily reality for over 23 million people. It is an immediate threat to our Armed Forces in the Pacific and to our allies in South Korea and Japan. It is a proliferation of weapons of mass destruction to fellow rogue regimes in the Middle East.

North Korea haunts us all, but it is no mere ghost, it is a real and constant threat. That is why I introduced last week a bill, H.R. 1980, the North Korea Sanctions and Diplomatic Nonrecognition Act. United we must stand for North Korean human rights and for an end to the repression of innocent human beings. For if we wish to find the real meaning of repression, we should turn our gaze to Pyongyang. If we seek the true definition of torture, we need look no further than the killing fields of North Korea. We must not forget the horrific accounts which our emaciated prisoners of war brought back to America after the 1953 Armistice.

We must not turn a deaf ear to the haunting tales of refugees and returned abductees who are among the fortunate few who are able to escape this hell on Earth. We must not silence our consciences in the name of diplomatic expediency. To be silent on fundamental freedoms and human rights is to tell the despotic leader, Kim Jong Il, that he can avoid these issues indefinitely. To be silent is to be an enabler.

We must highlight how prison guards cut still living babies out of the refugee mothers' wombs and slam their heads on the pavement for the so-called crime of being the mixed blood seed of Chinese fathers. We must shed light on the imprisoned Christians who were martyred by having hot molten metal poured on their exposed flesh. The executions carried out for stealing a little food to keep one's child alive during the famine. The refugees hunted down or trafficked in the sex trade in China.

On a regular business day in our Nation's Capitol, the topic of human rights and oppression may seem rather abstract. But human rights is found in each individual, case by case, and in their tears. It is found in the tears of Mrs. Yokota, waiting for over three decades for the return of her little girl snatched away by agents of North Korea. It is in the tears of our own American citizens, Mary Ling, waiting for the return of her daughter, journalist Laura Ling. Laura was grabbed, along with fellow U.S. journalist Euna Lee, 6 weeks ago by North Korean border guards and then imprisoned in the gulag.

Human rights is also found in the tears of a Chicago citizen, Esther Kim, waiting for the return of the remains of her husband, U.S. permanent resident Kim Dong-shik. Reverend Kim was kidnapped by North Korean agents in China 9 years ago while helping refugees, and reportedly died of starvation and torture at a North Korean military base. It is found in the tears of Israeli apartment dwellers hit by missiles developed by North Korea for Hezbollah in southern Lebanon in 2006 from tunnels dug with North Korean assistance.

It is a grim picture, but we must not despair, Madam Speaker. Justice will ultimately prevail. In the same manner that we prevailed against the evil empire and Soviet-style Communism, with perseverance, with dedication to the defense of human rights, and the promotion of core democratic principles, the suffering of the North Korean people can also be brought to an end. May it be so.

HONORING REVEREND TIMOTHY WRIGHT

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

Mr. TOWNS. Madam Speaker, I rise today in honor of Reverend Timothy Wright, a loving husband, a dedicated father, faithful pastor, and compassionate humanitarian. Grammy-nominated singer and composer, and also my dear friend.

Sadly, last week, Reverend Wright, the founder of the Grace Tabernacle Christian Center in Brooklyn, passed away. He had suffered for nearly a year with complications resulting from a tragic traffic accident that claimed the life of his wife, grandson, and of course the driver who hit his car head on.

Despite his struggles against improbable odds, having undergone numerous surgeries, Reverend Wright maintained unwavering faith in his God, even in the darkest hour.

□ 1845

Through his example, he showed us that, although he was physically down, he was spiritually vibrant.

Committed to his professed calling in life, one of the reverend's main desires in his last days was to return to his Brooklyn pulpit where he could encourage his congregants. I believe that his ability to be selfless during great suffering is evidence of a man who treasured, loved and lived life to the fullest that way as well.

Rev. Wright understood and demonstrated that life is not defined by everyday circumstances, nor is it about one's accomplishments. He defined life by his love for people. Rev. Wright's life was embodied in the example of the way he treated people and by the sacrifices he made for his family, for his church and for the Brooklyn community. It was not uncommon to find him giving tirelessly for a charitable cause, lending an ear to someone in despair or even extending personal resources to help anyone who needed him. He reached out to those society had thrown away. The reverend thought that adversity kept you humble and that sacrifice was a way to demonstrate faith in God's promise.

Many the world over will remember the surmountable feats Rev. Wright accomplished as a renowned musician. Having released more than a dozen gospel albums over the span of his 40-year career, Rev. Wright's songs of praise and worship were a blessing to all who had an opportunity to hear and to experience the testimonies he shared through his music. From his 1984 song ''Testify'' to his Grammy-nominated album ''Come Thou Almighty King,'' Rev. Wright's music touched millions all around the world. His final one was ''Jesus, Jesus.'' That was a tremendous record, and of course, many people were able to purchase it and to know him in terms of what he was all about.

Born and raised in Brooklyn's Bedford-Stuyvesant neighborhood, the passing of Rev. Wright is a great loss to Brooklynites, to New Yorkers and to, in fact, the world over because of his humanitarian spirit and, of course, his dedicated life in terms of how he felt and served people. He was an important voice and tireless advocate, concerned about the everyday issues that strangled his fellow neighbors. He hoped for the things his community hoped for, and he cared about the things that his parishioners cared about—family, friends and community.

The immeasurable contributions and countless investments that Rev. Wright made in the lives of people will far outlive his time on this Earth. Now absent in life, he will remain forever with us as his music, message and his legacy live on.

Let me just conclude by saying, ''Sleep on, Rev. Wright. Sleep on. You truly made a difference, and I'm happy to have had an opportunity to know you and to live during your lifetime.''

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

(Ms. ROYBAL-ALLARD 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 PASSAGE OF THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

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

Mr. FRANKS of Arizona. Madam Speaker, with all of the challenges that we have in our country, the wonderful reality is that we still hold these truths to be self-evident that all men are created equal and that they are all equal because they are all God's children.

In fact, Madam Speaker, the essence of America is that all people should be treated with the same respect and should be protected completely equally under the law. To break up people into different categories and say that one group is more worthy of protection than another and then to grant special protection to some groups and not to others, it fundamentally diminishes the protection of all of the other remaining groups.

Madam Speaker, a short time ago, this body voted to pass H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009, and I believe that it did just that. Regardless of whether a person is white, black, handicapped, healthy, sick, old, young, homosexual, heterosexual, rich, poor, a janitor, a Senator, a veteran, a police officer, a senior, or whatever the case is, he deserves equal protection under the law. That is the foundational premise of this Nation. The legislation that we voted on today moves us all directly away from that basic foundation in a profound and dangerous way.

This legislation would prosecute individuals not on the bases of their crimes but on their alleged motivations for committing those crimes. It requires law enforcement officials and prosecutors to gather evidence of the offender's thoughts rather than of his actions and his criminal intent. This should strike us all as inherently dangerous.

The First Amendment of our Constitution was crafted because our Founding Fathers recognized that the freedom of thought and belief is the cornerstone of every other freedom. It is the foundation of liberty, itself, because, without it, every other freedom, including the freedom of speech, becomes meaningless.

Madam Speaker, there is another insidious aspect of this legislation which, I believe, would have the most tolerant Americans up in arms if they were truly aware of it, which is, not only does this legislation require law enforcement to investigate an individual's motivations—those are the thoughts and beliefs that seemingly motivate him or her to commit a crime—but it would expand the scope of the prosecution to include individuals or members of organizations or religious groups whose ideas or words may have influenced a person's thoughts or motivations when he committed a crime.

Under such a bill, individuals who may not have even been aware of the crimes could receive the same or similar penalties as the criminal, himself, receives. It would only take some arbitrary prosecutor to construe that an individual had influenced the beliefs or thoughts of a perpetrator of a crime and, thereby, somehow caused hateful or violent acts. This raises the very real possibility that religious leaders or members of religious groups could be prosecuted criminally based on their speech, association or other activities that have been specifically protected by the First Amendment of our Constitution for the last 220 years.

Madam Speaker, this would have a devastating and chilling effect on free speech in America. Who could blame pastors, educators or any other cultural leaders if they chose to cease expressing their beliefs for fear of being thrown in prison and charged with a Federal crime? This is not rhetorical speculation. It has already happened in the case of the Philadelphia 11 and in other cases. In the Philadelphia 11, 11 individuals were jailed, and they faced $90,000 in fines and 47 years in prison for simply speaking the gospel openly and publicly.

One unscrupulous government entity plus this hate crimes legislation equals the perfect combination for tearing away from American citizens some of the most basic constitutional rights in our Nation's history. Advocacy groups and religious organizations will be chilled from expressing their ideas out of fear of criminal prosecution. In fact, ''chilled'' is probably a profound understatement. Many will be simply terrified or intimidated into complete silence.

The fundamental purpose of this body is to protect the lives and the constitutional rights of the American people regardless of who they are or what they believe. Unfortunately, the hate crimes legislation will do just the opposite by granting unequal protections based on personal beliefs and thoughts, and it will endanger the constitutional liberties of millions of Americans.

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 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 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 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 gentleman from Maine (Mr. MICHAUD) is recognized for 5 minutes.

(Mr. MICHAUD 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 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 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 Connecticut (Mr. MURPHY) is recognized for 5 minutes.

(Mr. MURPHY of Connecticut 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.)

PUBLICATION OF THE RULES OF THE JOINT COMMITTEE ON THE LIBRARY, 111TH CONGRESS

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. Madam Speaker, the Joint Committee of Congress on the Library held its organizational meeting for the 111th Congress on Thursday, April 23, 2009. I am honored that the committee elected me its chairman. I look forward to working with my committee colleagues to discharge the panel's responsibilities.

As required by the rules adopted by the committee, I submit those rules for publication in the RECORD:

RULES OF PROCEDURE OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY, 111TH CONGRESS

TITLE I—MEETINGS OF THE COMMITTEE

1. Regular meetings may be called by the chairman, with the concurrence of the vice-chairman, as may be deemed necessary or pursuant to the provision of paragraph 3 of rule XXVI of the Standings Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more that 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personal or internal staff management or procedures;

(C) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to kept confidential under the provisions of law or Government regulation. (Paragraph 5(b) of rule XXVI of the Standing Rules of the Senate.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members at least 3 days in advance. In addition, the committee staff will email or telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman waived such a requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum.

2. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony; provided, however, once a quorum is established, any one member can continue to take such testimony.

3. Under no circumstance may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a recorded vote will be taken on any question by rollcall.

3. The results of the rollcall votes taken in any meeting upon a measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor and the votes cast in opposition to each measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matters shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION AND AUTHORITY TO THE CHAIRMAN AND VICE CHAIRMAN

1. The chairman and vice chairman are authorized to sign all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf on all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

THE FIRST 100 DAYS

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

Mr. AKIN. Thank you, Madam Speaker. It's a pleasure to be able to join you, my colleagues and friends this evening.

The topic for our Wednesday evening discussion is ''the first 100 days.'' It has become kind of a tradition for people to take a look back at previous Presidents and at the current President and say, ''What happened in the first 100 days? What kind of records were set?

What sort of tone was set? What were the accomplishments? What was sort of the pace of how the new President has approached the office?''

It's quite interesting. Obviously, there are very different Presidents, different political points of view, different things that they're going to focus on, and there are different times and different challenges. Tonight, we're going to take a look at that. We're going to take a look at those first 100 days. There were some records that were set, and there was a record that was set in a unique situation because, unlike any other time and for a long time, the Democrats have been totally in charge in Washington, DC.

In the case of our own House here, this is a body that, as to whichever side has the majority of votes, it pretty much does what it wants without too much regard for the other side. That has been fairly traditional, but it is even more so now under the Congress of Speaker PELOSI. They can do what they want, and they do do what they want. In fact, a lot of the legislation is written directly with the staff, and it comes to the floor and is voted on.

The Senate is a different matter. The Senate has always required 60 votes to get a bill before the Senate for just a regular vote. So you have 100 Senators. If you have 51 Senators voting in favor of something, you can pass a bill, but unless you have 60 votes, you can't get it to the floor to get it passed. It's kind of an odd rule. Many people don't know that. Of course, the Democrats almost have the 60 votes they need to control the Senate as well, and of course they have the Presidency. So we have here on the flip chart ''100 Days of Democrat Dominance.'' It is certainly the case.

Now, as to one of the things that the President challenged Americans to do when he came to office, he said, ''I want you to hold our government accountable. I want you to hold me accountable.'' So we're going to take a look at these first 100 days and see accountable and what regard and what sort of records have been set.

One of the records that we set was accumulated debt. That's kind of an interesting number. If you take a look at President Clinton, in his first 100 days, he managed to rack up $86 billion of debt. This is President Clinton. President Bush didn't rack up any debt at all. In fact, he had $70 billion of surplus at the end of his first 100 days. The clear winner in this regard is President Obama with $564 billion of debt. That's half of $1 trillion of debt. So the clear winner in the accumulated debt contest has to go to President Obama.

Now, in coordination with this, if you take a look at National Debt Day—and we have a National Debt Day. That's the time when we have finished spending all of the money we've collected that year in taxes. As you know, we get the taxes in on April 15. People send their taxes in. The government gets its money, and it has been spending since the beginning of the year.

The question is, ''How far do you get into the year before you run out of money?''

A lot of families have that problem in terms of the family budget, but usually what happens is we get to about, you know, August, sometimes to July in a bad year or to September. Not so this year. We have set another record in terms of debt day. It's already gone. It was 2 days ago. It was April 26. By April 26, we'd spent all of the money that was coming into the Federal Government in taxes this year. That's not a good sign. That says we're creating a tremendous amount of debt.

Therefore, that leads to another record. We have a clear winner in terms of who can pile up the most debt in a very short period of time. If you take all of the Presidents added together from George Washington to George Bush—the two Georges—you have a total of $8.5 trillion in Federal debt. With President Obama—with his own numbers and with his proposed budgets—you have $8.7 trillion, so he beats by 1½, just by his own spending alone, all of the other Presidents combined. So we have another great record that was set.

There have been other kinds of records, but I notice my good friend is here, the gentleman from Texas, Judge CARTER, a highly respected judge. There's something about judging, and there's something about Texas which sort of combines common sense and not putting up with a lot of flowery kind of stuff.

Judge, you're known as a man who gets right to the point, so I'd like to yield you time. Help us and join in. Take a look at these last 100 days. Let's talk about records. Let's talk about holding people accountable. What has been going on?

□ 1900

Mr. CARTER. These are really not the kind of records we like to have. We don't try to set these kind of records. These are records that we will be paying for for generations to come.

I want to remind you that this is 100 days of Democrat dominance. So the President had some help on these things, and that is the Democrat majority and the House and Senate certainly helped to move this along—in record time, I might add. Sometimes those things just completely almost bypassed the whole process and just came popping up on the floor kind of like a Jack-in-the-Box surprise. ''Here we are. Let's vote.'' And sure enough, we managed to break all kinds of existing records.

And I have to point this out because my daughter, I promised her I would. The last time I talked about this Debt Day, I failed to say that was my daughter's birthday. Danielle Carter. Her birthday is on the 26th day of April. And she probably, in her lifetime, has probably not gotten the biggest present in the world because it was so close to tax day that maybe she didn't get it. So she understands how close her birthday is to the day we pay our income taxes.

Mr. AKIN. Reclaiming my time, she really did get a present on Debt Day in a sense because that debt is being unloaded on her, isn't it?

Mr. CARTER. Oh, yes. It's like that college debt. It's going to go on forever. That's something that we ought to be thinking about as we run these things up.

I find it phenomenal that we can, in actually less than a hundred days, spend more money than everybody else spent in 200-and-some-odd years, including George W. Bush. Add them all together and sure enough, this Democrat Congress and this Democrat President managed to outspend them all. I mean, I tell you what, that's breaking some records right there.

Mr. AKIN. Reclaiming my time, there are some records being broken, aren't there? What we've seen is a lot of complaints over the last years about the high cost of the war in Iraq, the high cost of war in Afghanistan, President Bush just squandering and spending way too much money. And a number of us voted not to spend some of that money. But there were a lot of complaints.

And then you take a look, you add up the entire cost of the war in Afghanistan and Iraq, add it together, and within the first 5 weeks here in the Congress, the Democrats passed a bill at $840 billion that was more than those two wars combined over a 6- and 7-year period.

This is a record-setting Congress when it comes to spending. If spending is going to make the economy strong, we're going to have the best economy the world has ever seen.

We're joined by a good friend from Louisiana, Congressman SCALISE. Comment on this first hundred days. Let's talk about records and what kinds of things we've seen here.

Mr. SCALISE. I thank my friend from Missouri for continuing to host these discussions where we can really talk about the policies, what happens here in Washington, how it affects people across the country.

But as we stand here today on the 100th day of President Obama's administration, it's going to become a tradition, as you said, going back to FDR—which there are a lot of ironic similarities to FDR in this administration—but that's when they started measuring Presidents by their first hundred days. A lot of people like doing letter grades for a President's first 100 days.

Mr. AKIN. What you're saying is A to F, is that what you're suggesting?

Mr. SCALISE. Some people stop at F. I actually use a different rating, and I have been asked, How do you rate President Obama's first hundred days? And I've said that I rate President Obama an ''L'' for ''liberal.''

Mr. AKIN. Reclaiming my time, that's cheating. I thought it was A to F. You're going all the way to ''L'' for ''liberal.''

Mr. SCALISE. Congressman FLAKE from Arizona, when we first had this conversation, and I agreed with him, and really, it's a characterization based on policy.

I think in terms of personality, clearly President Obama is one of the more articulate speakers in Presidents that we've had. I think President Reagan still rates up there as probably the top. Unfortunately, I don't think we have had anybody like Reagan since he left office and unfortunately passed away.

But in terms of policy—and I think this is really what really matters and that is what the American people are watching—it's this reckless spending. Spending at record levels. A budget that just passed today here on this House floor that all of us opposed but unfortunately passed, the largest budget in the history of our country, a budget that would double the national debt in 5 years, triple the national debt in 10 years.

I think if you look at what happened just a few weeks ago with these TEA parties, these taxpayer TEA parties, where hundreds of thousands of people showed up around the country. They weren't necessarily revolting against this President or revolting for a party or against a party. A lot of people really don't understand what happened in the media who were covering the TEA parties.

What really happened on that day back on April 15 was people across the country said—maybe some of them voted for the President, some of them voted against—but they said, We're very concerned about the direction of our country because of the reckless spending and borrowing that goes with it and what it would do to our future generations, to our kids and grandkids, where, literally, we will be borrowing this money from China, from India.

Mr. AKIN. Reclaiming my time, I also had a chance to go to the TEA party in St. Louis, and parking in St. Louis is a real pain in the rear. And yet you had 7,000 people jammed into this square, and they were exercised. I mean, this was not politics-as-usual in America. And I think you're right. I think the high level of spending, but I think there were other things that were getting them energized.

There are some of these sort of interesting juxtapositions. Here's one that caught my attention.

The Obama administration announced a $1.4 billion cut to missile defense, and the same week, North Korea launches their missile. That's the sort of thing people go, Wait a minute. I don't understand this. The North Koreans just launched this big missile. They are obviously working on nuclear devices and developing the technology through a missile to deliver a nuclear device and so they are shooting off their missile and we are cutting missile defense. That's the kind of thing in our TEA party, people were really mad. When I went down there they said to me, By golly, you've got courage to even show up down here because you come from Washington, D.C.

Judge Carter.

Mr. CARTER. Not only has this administration cut missile defense, but they are also cutting the F–22 fighter, which, by all analysis, we need a new fighter because of some real technological advances that the Russians and the Chinese have made in their fighting planes. And we have had fighter pilots telling us this for years. The F–22 has now been scrapped, the missile defense, as you point out, has now been scrapped.

So you can't accuse this budget of overspending in the area of defense because it actually is going less in the area of defense and is spending in other areas. Many of which, I would argue, are some sort of voodoo economics. But that's my personal opinion.

But make it clear, missile defense we need.

Mr. AKIN. Reclaiming my time, the argument is going to be made as we slash the defense budget, we see a lot of things that are being axed, being on the Armed Services Committee, I am seeing those. And the argument is going to be made, Hey, you know, you can't just afford everything.

And what struck me was when we came here after the first 5 weeks the Congress had been in session, we're going to pass this, quote, stimulus—which I still call a porkulus bill—and I came across this floor—we just smoked $840 billion. I started dividing that thing out because in the committee that I serve on, the biggest thing you spend money on is aircraft carriers. I mean, even the average person on the street knows aircraft carriers are big and expensive. They have got a whole wing of airplanes on them and thousands of people on board. Aircraft carriers, that's a substantial investment.

So we have 11 aircraft carriers. You take the average cost of that and divide that, about $3 billion, into $840 billion. Oh my goodness. You picture this. You're looking at 250 aircraft carriers end-to-end. I don't know how long they would go, but you're talking about a lot of aircraft carriers.

So we start talking about, well, we're going to cut missile defense right at the time when the North Koreans launch their missile. And then the other thing—talk about juxtaposition in timing—the Obama team sent a video to the Iranian people talking about a shared hope, and the Iranians responded by opening a plant to produce weapons-grade uranium. Somehow or other it's like ships passing in the night here. It's like, wait a minute, what are we talking about here?

We've been joined by another great Texan, a Congressman from the Brady district. KEVIN, we would be happy if you want to join us in our little discussion. We're taking a look at the last 100 days and different things, records that are being set, things that are a little unusual, distinctive characteristics.

I yield.

Mr. BRADY of Texas. Thank you. I appreciate you leading this discussion tonight with the American public. I'm glad to join my other friends, conservative friends, who, frankly, are worried about what the first 100 days mean to our country. I didn't move to Washington. I live in Texas with my family and just commute to work each week to Washington. Continental has given me my 1 million miles flown card, which is a lot of keeping in touch.

Sometimes you wonder, you know, the people up in Washington, they seem to be in a bubble. It's just so disconnected from the real world. I asked some of our Facebook friends what they thought of President Obama's first 100 days, sort of an out-of-Washington look at the Nation.

Rachel, who is a Sam Houston State University alum, said she was really disappointed to see all of the spending on unnecessary programs that do not help the economy but, rather, put a further strain on it.

Norma expressed her disappointment to the taxpayer-funded spending spree. She said, It's a disaster. She wrote, At the current spending rate, the deficit is going to be an anchor around not only our necks but our grandchildren's as well.

Norma, you're right.

Melody said if she were to grade this President, it would definitely be a flunking grade. In the debates, he promised to cut spending and reduce the size of the deficit. Ha. I am sickened by the wasteful spending. It is like watching a train wreck happen.

I will come back in a minute and tell you a little more about my thoughts. But that's just an inkling of what real Americans think about this first 100 days.

Mr. AKIN. I appreciate you sharing that and particularly asking that question of just regular people. I am the same as you are, flying back and forth to Missouri, the Show-Me State, or some people like to call it the Great River State. And I am not sure that their perspective is quite the same as it is in D.C. as well.

Judge CARTER, did you have a thought or two about other kinds of records or unique circumstances? I think there are quite a few things as we start to think about it.

Mr. CARTER. There is so much to talk about, but the one that just pops off the page is the promise that was made that I will cut taxes on 95 percent of the American people. That's what the President of the United States told us during the campaign. ''I assure you I will cut taxes on 95 percent of the people.''

He also said he was going to raise taxes on the wealthy. You may have heard me talking earlier—one of the indications of social Democrats is class warfare, the hardworking American worker versus the rich man. How many times have we heard that?

But now we've got this great energy tax that they call cap-and-trade, which

makes no sense at all. Even the name makes no sense. But the reality is, it's a tax on energy, all sorts of energy. And it's a tax on existing energy that's going to make everybody's bill go up because the American people are going to pay that tax, and that means the middle class.

Mr. AKIN. Reclaiming my time, let's take a look. What you're talking about is some of the promises that the President started out by saying, ''I want you to hold our government accountable. I want you to hold me accountable.''

So what we've done here, I've got some slides, and these are things that are quotes out of the President's speeches and all.

This one, as you recall, he says, ''I can make a firm pledge under my plan, no family making less than $250,000 a year will see any form of tax increase.'' Now, when I heard that, I breathed a sigh of relief. By golly, I don't make $250,000. I don't need to worry about any tax increase because he promised me that. Not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

□ 1915

Now, he repeated this promise to all of us in this Chamber before, saying, hey, if you're making $250,000 a year, don't worry about paying any taxes. And now you're getting me very upset, judge, because what you're telling me is he's going to put a tax on energy. And my family doesn't make $250,000 a year, but we turn on light switches. We burn propane gas, and we also burn gasoline in the cars.

Mr. SCALISE. Will the gentleman yield.

Mr. AKIN. Yes, I yield.

Mr. SCALISE. I sit on the Energy and Commerce Committee, and for the last 2 weeks we've been having hearings on President Obama's cap-and-trade energy tax. A number of things have come out that Judge Carter and that you've mentioned that are very frightening that have not been conveyed to the American people, in fact, go directly against President Obama's pledge there that people making less than $250,000 would pay no new taxes. The President's own budget, again, a record budget, the largest in the history of our country, a bill that passed this House today, his budget has a line item in it that allocates $646 billion that would come in the form of new taxes from this cap-and-trade energy tax. Now, that is a tax on energy that every American family uses.

A few of the things that have come out in committee that have not been denied by anybody: Number one, the President's own budget director just a year ago was testifying before Congress, when he was the head of the Congressional Budget Office, he said this cap-and-trade scheme would roughly add $1,300 per year more to every American family's energy bill, their utility bill. That's a low estimate. We've had revised numbers that have gone over $3,000 per American family that they would pay in higher energy taxes if this cap-and-trade energy tax passed.

Mr. AKIN. Reclaiming my time, I thought I heard the MIT professor say it was $3,100 per average family.

This is something that's a little upsetting because first we have this promise. It couldn't be any more clear: If you're not making $250,000, you don't have to worry about this tax increase.

Now, the energy tax hasn't been passed yet; right?

Mr. SCALISE. Fortunately, it has not. It's in committee still.

Mr. AKIN. So in that regard, he hasn't broken a promise. He's just proposing it. But then how about this SCHIP that we voted on? This thing has got a tax increase in it for people making less than $250,000.

You know, this kind of thing, saying one thing, doing something different, is what creates some of that tension, that frustration that we saw in the people with tea bags wanting to dump them in the Mississippi River.

I yield to the gentleman from Texas.

Mr. BRADY of Texas. I agree exactly with what has been said today. And I can tell you from the Ways and Means perspective, from the tax perspective, the President isn't keeping that promise. We saw that right off the bat. The second bill he signed was an increase on a lot of low-income and middle class families to the children's insurance program. And the budget that was rushed through Congress today that I will bet not one Member who voted for it actually read this multi-trillion dollar budget—again, this first 100 days has been a rush to bad legislation—it includes tax increases of $1.5 trillion, the highest in American history.

As the gentlemen from Louisiana and Texas and as you pointed out, in addition to the national energy tax, you're looking at increased taxes on professionals and small business people; increased taxes on independent, small energy companies, the ones that drill 90 percent of the wells here in America; so we're going to outsource our American energy jobs. The climate change national energy tax. Increased taxes on capital gains and dividends, a source of a lot of revenue for our seniors in America and a source of capital. New taxes on real estate partnerships. On U.S. companies headquartered here who are trying to sell their products around the world, we're actually going to penalize them for selling American-made products around the world. It is crazy the number of tax increases.

Mr. AKIN. Reclaiming my time, how do you explain this promise in the context of what you're saying?

I yield.

Mr. BRADY of Texas. The promise was: ''Under my plan no family making less than $250,000 a year will see any form of tax increase.'' That promise has already been broken. And the budget we passed today ensures that it will be broken even further.

What everyone knows is with this spending, there's no free money. Someone is going to have to pay for this record deficit. It's going to be middle class families. It's going to be small business people. It's going to be people that make a whole lot less. And a good example, look at the stimulus bill. It started phasing out all of these benefits if you make $80,000 a year. That's what it started to do, including the Making Work Pay tax credit, that measly $1.10 in your paycheck. They start phasing it out at $80,000. That's who this White House believes is wealthy. We've already seen the model.

Mr. AKIN. Reclaiming my time, it seems to me that pretty much everybody in Washington, D.C., and across the country, as we started this 100 days, if you asked what do you think the main deal needs to be? What does Washington, what does our political leadership, what does the President have to be paying attention to? Wouldn't you agree that that would be the economy? I mean I think everybody, regardless of your political stripe, would say you've got to pay attention to the economy.

And so if you take a look, one of the ways we measure the economy is the gross domestic product. That's how are things working? Is the machine oiled properly? Is it tuned properly? Is it running smoothly? And we got a number today. As I understand it, we set another record. We have a lot of records we've been setting. Unfortunately, they haven't been very good ones. And that was that the gross domestic product number for this quarter, the first quarter of the year, was that we had shrunk the economy by over 6 percent, which is how much the economy shrunk in the previous quarter. When you put those two together, it's the biggest shrinking in the economy in 60 years. Now, that's a record. I'm 61 years old. That's a record for me. But that's not a very good record.

And some of you who are on committees that deal immediately with the budget might want to comment. What does it mean to have the gross domestic product in this country shrink by 6 something percent? That never happened under President Bush's leadership. Anybody want to comment?

I yield to the gentleman from Louisiana.

Mr. SCALISE. What you're talking about, and we touched on it a little earlier, over the last few years we've heard a lot of complaints about previous Republican Congresses and the spending. I was definitely one of those people that was not happy with some of that level of spending. In fact, if you look back in 2006, the last Republican Congress that we had, I was not here, but in that 2006 Congress, the deficit, the Federal deficit, was about $160 billion, a number I think that was too high, $160 billion. Today, just 3 years later, with a Democrat Congress and the White House, that deficit went from $160 billion in 2006 to what it is today, $1.9 trillion.

So for those of us who had concerns about the deficit 3 years ago that are voting against this reckless spending today, what I think is hypocritical is you hear some people complaining about the spending that went on 3 years ago when it was $160 billion, but yet they're voting for the spending today when it's $1.9 trillion of deficit just this year.

So I think the American people are watching all of this. Clearly they were watching it when they took to the streets on April 15 in those TEA parties and said enough is enough. We have got to stop this reckless spending because of what it's going to do to future generations. I have got a 2-year-old daughter, and my daughter, Madison, she's going to be the one, her generation is going to be the one, that's going to have to pay these bills.

And those of us that were here voting today, this is my voting card, and this is the card that Members of Congress use to cast their vote. Some people up here think that this is a credit card, that they can just rack up trillions of dollars of debt that the future generations of this country are going to have to pay. That's not responsible. Obviously that's what we are trying to stop.

Mr. AKIN. I would like to get back to that before we close tonight because I want to contrast that mentality with the mentality of what has been called the Greatest Generation, the generation of our parents and what they did.

Judge CARTER.

Mr. CARTER. You asked what that two consecutive quarters of 6 percent negative growth means. That means, I believe, and I know my friends talk about this all the time on the Ways and Means Committee, I believe that means recession. Two consecutive quarters is the definition of recession. So we are now in the Obama recession. So it's one of those things you've got to think about. As we keep blaming other people, at some point in time you have to take credit for what happens on your watch.

I heard two Members arguing today, an interesting argument: How long is it going to take us to pay off this debt we are accumulating? One of the Members said, well, it's estimated 3,000 years.

The other one said, no, that's not right. It's maybe perpetuity.

He said, how do you get that?

He said, the only way you get that 3,000 year number is you've got to show a surplus. And there is no surplus projected within a couple of lifetimes, based upon what we are doing right now. So, therefore, it's like this never-ending debt.

And another one said, well, that's like a Ponzi scheme. You get one bunch of investors to invest in your product, and this is like our boy that's in jail right now, and then you get another bunch of investors and you pay these investors from these investors, and then you pay these investors from these investors. Why isn't this a Ponzi scheme?

Mr. AKIN. What do you do when people do that? Don't you put them in jail?

Mr. CARTER. That's what we are supposed to be doing with them.

We have got to wake up and realize what we're creating. We're creating another generation paying for this generation and then another generation will pay for that generation. And at some time when you get numbers like these, it becomes so overwhelming, what are we going to do?

Mr. AKIN. Reclaiming my time, the trouble with the Ponzi scheme is sometime the music stops and there aren't enough chairs and then the proverbial stuff slides down the wall and then there's a big problem. That's part of what started this whole thing, what was effectively a pyramiding scheme in a sense.

But some people want to say this is a failure of free enterprise, the problem that we're having in the economy. It's not a problem of free enterprise; it's a problem of socialism. It's a problem of this government telling Freddie and Fannie that they had to make loans that weren't going to work. If you tell someone you've got to do something and they're saying to you economically this isn't going to work and you force it and you keep doing that and then you have a bunch of other people playing along with the scheme and give it a AAA rating and sell it all over the world, pretty soon the music stops. And now what's happening is it's affecting the entire economy.

I yield to my friend from Texas, KEVIN.

Mr. BRADY of Texas. I wanted to answer the question, what does this double quarters of 6 percent mean? What it means for average Americans is that America is going to go much deeper into debt and our kids are going to have a burden that they can barely carry.

What's interesting is that the President's budget, the one that was rushed through the House again and Senate today, it based its assumptions and its huge deficits on a contraction this year, a shrinking of our economy, of 1 percent. They've used such rosy economic indicators.

Mr. AKIN. Reclaiming my time, you're saying the budget today that we passed said the economy is going to shrink by 1 percent. Is that per year?

Mr. BRADY of Texas. By 1.2 percent this year.

Mr. AKIN. This year. And then how much did we just shrink in the first quarter?

Mr. BRADY of Texas. Six point one percent and on top of 6.3 percent last quarter.

Mr. AKIN. I've heard of optimists before, but this stretches the long arm of conscience.

Mr. BRADY of Texas. I'm glad you raised that. The President said this is the most honest budget ever presented to Congress.

Mr. AKIN. Reclaiming my time, the President made some promises. One of them was there weren't going to be any tax increases if you made less than $250,000. For ''Show Me'' guy from Missouri, that's puzzling, that promise.

Here's another promise: He promised transparency. He says, ''I will not sign any non-emergency bill without giving the American public an opportunity to review and comment on the White House Web site for at least 5 days.'' So we are going to have some transparency here.

Now, I wonder how much transparency there was in that budget you're talking about that says we are just going to assume it's going to contract 1 percent when this quarter it has already contracted 6 and it contracted 6 the last quarter. What kind of numbers are those?

I yield.

Mr. BRADY of Texas. Well, they're bad numbers. And I think that's why it was rushed through Congress so that people couldn't ask those questions. But the truth of the matter is the result of that, of cooking the books with rosy numbers that don't exist that no one agrees with, is that we will face close to a $2 trillion deficit just this year.

□ 1930

There are trillion dollar deficits as far as the eye can see. So when Judge CARTER said we may not see another balanced budget in our lifetime, that's no exaggeration. We may not see a balanced budget in our lifetime.

Let me make one correction that I hear, I guess if you repeat something often enough people believe it, but you often hear up here Democrats who say President Clinton gave President Bush a surplus, and President Obama inherited a huge deficit.

That's awfully misleading. The truth of the matter is that the surplus that was given to President Bush wasn't created by Democrats in Congress but by Republicans in Congress who sat down with President Clinton and said we are going to balance this budget. And I was here on a night like this night where we passed the balanced budget agreement.

And guess who voted against it? Democrats.

And then, when you talk about the deficit President Obama inherited, that didn't come——

Mr. AKIN. Reclaiming my time, let me just summarize and see if I got what you said. What you are saying is we kept hearing from the Democrats that President Bush inherited all of this surplus, and it was somehow because, I guess, President Clinton had done something right.

But, in fact, those years, the Republicans controlled the House and they forced President Clinton to balance the budget, and that's why he got his surpluses because you guys made him have a surplus. Did I understand that correctly?

Mr. BRADY of Texas. And congressional Democrats voted against the

balanced budget agreement. So that's the first part of the equation. The second one is President Obama did inherit a big deficit, but he inherited it from congressional Democrats who held power for the last 2 years. They didn't even send President Bush a budget because they knew he would spend less.

And so my point of that is that you can't take credit for a surplus you didn't create and avoid blame for a deficit you did. That's one of the big, I think, misperceptions, the big lies in Washington, D.C.

I agree with other conservatives that Republicans, I think, got fired because we didn't control spending well enough, even though we whittled that deficit down, and we are learning from those mistakes. That deficit now is 10 times greater, and we are in a mess we may never recover from.

Mr. AKIN. Gentleman, you just said that you are talking about a deficit, was it $2.1 trillion just for the next 2 years?

Mr. BRADY of Texas. Almost $2 trillion just for this year.

Mr. AKIN. To put that into context, if you go from George Washington to George Bush, and you add up all of the debt that's been accumulated, you are looking at $5.8 trillion. So what you are saying in 1 year, we are going to do not quite half of that, everything since 1770s to now, we are going to burn that in 1 year? My goodness.

Judge CARTER.

Mr. CARTER. And that's the deficit. The debt is worse than that, because we are borrowing all this money that we are spending right now.

And so when you look at all these packages that we put together, and you total them up, that's where your $8.7 trillion comes in right there that you have got demonstrated there. It's the debt.

In addition, as KEVIN points out, they made false assumptions of the growth of this economy. Based upon those false assumptions, everybody's already told them they weren't going to work. They were told by all the authorities that look at these things, these numbers don't work. They went ahead with them, anyway, and now we're looking at a $2 trillion deficit. So the debt gets even worse.

I heard somebody say this morning, somebody ought to tell every graduating senior this year that they can add $156,000 to their school debt, because that's what they are going to have to pay off. That's going to be their share of what they are going to have to pay off in their lifetime.

Mr. AKIN. You said $156,000?

Mr. CARTER. That's what the guy said. I don't want to take credit for that number. I am just telling you I heard it on the television this morning, and it shocked me.

Mr. AKIN. Some of these numbers do involve making certain assumptions, and if you doctor the assumptions, the numbers may look better than they really are. We just talked about one where they said the economy is going to contract by 1 percent, and we have already gone through 6 in the first quarter.

I yield to the gentleman from Louisiana.

Mr. SCALISE. You know, when we throw all of these numbers around, obviously the massive amounts of money—and when you talk about trillions of dollars, it's such a large number that it's hard for many to grasp just what that really means.

When we talk about the budget, and ultimately you look across this country, we are in tough economic times. Families across this country are actually cutting their budget. They are tightening their belts to live within their means.

And I think what frustrates most people is when they look at what's happening in Washington, whether we are talking about hundreds of billions in deficits or trillions in deficits, which, unfortunately, we are in today, they look at these numbers and they say, what's happening up there in Washington when we are tightening our belts, we are cutting back, Washington is actually mushrooming spending.

There is a lot of blame to go around. But when you look at what happened just a few weeks ago when the first budget came up for a vote here on this House floor, it didn't get any attention, but there was a balanced budget amendment that was proposed that day. Many of us proposed that amendment and voted for that amendment.

Mr. AKIN. All of us standing here voted for it.

Mr. SCALISE. What's ironic is over 100 Republicans just 3 weeks ago voted to balance this Federal budget, to balance it.

And this is during the cries of many on the other side who were criticizing all the spending that went on. And as they were criticizing the spending, they were raising spending by 10 times what had happened under Republican administrations, not one Democrat voted for that balanced budget amendment that was proposed on the House floor while many of them turned around and voted for the largest budget in the history of the country.

I say that because people don't want to hear about the partisan politics. But what many people are being told by this administration, incorrectly, is that there are no alternatives proposed by the other side, and that the Republicans are the Party of ''No.'' They don't propose any alternatives, which is clearly disingenuous because we have proposed many alternatives. They have been the party, not only of ''no'' because they have opposed those alternatives, they have been the party of fiscal recklessness, fiscal irresponsibility, of spending large amounts of money that literally will double our national debt in just 5 years. That's what I think has gotten most Americans frustrated now is that they know what they are doing to take care of their business. They are cutting back, and they are watching this Democrat leadership in Congress and this administration spending record amounts of money, running up the debt and the deficit at record levels, and money at record levels that we know nobody can sustain. So I think when people look, they say, this has only been 100 days. We have already, today, as we stand here, added 20 percent to the national debt, money we can't even get back.

The stimulus bill alone added almost $1 trillion of new debt, and we are still seeing some of the wasteful, frivolous spending.

Mr. AKIN. There is this transparency promise, that what's going on in Washington D.C., the public should be able to see it. You see this kind of transparency promise. And then when you take a look at what happened, the President first broke the promise of transparency in January when he signed this legislation which was the Lilly Ledbetter Fair Pay Act. It was passed January 27. And he since continued the problem with the State insurance, the SCHIP bill. It wasn't 5 days.

And the reason I mention this is when we came to that supposedly stimulus bill, our staffs got that thing at 11:30 at night, and we're supposed to vote on a 1,000-plus page bill the next day. Now, I am not a speed reader, and my staff doesn't sit around at 11:30 just waiting for some announcement from the Democrat Party.

Now I don't understand the transparency in that situation. But I do understand a little bit, because I don't know what $780 billion is. I started to put it in terms of aircraft carriers, because I understood that. I understood that it was more than the war in Iraq for 6 years and the war in Afghanistan added to it for 7 years. I understand it was more than 250 aircraft carriers. We only have 11 of them. The debt service on it was nine aircraft carriers, and it's all money that we don't have.

So we have got a series, again, going to this 100 days, there is a lot of new records that are being set, particularly in the debt area. But there are other kinds of things, I think, that get these people at the tea parties upset. One is, have you ever heard of the President firing the president of General Motors? I have never seen that before.

I yield to my friend from Texas, Congressman BRADY.

Mr. BRADY of Texas. There is so much truth in what you say. I was referring back to, again, one of our Facebook followers, Melody from my district in east Texas, that she wrote that if she were to grade our new President and Democrats in Congress, she said it would definitely be a flunking grade. It is like watching a train wreck happen.

It's interesting. President Obama is very sincere when he says, I was elected to change the direction America could go, and he is very up front about it. I give him credit for that.

But from my way of thinking, in the Eighth District of Texas, we believe he

is wrong on spending. He is wrong on nationalizing so much of our free market. He is wrong on Guantanamo. He is wrong on the CIA memos. He is wrong on this new national security threat of our veterans and our pro-life and our States' rights people.

I think just generally he is wrong in the belief that you can tax and spend and borrow our way back to prosperity. It won't work. I would say this. You always want to be helpful as a Member of Congress, so my advice to the President on this 100th day is, one, stand up to NANCY PELOSI and the Senate leaders in Congress. Be your own man and don't let them run the show as they have done for your first 100 days.

Extend a hand to Republicans who have got some great ideas on how to lower taxes, how to help small businesses create jobs, how we really get out of this economy and we are willing to work with you.

The final piece of advice is do less press conferences like tonight and more working meetings with Members of Congress who want to work across the aisle to solve these problems without going into a debt so staggering that we can never hope to get out. There are some great ideas up here, but so far for the first 100 days, it's been the congressional Democrats show.

Really, it's time for the President to follow through on his promise to change the way we work in Washington.

Mr. AKIN. I sure appreciate your making some positive comments. And I think it's important that when we are critical that we also offer a better idea.

I was taught that as a kid growing up. If you want to be critical of something, okay, but then say how would you do it better. I think that's an honest way for us all to proceed, and we certainly have a lot of ways to do that.

I would like to just take a few minutes and talk about what are some of the better ways to do things. You just mentioned Guantanamo. The numbers I have is that our best estimate is that 61 of those detainees are now fighting against us. After we let them go, they are back again in the battle fighting against our sons and daughters. My recommendation is when you get people that dangerous, don't let them go so easily.

Let's talk about some solutions. Let's just talk about how would we approach this situation. The economy has now been shrinking. We see this debt that is really skyrocketing, excessive spending on the part of all the Democrats.

Let's just say that working for the day, or we are President, we are responsible for turning this around, what are the steps we are going to take. I think it's fair to ask that question.

I will go to my friend from Texas, Judge CARTER.

Mr. CARTER. You've hit upon something that everybody needs to think about. First, you have to start with the premise that the government doesn't make any money. The government takes the citizens' money. That's the way it works. They are not a creator of wealth. They are a taker of wealth and a distributor of wealth. But they are not a creator of wealth.

So all this stimulus we have looked at, its purpose is to give a shot in the arm to the economy, if you believe in the Keynesian theory of economics, a shot in the arm to the economy, and make it start creating wealth again. But, in reality, we have seen no real indication. Japan can tell you for 10 years they did that and failed miserably. Most people will point to the Great Depression and say it failed miserably.

So the real solution is real wealth for America. You do that by putting more money in the American people's pocket, making it easier for people to be entrepreneurs. For small businessmen, don't tax them. Give them a chance to grow their small business. They employ the vast majority of the American people.

What we have got to turn around is real wealth from real jobs from real businesses for real people. That's what we've got to have.

Mr. AKIN. Summarizing what you said, Judge, what you are saying is, first of all, the Federal Government does not create wealth, other than we print money, which just waters down.

We tax people, slop the money around. But we never create it. We just redistribute it.

So how do you actually take an economy and help everybody to do better? And what you have to do is you have to allow the private sector, the entrepreneurs, the investors, the inventors, the small business people, to get out there and do that, the American dream.

Let freedom work and let people go and use their ingenuity and ability to actually create wealth.

□ 1945

Wealth is not static. It grows if you fertilize it the right way. So what you are talking about is doing things that are going to help small business.

Just an interesting number that someone tossed to me, and that is you take a look at companies with 500 employees. That is what is called a small business, 500 employees. Half of Americans work in a business with 500 or less employees, and those companies create 78 or 79 percent of the new jobs in America.

So if you are worried about the people not having jobs and you really want to turn the economy around, what you want to do is you want to fire that engine of small business, you want to get those 80 percent of the new jobs, you want to start getting those things going. And what do you do to do that? You have to have liquidity for those companies to work.

I recognize another good friend of ours and an expert on small business, Congressman BRADY.

Mr. BRADY of Texas. Well, thank you, sir. Most people in my district know that I was raised in a small business. I was a Chamber of Commerce manager my whole life. So I ran a small business, made payroll, had to cut staff in the recession and work with other small businesses. So I know how hard it is for them these days.

But there are three ideas Republicans came forward with, I think better ideas. In the stimulus, in that stimulus bill, billions and billions of dollars, there was more money to buy public art in America than to help small businesses survive.

Mr. AKIN. Well, reclaiming my time, you are saying that porkulus bill that we passed, it had more money to buy artwork than it did to help small business that creates 80 percent of the new jobs in our economy?

I yield.

Mr. BRADY of Texas. The line item for the National Endowment for the Arts was $50 million. The line item to help small businesses to buy new computers and equipment was smaller, $41 million.

What we said as Republicans was, we said, look, let's create a 20 percent income tax reduction across-the-board for small businesses so they can keep more of their money, keep good workers on the payroll, maybe buy that new computer or piece of equipment, or just survive through this recession. We thought that was a better idea.

On housing, the government has come up with this new $2 billion pool of money to buy foreclosed homes in your neighborhood and mine. The Republicans said wait a minute. Given a choice between having the government buy a home in our neighborhood or our neighbors buy that home, maintain it, keep it up and sell it once the market recovers, we created incentives that said, look, if you look around your neighborhood and community and you buy one of these distressed homes, foreclosed or someone who is in trouble, it is abandoned, we will treat it just like your own home. If you keep it up and maintain it, when you sell it, you can keep the profit.

Now, who is going to keep better care of a home in your neighborhood? Uncle Sam, or one of your neighbors?

Mr. AKIN. That is a no-brainer, gentleman. Keep going.

Mr. BRADY of Texas. Absolutely. Then on health care, they are looking at this big government-run health care system. Many Republicans, including me, are proposing this backpack, where for the first time workers get an option where they can choose a health care plan that is right for them, just like Members of Congress do. They can put it in a backpack and take it with them throughout their life, from business to business or to home to raise the kids, or if you are going to start your own small business. Basically you get the same tax breaks businesses get. But you have one that you choose. It is your doctor, your relationship, the hospitals you choose to go to.

Mr. AKIN. That sounds like freedom working, doesn't it?

Mr. BRADY of Texas. It is. Instead of government one-size-fits-all, why don't we give more freedom and more incentives for people to have a health care plan that fits their needs?

We have great ideas. My colleagues here tonight I guarantee you could spend a lot of time with these new ideas. But we need a President who will be open. We need a Democrat Congress who will quit rushing bills through this Chamber and give a chance for those good ideas to come forward.

Mr. AKIN. Just reclaiming my time, if I were to list off some things for small business, and you have run a Chamber and run your own small business, it seems like to me there are some things we are doing that I just wouldn't do.

The first thing is the death tax. That is a bad idea. We are having that death tax come back so some poor guy loses his business, I mean he dies, and his son is going to run the business, but now he has to sell half the business to pay the tax on it. What is the logic of that? That destroys jobs and destroys small businesses. So first the death tax.

The next thing it seems to me like dividends and capital gains, boy, did we see the economy jump when we limited that and allowed people to keep more liquidity in the economy. So that is another thing we could to.

Another thing, it seems to me, is when you say you are going to tax people making $250,000, a whole lot of money, those are the guys that own the small business. Do you want them to create jobs, or do you want to suck all the money away from them like some sort of leech until they are so dry and withered up they can't hire anybody anymore?

I think there are some things that we just didn't do. Just leave them alone and let them do what they do so well, which is follow the American dream.

I yield to my friend from Louisiana.

Mr. SCALISE. I thank again my friend from Missouri. You know, there are very critical areas of our economic problems that we have proposed alternative solutions to, three in particular I think that are critical to what is happening today that we presented to President Obama. Unfortunately, he hasn't taken them in the first 100 days. Hopefully he will take them in the next 100 days.

But if we talk about the overall economy, number one, the banking system, which is still holding back our economy; number two, energy policies, where we still don't have a comprehensive national energy policy; number three . . .

Mr. AKIN. Reclaiming my time, are you saying that hugging Chavez is not really a national energy policy? Is that what you are trying to say?

I yield. I couldn't resist that.

Mr. SCALISE. Well, if you start with the overall economy, one of the biggest things we can do, rather than just massively growing the size of government and adding trillions of dollars to our national debt, we can empower our middle-class families and our small businesses. We presented a bill to do just that, a bill that would actually cut taxes for middle-class families and for small businesses, who create the bulk of our jobs.

What some people on the other side have said is, it is the tax cuts that have gotten us into this problem. What they fail to recognize is history. Every time we cut taxes, you can go back to when John F. Kennedy cut taxes or when Ronald Reagan or George Bush cut taxes, revenues to the Federal Government actually increased. What was always wrong was that the Congress spent more money than came in from those tax cuts.

So tax cuts clearly have worked. It is the fiscal discipline in Congress that has always failed us. So maintain fiscal discipline, cut the taxes to get the economy back on track, go into the banking system—we had proposed alternatives that would actually get the banks working again.

Mr. AKIN. You are talking so fast and what you are saying is so good, you are really referring to three different times in history, where instead of doing what FDR did and Henry Morgenthau tried to do, and came before Congress and said it failed, it doesn't work, this stimulus idea, this Keynesian idea, what has worked was what JFK did, what Ronald Reagan did, and what George Bush did, three separate times at 20-year different intervals, and that was they actually cut the taxes, and this seems like water going uphill, and the revenues of the Federal Government went up.

That is kind of an interesting phenomena, but it has happened time after time. And the reason behind that, I will go ahead and yield and let the gentleman explain that.

Mr. SCALISE. The problem is fiscal discipline hasn't been maintained by Congress. For all of the new revenue that came into the Federal Government, Congress always went on to spend even more money. So that is one area you can address.

On the banking system, we still have major problems in our banking system, a lot of it created by irresponsible lending by groups like Fannie Mae and Freddie Mac, who gave loans to people with no ability to pay, and they were encouraged by government. We need to end that.

On a comprehensive national energy policy, we can actually use our own natural resources, continue drilling for oil, natural gas, cleaning coal up and using nuclear power and take that extra revenue with those millions of jobs we would create and fund the alternative sources of energy, like wind and solar, to get us to that next level of jobs, rather than a cap-and-trade energy tax that would run millions of jobs out of our economy and also raise taxes on American families.

So we have presented these alternatives. In the first 100 days, unfortunately, President Obama has not worked with us to embrace any of these ideas, but hopefully that will change as more people become concerned about this record level of record spending.

Mr. AKIN. Congressman SCALISE, I really appreciate your positives and giving very specific kinds of things that can be done to turn the economy around, to reduce this level of spending.

We are just about out of time. I appreciate your expertise and joining us tonight. I am going to just recognize my friend Judge CARTER for a minute, and then we are going to have to wrap things up and I will come back to you.

Mr. CARTER. I just want to point out there are a few things we haven't talked about, like apologizing to the terrorists; labeling enemy combatants, they are now foreign detainees; labeling the war on terror as international contingencies; labeling the terror attacks as man-caused disasters; hugging up to the Castro brothers, who tried to make their island a launching platform for intercontinental ballistic missiles within my life; and hugging up to Hugo Chavez, the man who hates this country more than anybody, and taking his book, which is all about venom against this country.

These are just a few of many, many other things we haven't talked about tonight.

Mr. AKIN. It was basically labeled a Communist rant and an idiot's Bible, I think, by various people that reviewed that book.

Going last to my good friend, a very senior and distinguished Congressman from Texas, KEVIN BRADY.

Mr. BRADY of Texas. Well, I think the way you started this, and the issue is freedom, Thomas Jefferson said a government big enough to supply all your needs is big enough to take everything you have. It is important we keep that in mind as this country grows deeper, deeper, deeper into debt.

Mr. AKIN. I appreciate all of you joining us in this nice family discussion and hope that it has been of interest to our colleagues. I just ask us please to do a little better in the next 100 days.

FISCAL ISSUES AFFECTING THE COUNTRY

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under the Speaker's announced policy of January 6, 2009, the gentleman from Massachusetts (Mr. CAPUANO) is recognized for 60 minutes as the designee of the majority leader.

Mr. CAPUANO. Madam Speaker, I am here tonight to talk about some of the fiscal issues that have affected this country and how they were caused and maybe a little bit of who caused them and who didn't cause them.

Over the last several months, obviously there has been a lot of debate

about this and there have been a lot of people who want to point a lot of fingers at other people. And that is natural. We all tend to do some of that in our lives, and it is particularly natural here in Washington. People love to point fingers at somebody else when there are bad things going on, and people love to point fingers at themselves when there is something good that goes on.

In this particular case, with the financial crisis that we have, instead of stepping up and understanding that, I believe every single American, including me, has some degree of blame in the current fiscal situation. Everybody tried to get a piece of the American dream. Everybody tried to punch up whatever retirement plans they had. Everybody tried to get better rates on their loans. Everybody tried to get better rates on their credit cards. Everybody tried to get more mortgages than they could afford. Everybody tried to do it. And, of course, some people in business were there to try to provide those things.

So I think it is a little ludicrous to try to blame anyone in particular, or actually any group of people. I think it is all of us that have some degree of blame.

As I heard some of my colleagues just a few minutes ago try to blame Fannie and Freddie or try to blame individual Members of the House or individual Members of the Senate, I think that is ridiculous, and I actually have more faith in the average American than to think they would think any individual or any one group could do it.

In this particular case, let's go back just a little bit. What were Fannie and Freddie created for? They were created to help the middle class be able to purchase a home. That is why they were created. Because before their creation, home ownership was limited to only about 20 to 30 percent of Americans. About 60 to 70 percent of Americans were never able to afford a home because banks simply wouldn't make loans unless they were absolutely guaranteed of always getting their money back. They wouldn't take any risk whatsoever.

So Fannie and Freddie were created in order to stabilize home ownership that was on the border. They were also created, most importantly, to expand the availability of mortgages to working people. And it happened slowly, over time. This country went from a place where only 30 percent of Americans own homes, to now in today's world approximately 70 percent of Americans own their own homes. That is in contrast to most of Western Europe, where it is about 90 percent of people own their own homes.

I personally think, having been raised in a middle-class, lower-middle-class family, that home ownership is still the best way to guarantee entry and maintenance of a middle-class lifestyle, because it is the largest purchase any of us will ever make, most of us will ever make. It is the most important purchase.

In the normal course of events, over time, you build up equity in a home. And most of us have to remortgage it to send our kids to college. That is how most of us afforded to be able to send our kids to college.

All that being said, Fannie and Freddie and their concept of a government-sponsored enterprise have created over time an immense number of homeowners, an immense number of people who would not otherwise have had an opportunity to get a mortgage.

□ 2000

I have no doubt. I totally agree that over the last 10 or so years, like everybody else, they decided to stretch some of the definitions to do some things that maybe were questionable, not necessarily for any nefarious reasons, but for the same reason banks were doing it, for the same reason hedge funds were created, for the same reason private equity firms were created, to get a little bit better return.

Now, there were many of us at the time, now I'm talking back in 2005 and earlier, who said, you know, maybe they've gone too far; maybe they've expanded it just a little bit too much; maybe they have to be reined back in.

And back at that time, our friends, the Republicans on the other side of the aisle, were in charge of the House, they were in charge of the Senate, and they were in charge of the White House. And we worked with them. We worked with Chairman Mike Oxley of the Financial Services Committee to try to come up with a bill that would address some of these very issues, and we did. We got a bill out of committee and on to the floor of this House in a bipartisan fashion that would have reined in some of the concerns that these people that have just talked have about Fannie and Freddie, and not just Fannie and Freddie. I don't want to pretend in any way that they were the only ones doing this, but they were also the ones that we were responsible for. It would have reined them in. And it was done in a responsible way, in a bipartisan way, with Chairman Oxley and at that time Ranking Member BARNEY FRANK and the White House, the Bush White House, not the Obama White House, not the Clinton White House, but with the Bush White House.

When the bill got out here some of the more extreme Members wanted to shut down the whole thing, having no clue how most of their own constituents were able to afford a home, and they raised all their concerns, all the same ones you've heard tonight, that government should have nothing to do with mortgage rates. Well, that's ridiculous. That is ridiculous. And they just decided to kill it. This is back in 2003, 2004 and 2005.

And if you don't believe me, we have quotes here from Chairman Oxley himself, who was quoted as saying—now, this is after the fact. This is dated September 2008, talking about those times. And Chairman Oxley himself, this is a quote from the Financial Times, not necessarily the bastion of liberal thinking. He fumes about the criticism of his House colleagues. This is a quote: ''All the hand-wringing and bed wetting is going on without remembering how the House stepped up on this,'' he says.

What did we get from the White House? We got a one-finger salute. When we tried to rein in Fannie and Freddie, the right-wing members of the Republican Party decided to say ''no.'' They decided to let it ride.

Now, I understand what they were doing for political purposes. I don't understand, still don't to this day understand what they were trying do for financial purposes or government purposes. But ideologues around this place never understand that sometimes doing what's right for people is better than winning an ideological argument.

In this case, if we had simply done that one thing, according to, again, this is the Republican chairman of the Financial Services Committee at the time, when the House was run by Republicans, the Senate was run by them and they had the White House. This is a direct quote. ''We missed a golden opportunity that would have avoided a lot of the problems we're facing now.'' That's his quote, not mine. I happen to agree with him, obviously.

We didn't take the opportunity. And what happened? A few years after that things got a little worse. Democrats finally took the House back.

What was one of the very first things we did? We passed a bill to reform Fannie and Freddie. We passed a bill to reduce and restrict subprime loans as quickly as we could. You can't put the genie back in the bottle. This was 2007, after most of the problems had been caused.

Now, that doesn't mean, I won't pretend that myself and others don't have some degree of blame. I am happy to accept my degree.

What did I do? What did people who agreed with me do?

I was happy to push to allow more people to qualify for mortgages. I thought at that time, and I still believe, that that is a good goal. I will admit, knowing what we know now, maybe we pushed a little too hard for some people. I agree with that. I understand that. That doesn't mean when times get better, people like me won't push again, because I still believe that the best way into the middle class and the best way to stay in the middle class is home ownership. And I don't know anyone who disagrees with that, except people that are already in the higher income brackets, who they have theirs, and they're more than happy to pull up the ladder for the next people trying to make it to the middle class.

People want to rewrite history. I understand that. It's not new. It's an old political game. But facts are facts. When the government agencies had

overstepped some of their boundaries, we were there to try to help them, help get them back within those boundaries. We worked with Republicans. We got a good bipartisan bill out of committee, and then that bill fell into the hands of the Newt Gingriches and others of the world who just let their ideology control everything they do and everything they say.

And we didn't have the votes. As soon as we got the votes, we addressed the issues, and we are still addressing them now. Yes, we're trying to fix the mess that we inherited and we will continue to try to do so. But we're also trying to make sure, while we're doing that, that these things can't happen again. And we have done that already, to some degree. We have a few more things that we have to do.

As a matter of fact, today we spent a fair amount of time in Financial Services passing a bill that hopefully will be on the floor next week, or the week after, that will continue that process, to make sure that future mortgages, Number 1, are given to people who deserve it, Number 2, can be paid back, and yet, that balance to allow people to continue to access mortgages, to continue to build themselves up in the middle class, and to continue to be able to stay there.

With that, Mr. Speaker, I'd like to yield as much time as she might desire to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Thank you, Mr. Speaker, and thank to you my colleague, Congressman CAPUANO for leading this Special Order tonight.

I wanted to just kind of go back and share with those who are listening tonight that when I came to Congress, I was elected in 2004, I came in 2005. I asked to serve on the Financial Services Committee. I had no idea at that time that it would be the busiest committee in 2009 as we've worked to address the economic downturn, the likes of which we certainly haven't seen in my lifetime.

But to reflect back on that history, what I was so pleased to discover, because we talk a lot about partisanship in the media and there's a feeling that there's never any working together in Washington, is I came to the committee in 2005 under the chairmanship of Republican Mike Oxley and Ranking Member BARNEY FRANK, and they demonstrated what work together really means. It was a committee that put partisanship aside. Both leaders of both parties recognized hard work and good ideas; it didn't matter which side of the aisle it came from. They worked hard to find common ground. And I was very happy to be there and learned a lot from Chairman Oxley and respect him, as I've also come to see that Chairman FRANK, as he took the gavel in 2007, has continued in that tradition. It's exciting to see what's possible in committees when ideas prevail over ideology.

As I mentioned, it's been a busy committee, and we haven't slowed down. And we have a chairman that's very deliberative and consensus-driven. Unfortunately, when Chairman FRANK took the gavel in 2007, he was faced with some serious challenges. The subprime mortgage crisis, the issue of bringing proper oversight to Fannie Mae and Freddie Mac, and he really stepped up to those challenges. In fact, prior to that, we'd already been working. In fact, prior to the recent problems with the mortgage crisis, in 2007, we immediately passed legislation to address the subprime crisis and, in fact, Chairman FRANK made sure that we passed robust oversight for Fannie Mae and Freddie Mac. That did pass and become law.

Unfortunately, the mortgage reform went to the Senate, where it did not move and get to the President for signature and did not become law. And we are now, just this week in committee, and, in fact, today, we were marking up another mortgage reform bill that we'll be bringing forward, and we're more hopeful that the Senate and the President will act on that and it will become law so that we can eliminate the lending practices of the past that introduce too much risk to the system and set up people to fail. It's not home ownership if you're only there for a little while and ultimately can't make your payments.

We have to move beyond the lack of due diligence and proper underwriting standards that allowed no doc, low doc loans, drive-by appraisals, triple A rated securities that really weren't triple A that contributed to an economic downturn of not just systemic proportions domestically, but international ramifications. And we're continuing to work hard on those issues.

We've worked to address foreclosure avoidance. We've worked to address the credit crisis. And all of this has been led by a chairman who continues to respect good ideas, regardless of which party they come from.

I find it interesting that many have chosen to demonize particular individuals in the Congress, or suggest that one Member, particularly when he served in the minority, somehow could bring the downfall of Fannie or Freddie or our system in general, when, in fact, well, for over a decade, many on both sides of the aisle talked about the need for proper oversight to these large institutions, Fannie and Freddie. And yet, it wasn't until Chairman FRANK had the gavel that we actually moved from rhetoric to resolution and passed that resolution in the House so we could bring that oversight. Unfortunately, by the time it did pass, it was too late to preclude government takeover of these institutions.

Let me move on to a couple of other areas that we've been working on in committee and, again, where there's been effort to work together. Let's talk about the TARP funding. One of the things that I was impressed with was that when past President Bush came and Secretary Paulson at the time came to Congress requesting funds to support greater stabilization of our financial institutions, Chairman FRANK didn't hesitate to bring some sincere bipartisan effort to the equation. He didn't accept the request as it was, which was, essentially, a blank check. He demanded greater accountability and more specific definition of the purpose of those funds, and has continued to fight to improve that ever since.

But what he also didn't do is he didn't lay blame. He didn't step back and say, that's another party's problem. He brought constructive solutions forward. And that's what we all need to do in this body if we're to address the challenges we continue to face.

We've had countless hearings, not only in the past Congress, but in this Congress, to address issues about agency abilities and lack of abilities; if you look, for instance, at the Madoff scandal and the SEC's inability to have addressed that long before they finally did and when it was too late.

We've had hearings about the AIG fallout and does that bring about the need for a greater Federal role in insurance regulation.

We've had hearings about systemic risk and how we can bring a greater authority to have an umbrella oversight beyond the functional regulator so we can determine where there might be risks in the system that, in a future downturn, could do what happened recently, affecting all of our businesses, our families' savings for retirement and for college, reducing the values of our homes. And we need to avoid that type of systemic fallout when we have future downturns, which we're always likely to have in normal cycles.

We've talked about providing resolution authority so that, as the FDIC has been able to wind down failing banks in a way that has not been disruptive to businesses and families who are depositors of those banks, but to reorganize those institutions in a way that doesn't bring further panic to the system, we don't have, and our Federal Government doesn't have, clear authority relative to someone like an AIG or other institutions that don't fall under FDIC's ability to do that.

So as we continue through these hearings and continue our hard work, I think it's important that we focus on solutions and not playing the blame game. This is my fifth year in Congress, and I've never come to this floor to attack an individual or a party, and I don't ever intend to do that. But I thought it was important to come, at least call it as I see it and lay the record more clearly where there have been those who have cast blame clearly in the wrong direction.

□ 2015

Many economists are telling us this is the worst crisis we have seen since the Great Depression. We have been forced to make hard choices, and we are going to continue to make hard choices. And we are going to make

some mistakes along the way, but our intent needs to be, on a bipartisan basis, that we roll up our sleeves, we work together, and we find the best solutions possible. I am glad that on the Financial Services Committee we have a chairman and a ranking member who both step up to bring that kind of leadership in the continued tradition that was here when I came in 2005 under Chairman Oxley and then Ranking Member FRANK. I am glad to be on that committee and will continue to do my part.

I will mention one other thing. I happen to vice chair a coalition that's called the New Dem Coalition, which is a pro-growth caucus. And we have been very focused on pro-growth, pro-innovation solutions to some of the challenges that we are facing. I also happen to chair the task force for the NDC on Financial Services regulatory reform. And I have also appreciated the chairman's deliberative approach and feedback to some of the suggestions we have made to him for committee consideration relative to regulatory reform.

We are focusing on regulatory performance. Clearly, the SEC's inability to determine that there was a problem that ultimately resulted in the Madoff Ponzi scheme suggests that we don't need more regulation, but better regulation, and a greater degree of best practices in the agencies who should be accountable for it.

We are also working on addressing issues of market stability and transparency, making sure that we bring to the table some counters, or countercyclical mechanisms to offset the procyclical nature of our system as it occurs currently, which has contributed to repeat cycles of booms and busts and booms and busts. And we need to be more prescriptive in working with our regulators to ensure that they consider and have the flexibility to weigh in on things relative to capital requirements. So as we see a bubble in formation, maybe increasing some of those requirements so as to encourage some deleveraging where clearly we were overleveraged. Conversely, when we are in a precipitous downfall, as we have all experienced recently, that is probably the time that the regulator should have the ability to consider easing up on those capital requirements so it doesn't require forced selloff of other equities as it did when we had the mortgage crisis, which created a more systemic-wide problem.

We have to improve consumer and investor protections. And so we look at things like the credit default swap market, which has been roughly a $62 trillion unregulated market that left many counterparties out there and ultimately required Federal intervention to assist AIG in their downturn.

Those are the kinds of things that we are working on. And we don't have all the answers, but we are working together on a bipartisan basis to find those solutions—and had a late night dinner this week. Those are the kinds of things that we are going to have to continue to do to bring real solutions to the table and help create an environment so that our businesses and our families are on a solid foundation that supports sustained growth as we turn our economy around.

Thank you. And I yield back.

Mr. CAPUANO. Mr. Speaker, I just want to take two seconds and show this chart.

As you can see, this chart shows the number of subprime loans over a period from 1996 to 2005. Pretty obvious what happened. Within the first couple of years, subprime loans were reasonable, and a number of them given out. This entire time the House was controlled by the Republican Party, the entire time of this chart.

As you can see from this hashed section, that is when the White House was taken by the Republican Party. And you can see what happened to subprime loans, they skyrocketed. They skyrocketed. And they didn't stop until 2008—actually, they didn't stop. They started slowing down in 2008 and they stopped in 2009.

What happened in 2007 was the Democrats took over the House and they passed legislation to deal with this. That same legislation—or similar, I shouldn't say the same, but similar legislation was passed through the Financial Services Committee in the year 2005 that would have done the same things earlier. Now, it wouldn't have stopped the problems, but it would have lessened the problems. And this chart speaks for itself.

It is amazing to me that people can blame others when the ones on the receiving end of that did not control this House, did not control the Senate, did not control the administration, did not control any of the appointments to any of the regulatory agencies, yet somehow they can be blamed for a lack of action. That is unbelievable rewriting of history. And I just think the people who know the facts will draw their own conclusions.

With that, I would like to yield to the gentleman from Colorado for as much time as he would like.

Mr. PERLMUTTER. Thank you, Mr. CAPUANO. And I appreciate the comments that you have made.

I have a chart that shows exactly how much was done under the Republican Congress and the Republican administration in terms of reforming and revamping the GSEs, or, in other words, the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, and what was done to deal with subprime lending during the Bush administration, and at the same time when Congress was in the hands of the Republican Party.

My friends earlier today from the other side of the aisle were blaming everything on Democrats when they were in charge. Now, it is nice to try to lay blame when there is a realistic argument for laying that blame, but they can't do that. It simply is a fact that nothing was done to try to deal with what was becoming a tremendous housing bubble; that there were excesses in the way that lending was taking place, that restraints didn't exist, that regulation was being eliminated or ignored. And as a consequence, we had a tremendous burst of a bubble.

And it is under the Democratic Congress, under the chairmanship of BARNEY FRANK, that there has been a real effort to try to rein this in. So instead of having zero, this Congress, one of the very first things it did under the Democrats and under Chairman FRANK's leadership was to begin reforming Fannie Mae and Freddie Mac. It was one of the very first bills that the Congress in 2007, when I was elected, when Congressman ELLISON was elected, it was one of the very first things that we did, knowing full well that there were excesses with Fannie Mae, Freddie Mac, and the subprime lending. We still didn't have much success with the Bush administration. Certainly, the Obama administration is going to deal with this directly.

We are in the process of working on subprime loans and predatory lending. We did finally get some Fannie Mae and Freddie Mac legislation passed at the end of last year. And now we can start regulating these kinds of vehicles, this kind of lending in a serious fashion, not one that is going to bring the market to a halt, but one that respects the fact that you can get out of control, and that is precisely what happened.

I know my friend from Massachusetts read the quote from Mr. Oxley, who was the Republican chairman who tried to do something but was stalled by the Bush administration. But I think it again bears reading. He says, this was last summer, when we actually passed the Fannie Mae and Freddie Mac legislation and all of a sudden there were a lot of Republicans saying the Democrats should have done something about Fannie Mae and Freddie Mac earlier before there were any kinds of financial problems. And he said something, he fumes about the criticism of his House colleagues—this is Republican former Chairman Mike Oxley, ''All the handwringing and bedwetting is going on without remembering how the House stepped up on this. What did we get from the White House? We got a one-finger salute.''

So when there was an attempt, even under the Republican Congress, to try to reform things, the White House refused to do that. So that kind of gives you this big zero, what actually happened.

The subprime chart that Congressman CAPUANO showed a second ago was another sign of the excesses that were taking place under the Republican Congress and the Bush administration. And then you see what we get from all of that.

My friends on the other side of the aisle were complaining about the deficit and the debt that is being incurred

right now, but it is that debt that was created under the Bush administration. The Obama administration has inherited a $1.3 trillion deficit; that's where they start. That is where this administration starts. And it starts with a banking crisis, a $1.3 trillion deficit, loss of jobs, and a housing crisis.

What we are doing is to provide some funding so that people can buy homes at an interest rate that is reasonable. We are trying to stop the foreclosures that are occurring. So we are trying to stabilize the housing market and we are trying to stabilize the financial market.

Now, much of what we did to try and stop the crisis or the fall of the financial markets was done last fall, really under a bipartisan effort of the Democratic Congress and the Bush administration, but it was in free fall. So the Obama administration is trying to get the financial markets on the right path again. It appears that that is going on.

And then we really, this Congress and that administration, also under the leadership of BARNEY FRANK, we came up with a stimulus bill, which is going to spur more jobs, creation of jobs, as well as a new energy economy, revamping education, and dealing with health care costs.

Now I would like to give my friend from Minnesota an opportunity to speak about this, and we will then have a conversation.

Mr. ELLISON. If the gentleman would yield, I want to ask the gentleman a question. Did the stimulus package also include the Neighborhood Stabilization Act, which is money, passed through the Democratic Congress, that would allow the neighborhoods to get money to help buy up some of these foreclosed properties? Did that happen?

Mr. PERLMUTTER. It has. The underlying principle of the American Recovery and Reinvestment Act, the stimulus bill, is jobs, jobs and stabilizing the housing market, financial market. But what it does with the Neighborhood Stabilization Act is it starts to absorb foreclosed properties, takes those foreclosed properties, upgrades them, rehabilitates the properties, and makes them energy-efficient homes. So not only does it stabilize the housing market, it creates jobs by upgrading these homes to energy-efficient standards, and then helps us move to a new energy economy, which is one of the key points in the stimulus bill. So it really has so many facets to it, the stimulus bill does, to get us back on track after falling off a cliff, as you can see what happened under the Bush administration.

I would yield back to my friend from Minnesota for any further comments; or I know my friend from Massachusetts is to be guiding all of us tonight, so wherever you would like to go.

Mr. ELLISON. Well, you know what, I appreciate that, but I am going to toss it back to the gentleman from Massachusetts, who I think is going to toss it to the gentlelady from Wisconsin. I am happy to wait my turn in the line since I was one of the last ones here tonight.

But I do appreciate the gentleman from Colorado's comments; I think they were dead on the mark. And I am very happy to be here tonight sticking up for the Democratic record and the leadership of BARNEY FRANK on Financial Services reform.

Mr. CAPUANO. There are just a few things I want to say before I pass it off to the gentlelady from Wisconsin.

There are a couple of things that people have to understand; yes, Fannie and Freddie have some blame in it, like we all do, but they didn't do anything that everybody else wasn't doing as well. They didn't create credit default swaps. They didn't create excessive leverage. Yes, they did invest in them heavily. Why did they invest in them heavily? They did it because the rate of return was so high they couldn't walk away, because that higher rate of return allowed them to then put more money up for mortgages. They didn't do anything that everybody else wasn't doing.

So yes, we are talking about them tonight because they are government-sponsored entities, but a lot of this was created by people other than them, the private market.

There is one other thing I do want to say. The other thing I have heard an awful lot of is that somehow the CRA, Community Reinvestment Act, is somehow to blame for all of this.

□ 2030

The CRA was a law that was passed because banks were happy to take money out of poor and lower income neighborhoods without putting any of it back in. People were allowed to deposit their money, but they weren't allowed to get mortgages. Simple law says, if you take the money out of these communities, you have to put some of that money back in.

Nothing in the CRA says a single loan should be given that is inappropriate. Nothing in the CRA says a single loan should be done in an unsafe or in an unprofitable manner. That's not what it says. As a matter of fact, it says things just quite the opposite. It simply says, if you want to do business in a certain community, you have to then do business in that community. It's quite simple.

One little fact: In 2006, 84 percent of the high-cost loans were originated by non-CRA covered banks. I'll say it again to make the point. Eighty-four percent of the loans given that were high-cost loans—all of these loans that mostly get a lot of people in trouble—were not given by banks covered by the CRA. How could they possibly then or how could that law possibly have caused this trouble if they were only giving out 16 percent of the troubled loans? No one else is to blame, just the ones that they don't like.

Mr. PERLMUTTER. Would the gentleman yield for just one second?

Mr. CAPUANO. Absolutely.

Mr. PERLMUTTER. I just have to go back to the quotes from Mr. Oxley, the Republican chairman at the time, trying to deal with excesses within the mortgage market. This is from the Financial Times, dated September 9, 2008.

He says, ''We missed a golden opportunity that would have avoided a lot of the problems we're facing now if we hadn't had such a firm ideological position at the White House and the Treasury and the Fed.''

With that, I'd yield back to my friend from Massachusetts.

Mr. CAPUANO. I'd like to yield to the gentlewoman from Wisconsin for as long as she might take.

Ms. MOORE of Wisconsin. Well, thank you so much, the gentleman from Massachusetts, the gentleman from Colorado and the gentleman from Minnesota. I'm very happy to participate in this Special Order tonight.

I think that, while we're talking tonight, it's really important to raise some really uncomfortable issues. I have heard many people on the other side of the aisle talking about CRA—the Community Reinvestment Act—and about Freddie and Fannie as causal of our current meltdown of the financial market. Let's get real about this. CRA and Freddie and Fannie are all proxies for a discussion of race, so I want to talk about race and about the whole history of the Community Reinvestment Act.

You know, I was out there, demanding as a community organizer that banks reinvest in communities in which they took deposits. I was one of the people demanding that they do it. Through extensive research, I was inspired, quite frankly, by a professor—now a professor at Georgetown University—who was a professor at the University of Wisconsin, Greg Squires, who found that minorities and particularly African Americans were being discriminated against in terms of getting prime loans.

What Professor Squires found is that, even when you controlled for income and when you controlled for other indices of creditworthiness, African Americans were less likely to get a prime loan and that redlining was the rule of the day and that, if you lived in a minority community, especially in the black community, no matter what your income, no matter what your credit score, no matter what your creditworthiness, being black—being an African American—would either not get you a loan at all or it would get you a subprime loan.

So the Community Reinvestment Act encouraged federally insured banks and thrifts to meet the credit needs of the entire communities that they served, including low- and moderate-income areas, that were consistent with safe and sound banking practices. The law was enacted in response to those of us who were out there who were concerned about disinvestment, and we produced evidence that lenders were

systematically denying credit to certain communities, particularly to minority and low-income communities. They were actually practicing redlining.

As you indicated, the gentleman from Massachusetts, you were incorrect to say it was 84 percent of the high-cost loans that were made. It was 84.3 percent of these high-cost loans that were made in the 15 largest metropolitan areas. So what happened?

We went from CRA, which was a very good law, and Freddie and Fannie—these government-sponsored enterprises. We found that, in 2004, our former President, George W. Bush, demanded that Freddie and Fannie take on more of these mortgage-backed securities that were being produced by these subprime lenders, the 84.3 percent who were non-CRA lenders, and required them to buy more of these mortgage-backed securities. Now, mind you, Freddie and Fannie didn't write one single subprime loan, but they also became prey to the predators.

Now, why was there such a change of heart with respect to providing loans to minority communities? Because they found that there was a whole lot of money that could be made from these products, that there was a lot of money—a lot of moola—that could be made from these subprime loans. Low-income communities—minority communities—were targeted for these subprime loans.

So they went from not lending them money at all to providing loans to then forcing Freddie and Fannie, without getting regulation or with no one watching, to buy these mortgage-backed securities.

So I just want to get it straight here that, indeed, there were many, many, many loans made to African Americans and to Hispanics—people who were creditworthy, people who deserved prime loans. They didn't deserve these ARMs. Research and data are conclusive that African Americans, in particular, were given subprime loans even though they were worthy of prime loans. So I just don't want to hear it anymore.

When you hear CRA, the gentleman from Colorado; when you hear Fannie, the gentleman from Minnesota; and when you hear Freddie, that's a proxy for ''we loaned to all of those black people, and that's why we're having this worldwide crisis.'' No. The reason we're having this worldwide crisis is because of greed, because of fraud, because of lax regulators, because of fraudulent appraisers, because of the 84.3 non-CRA—non-Community Reinvestment Act—financial institutions in the marketplace, and because of race.

Race was the single factor in determining over the course of the past 30 years, first of all, who would not get a loan, who would be redlined against, and now currently who would, in fact, get a subprime loan.

I would yield to the gentleman from Massachusetts in response to this. I know that race is extremely uncomfortable for people to talk about, but I think it's important to keep it real.

Mr. CAPUANO. It certainly is uncomfortable for a lot of us, and it certainly is real. I totally agree with everything the gentlewoman just said.

By the way, if it were a race item, in reality, wouldn't everyone losing their homes today be black? The answer is that it's not. It's across all lines. Blacks are losing their houses. Whites are losing their houses. Hispanics are losing their houses. Why? We've all been victimized. I want to be clear. I want to repeat again:

Fannie and Freddie didn't do anything that everybody else wasn't doing. I'm not saying they're not without blame. They are as I am and as, I think, everyone is. We all have some degree of blame. Okay. At the same time, what about those who were in charge at the time? I'll go back to the chart of subprime loans.

During that entire time that subprime loans were charging upward, this House was controlled by Republicans. The Senate was controlled by Republicans almost that entire time. Particularly when they went through the roof, that's when they took over the White House. Why? Why did it happen overnight? Nobody sat down and said, ''Let's do subprime loans.''

What happened is we got an administration at the White House that said, ''We don't need regulation. Let the market do whatever it wants. Let human greed go unregulated.'' Now, there's nothing wrong with human greed. We're all greedy. It's what drives a lot of us—we all want more—but unfettered greed, unregulated greed, unlimited greed always leads to disaster. It always does. We had an administration that believed the market could regulate itself, period. Now, the market can regulate itself to some degree, but when you say to the SEC, ''Do nothing. Look the other way on credit default swaps. Sit on your hands when anybody comes up with new instrumentations and when banks have special investment vehicles that are off the books,'' this is the result.

Congress has some blame. No question about it. Personally, I should have screamed louder. Now we have the votes. Those people with the votes should have done something.

I want to point to the chart behind the gentleman from Colorado again. During the time period when Republicans had control, they did nothing. Nothing. Since we took over—and I'll go through the litany later because I'd like to yield to the gentleman from Minnesota—we have taken action. With action sometimes—there's no question about it—the horse is out of the barn to some degree. You can only do so much when that has happened, but we have done what we could do when we could do it. We will continue doing it this week and again next week.

With that, I'd like to yield to the gentleman from Minnesota.

Mr. ELLISON. Well, actually, I'd like to address the question that was raised by Congresswoman GWEN MOORE from Wisconsin. I'd like to pose a question to her, and this question is going to take a little buildup, so bear with me.

Ms. MOORE of Wisconsin. Okay.

Mr. ELLISON. Now, if you were responsible for deregulating the markets and if you were responsible for unleashing the wildest impulses in human nature—greed among them—and if you presided over a catastrophic increase in the budget deficit as you cut taxes for the wealthiest Americans and if you let loose a war in Iraq that should never have been fought, after it all came crashing down, wouldn't you be looking for somebody to blame? Well, you might just blame the people who are the most vulnerable in our economy, and that is what is at the very root of the CRA mess.

You can't possibly expect people to accept responsibility. Look, when you look at these crossed lines here, this is when the party opposite ran the whole shooting match. This is when they had the White House and this House and the other body—the Senate. They ran the whole shooting match, and we got a big, fat, enormous, giant goose egg out of it as it relates to any kind of financial regulation.

As soon as the 110th Congress broke out and when we finally got a chance to do some regulation, what did we see? Through this House, we passed the shareholder vote on executive pay, the so-called ''Say-on-Pay.'' If you were upset, frustrated, angry or were in any way annoyed by the AIG scandal and by the executive pay or by any of this stuff, you can know and feel good about the fact that it was the Democratic Congress and the Financial Services Committee, under the leadership of BARNEY FRANK, that passed Say-on-Pay, which said, ''You know what? We're going to let those investors have a say-so over these executive pay packages. We're going to do that.'' That was passed in the 110th Congress, but it wasn't made law. It was passed through the 110th Congress.

Not only that, we did pass legislation to bring in regulation and oversight to the Office of the Federal Housing Enterprise Oversight. OFHEO was moved out, and the Federal Housing Financial Agency was moved in.

So, yes, the problems that the gentleman from Massachusetts identified with Fannie and Freddie were there. They did buy too many of these mortgage-backed securities. But what happened in the 110th Congress? We responded. We did something. We did not leave it to go unattended.

Not only that, we passed the Credit Cardholders' Bill of Rights in 2008, and we passed it again, and we're going to pass it again on the House floor tomorrow. I'm so excited about that. Let me just say something about it as we slow down to talk about it.

While we were debating the bill on the floor today, we had a good friend of

mine speak, a gentleman whom I actually quite enjoy listening to, a gentleman from Texas. He's a fine man, but he's fond of saying, ''Okay. You guys are talking about predatory lending, but what about predatory borrowing?'' You've heard this phrase, right? Well, let's talk about predatory borrowing for a minute.

□ 2045

When somebody gets an extra amount of money called a yield spread premium to steer you to a high cost loan and it makes them money to do so, that's how you get people getting into loans they are not supposed to get into. They get into loans because the people they trust, the mortgage originators who they rely on, are incentivized to do so.

What are we doing about it in the 111th Congress? We're addressing this practice right now to try to say no, it's your job to look out for the borrower. You have got to look out for the borrower. You can make more money by doing a lot of loans, you can make more money doing bigger loans, but you can't make more money simply by steering somebody to a high-cost loan. That is going on now.

We passed the Credit Cardholders' Bill of Rights Act in 2008, and we're going to pass it again very soon, and, God willing, it will be law in the very near future.

But not only that, the gentleman from Colorado talked about passage of the Neighborhood Stabilization Act. This is a bill that directed the Secretary of Housing and Urban Development to make loans to qualified States, metropolitan cities and urban areas in accordance with HUD approval grants to carry out eligible housing stimulus activities, which included greenification—is that a word? Greening. Renewable energy. And also buying up houses so that you wouldn't have these vacant, boarded-up places that were an attractive nuisance for everything from arson to young people getting dragged into these places and copper strippers and all the rest.

I submit today that the Democratic Congress, since we became the majority, has been actively engaged in financial regulation. We have been actively engaged in trying to look out for the American consumer. We have been trying to bring stability and liquidity to the financial markets. And I will submit that in the 110th Congress and the 111th Congress, the majority has demonstrated—and some Republicans have been smart enough to vote with us—and say yes, America is a free market society. We believe in the generative power of markets. We believe markets should be allowed to run, but we know human nature needs some restraint sometimes, and we need to have some rules to this game, and thank goodness this is happening right now.

So look forward to the American Recovery and Reinvestment Act which put real financial change in, the Credit Cardholders' Bill of Rights Act of 2009, and the Mortgage Reform and Anti-Predatory Lending Act which was passed in 2007 but hopefully will become law in the weeks to come and which should be on the House floor in the very near future. That's what I call being a good steward, that's what I call being a financial leader, and that's what I call the leadership of Barney Frank from Massachusetts. I am proud to be on the committee.

Mr. CAPUANO. I would like to thank the gentleman.

I would like to just read one little fact. May 25, 2005, there was a vote in the Financial Services Committee of the House that was then under the control of Republicans. The chairman was Mike Oxley, who's been mentioned here a couple of times. I knew him. I served with him. He was a good man. He was a true conservative. But he was a good man. He fought for his ideals as we all fight for ours. And he, at that time, had control. He won a fair number of times, but he would talk to you openly, honestly, and didn't pull any punches.

Chairman Oxley at the head, Representative FRANK as the ranking member of the minority party, May 25, 2005, H.R. 1461, a vote of 65–5. Every single Democrat and, obviously, most of the Republicans on that committee voted for a reform bill of Fannie and Freddie. That bill came out, went to the Rules Committee, and was changed. Dramatically changed. Why was it changed? Pure ideology.

The Republicans—as the Democrats do now—if the Democrats stick together, we can pretty much pass any bill we want out of Financial Services or any other committee. That's the way the House works. At the time, the Republicans were in the majority. They could have passed any bill they wanted without a single Democratic vote if they chose to do so. Chairman Oxley preferred to take an important issue and work hard to get bipartisan support. And he did.

My colleagues here all serve on the Financial Service Committee. You can't name me too many times we have a rollcall vote that we get a 65–5 vote on any issue of major importance today or almost ever. I have been on the committee 11 years now. It almost never happens. That is hard work. That is work that deserves credit. That is work that says it's a serious issue that should rise above ideology of either side. The bill wasn't perfect, in my opinion, but it was pretty good. And it was the best we could get at the time. We were in the minority. Understand that. Something is better than nothing.

So 65–5, the bill comes out and gets tossed aside by people that didn't know much about the issue, yet ran this House, because of ideological purposes. That tells you—I think it should tell you—there was an attempt to take action even in 2005. When that happens, you send the bill out, the committee has done its work, you think everything is going well, you think people are in agreement; and when the leadership of this House says, ''Forget about it. We're doing what we want to do on an ideological basis. We don't care about this bipartisanship,'' that tells you, don't even try this again. Don't waste your time. And there was nothing else that happened until Democrats took the House back, and we acted quickly. Representative ELLISON just listed a whole bunch of those items, and as he said, we're doing more today.

Mr. PERLMUTTER. Would the gentleman yield?

Mr. CAPUANO. Yes, I would.

Mr. PERLMUTTER. And I think that's the important point here. We want to explain to anybody who might be listening within this House. This is in an effort to be bipartisan. There was in 2005. There was when we took the control of the Congress in 2007 and 2008 and now 2009. BARNEY FRANK seeks that in every single vote and every single bill as we go through this, and then so does the President of the United States, Barack Obama. But we're not going to sit on our hands and allow the country to just stall out.

I mean, some of my friends on the other side, their mantra is ''Just say no. We like the status quo.'' We can't afford the status quo any longer. So we're going to stabilize the housing market and the financial markets, we're going to stimulate this economy, and we're going to place back into the system reasonable regulations so that America can really get back on track. And we see signs of that today.

It's going to be a rocky time and a steep hill for us to climb, but we are turning the corner. I am just proud to be part of this Financial Services Committee with my friends here under the chairmanship of BARNEY FRANK and under a presidency of Barack Obama.

With that, I return the message to my friend from Massachusetts.

Mr. CAPUANO. I recognize the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Thank you.

I really agree with your sentiments, the gentleman from Colorado, that it's time to move forward. I only arrived here in the 109th Congress, and I was here for one session in the minority. But what I experienced then was BARNEY FRANK consistently working to try to reduce the systemic risk even before Paulson and Bush came and said, we're having a problem.

I remember the Federal Housing Financial Reform Act, to try to provide a good regulator for Freddie and Fannie, something that hadn't happened under Republican control. And, of course, no action was taken in the Senate. So thank God we've got maybe 60 votes now so that that won't be stalled out.

I saw BARNEY trying to provide what we did today, the Mortgage Reform and Anti-Predatory Lending Act of 2007. He tried to do it before today. Of course, that stalled in the Senate. So thank God we have 60 votes now. Maybe some of his initiatives can go forward.

I remember taking a codel with BARNEY FRANK to London and Brussels where we talked about systemic risk, worldwide, long before anyone was owning up to the financial meltdown.

So BARNEY FRANK has really been on point, and hopefully with a Democratic majority and someone in the White House, his continued efforts to rein in systemic risk will not be stalled out as they have in the past.

Mr. ELLISON. BARNEY FRANK with a tremendous intellect, with a tremendous sense of humor, with a bipartisan spirit and an even hand has shepherded great legislation to help stabilize America and begin our ascent once again.

I want to say that even on the Credit Cardholders' Bill of Rights, a bill that I am emotionally involved in, I feel so good about, we got nine Republican votes and a bunch of Democratic votes.

Look. Even a lot of Republicans know that we have been doing the wrong thing by neglecting regulation. It's time for us to put all this squabbling aside and say no matter what the party is, no matter what party you may belong to, Democrats are just better at running the economy. I like Republicans. Some of my best friends are Republicans. My dad is a Republican. I think they're great.

But if you want good regulation that helps the economy grow, you can look at the 110th and 111th Congress for an example of who knows how to do that. It's happened successfully. It will continue to happen. And I bet you when that Credit Cardholders' Bill of Rights hits the floor of this House and I bet you when the anti-predatory lending bill hits the floor of this House, we're going to get a bunch of Republican votes because even they know that the Democratic Party is a good financial manager.

TIME TO LET GO OF THE PAST

The SPEAKER pro tempore (Mr. GRAYSON). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker.

In listening to the dialogue that has taken place here in the previous hour, I think it's time for a little bit of information to unfold, and, that is, it's time to move on. It's time to let go. It's time to take responsibility. It is not any longer time to come to this floor and spend your time beating up on George W. Bush. He's not the President today. Or beating up on Dick Cheney. He's no longer the President of the United States Senate today. And neither is Denny Hastert the Speaker of the House. And neither is MITCH MCCONNELL the majority leader of the United States Senate. All of those things have changed, and they have changed recently, Mr. Speaker.

So to listen to this dialogue that's here tonight—and, by the way, fairly devoid of humility—with the exception of seeking to impose that on others—but 60 minutes of defense of, whose name came up more often than George Bush's and Dick Cheney's? BARNEY FRANK. Members of the committee here on the floor spending 60 minutes describing how it is that BARNEY FRANK's leadership was the correct path to follow throughout all of this time and explaining that we can't afford the status quo, that Republicans wanted the status quo.

I would just take you back, Mr. Speaker, to think about this. They talked about 2005. I remember the debate here in 2005, and I remember the exact date. It was October 26. And it was an effort to regulate Fannie Mae and Freddie Mac, a piece of the subject matter from all of these highly informed people from the Financial Services Committee. They seem to forget that Republicans weren't satisfied with the status quo; it was BARNEY FRANK that was satisfied with the status quo. The one who said over and over again into the record, on committee, here on the floor in debate, specifically on that date that I mentioned, that Fannie Mae and Freddie Mac were just fine, they don't need any more regulation. He would resist, and he aggressively resisted the effort to try to regulate Fannie Mae and Freddie Mac.

Mr. CAPUANO. Will the gentleman yield?

Mr. KING of Iowa. I would be happy to yield to the gentleman. I had engaged in this and I was hoping you would come back.

Mr. CAPUANO. Well, I am leaving in a few minutes, but I will come back.

I don't have the records in front of me, and that's fine.

Mr. KING of Iowa. And I don't either.

Mr. CAPUANO. And that's fine. But would the gentleman agree that the Democrats didn't run the House?

Mr. KING of Iowa. Reclaiming my time, I would easily agree to that and that's the point I am seeking to make—that now today you do. That time has passed. Now you have President Obama and you have Speaker PELOSI and you have Majority Leader HARRY REID. And so that whole scenario that you were using to describe this in past Congresses, today it's a new world. It's time to move on.

Mr. CAPUANO. I totally agree.

Mr. KING of Iowa. That's my point.

I thank the gentleman for coming back and engaging. I always enjoy it.

Mr. CAPUANO. It's nice to agree for a change.

Mr. KING of Iowa. Continuing on, Mr. Speaker, that debate here on this floor, October 26, 2005, was about seeking to regulate Fannie Mae and Freddie Mac.

There was an amendment that I recall that was brought by the gentleman, Mr. Leach, who believed strongly that Fannie Mae and Freddie Mac were underregulated, undercapitalized and I agreed with him, and a good number of the rest of us agreed with him.

But the defense was of Fannie and Freddie coming from the current chairman of the Financial Services Committee who has not only been all over the airwaves playing self-defense in this economic calamity that we're in the middle of but who, on the eve of our departure to go home for Easter vacation, came to this floor for a 60-minute Special Order to explain how it was that he was right and the rest of us were wrong.

And now I hear a committee that comes down and deploy themselves across the floor, and it's essentially the same thing. And they dig back into the Community Reinvestment Act and they argue that in that reinvestment act, there wasn't a requirement that there be bad loans made into bad neighborhoods.

□ 2100

That's true, Mr. Speaker. There wasn't a specific requirement that required lending institutions to make bad loans in bad neighborhoods. It was simply this: You will not expand your operations if you don't make bad loans in bad neighborhoods. And we know that there were people that came and sought to intimidate the lenders and pushed their desks around. And sometimes it was Members of Congress. I may have actually heard a confession here on the floor tonight, Mr. Speaker, to intimidate lenders into making these bad loans. And lenders put people on their payroll in order to fill out portfolios and be able to hand to the regulators their case that they had been complying not just with the letter of the Community Reinvestment Act but what they perceived to be the intent of Congress, the changing intent of Congress, in the Community Reinvestment Act. That act was part of the foundation for the financial problem we have today. Not the only reason. It wasn't the only reason at all. But it laid a rotten foundation for the other things that were built on top of it.

And when the gentlewoman from Wisconsin makes a statement that many, many loans were made to African Americans and Hispanics, I long for the day that there is no box to check in a loan application. I think we all should be treated equally. I think that we should be color blind. I think someone who qualifies for a loan should have that loan granted to them without regard to race, creed, religion, ethnicity, national origin, or any other characteristic. I don't want to see people that are God's children categorized by skin color or national origin or sexual orientation, for that matter, or any other component that we are obsessing with here in this Congress.

This is about dividing people. This is what's going on. It's pitting Americans against Americans. You can hear it in the tone in the previous hour, where there's some more virtue in one ethnicity than there is in another. I don't believe that, Mr. Speaker. In fact, I heard the statement made that they

were bragging about ''we loan to black people,'' closed quote, from the previous hour. I wouldn't know I was doing that. I would think I'm lending to God's children without regard to race, ethnicity, color, national origin, or any other characteristic, mutable or immutable.

And it was said in the previous hour that race was the single factor in the past 30 years in determining who would not get a loan. Maybe it was in some cases, and I think that when that was the case, the motivation was right for the Community Reinvestment Act. It's just the policy that was wrong. There were lenders that were drawing a red line around different neighborhoods in the cities, especially in the inner cities, and they had concluded that the asset value of that real estate was going down, not up. And they had decided it wasn't a prudent business investment to make loans into those neighborhoods that were red lined.

Now, if they drew a line around a neighborhood because it was African American and probably wasn't Hispanic back in those days, if they did that for race reasons, that was wrong, Mr. Speaker. If they did it for economic reasons, it was perhaps a prudent economic calculation, a prudent business model, but not because of race.

So the Community Reinvestment Act was formed. Fannie Mae and Freddie Mac began picking up loans in the secondary market that were being issued in order to build a lender's portfolio so they could expand into these neighborhoods and beyond. And the bookkeeping that was done to make this case to the regulators was set up more and more from, I'll say, a perverse incentive to make enough loans that they could characterize them as, well, race was the single factor in the past 30 years in determining who would not get a loan. It may well have been the single factor over that same period of time in determining who would get a loan under the Community Reinvestment Act.

I would just make a point, Mr. Speaker, and I, again, believe that we should not categorize people by race or ethnicity or national origin or any of these other characteristics that I've mentioned, but this data that I see shows that 96 percent of African Americans voted for our first black President. That's the largest percentage of any ethnic group ever known to vote for a single presidential candidate in the history of the United States of America, the most pluralistic nation in the world, and we probably always will be. And I would just submit, Mr. Speaker, that this President would not be President today if any of the other races were so racially motivated in the ballots that they cast when they went to the polls.

So I think if there's going to be a color painted on anyone, a bias that's painted in there, an implication that comes out of this dialogue, I think the folks that were making those statements ought to look home to themselves first rather than outward to try to place some blame. And I'm happy to acknowledge every legitimate vote, and I think they should be counted. But I think we need to recognize that these things do swing both ways and it swung dramatically the other way.

I would just reiterate, Mr. Speaker, it's time to let go. It's time to move on. It's time to govern with the people that were elected in the majority today and not point fingers backwards and place blame where there is no blame due in particular. And I think when you hear a hue and cry come up, and when you see a relentless effort to advocate in favor of an individual in this Congress, and when I see him do it himself here on the floor as chairman of the Financial Services Committee, when I see these Members here tonight spend an hour essentially doing the same thing, that tells me there must be something there that caused them to want to be defensive. And I'm going to submit that the opposition to the regulation of Fannie Mae and Freddie Mac looms as another significant component in what went wrong in our finances.

So to run through this thing from the Community Reinvestment Act to Fannie Mae and Freddie Mac and to recognize that the secondary loan market was underregulated, undercapitalized, Fannie Mae and Freddie Mac, who were purchasing these loans and selling them back, and they were the secondary market and they were bundling them up and moving those on through the financial sector, they had an unnatural advantage. Less capital, less regulation. And behind them they had, technically speaking, and the gentleman from Massachusetts would raise an objection and disagree with me on this, but I'll submit this: Fannie Mae and Freddie Mac had the full faith and credit of the United States Government behind them. That made their capital more effective than the capital of a private lending institution that had to compete with them. And I will concede the point they would like to make if they were here, that technically they didn't have the full faith and credit. But they had the implication of the full faith and credit of the United States Government that was there, which allowed them to take more risks and take those risks with less capital than if they had been another lending institution.

And what happened, Mr. Speaker? Clearly we know what happened. Fannie Mae and Freddie Mac got in trouble, in big trouble. And they were looking at $5.5 trillion in contingent liabilities if their investments fell apart. They had to be capitalized. They had to be managed. So what happened? Roughly $200 billion from the U.S. taxpayer went into capitalizing Fannie and Freddie, and they became nationalized, wholly owned subsidiaries of the Federal Government, no longer quasi government entities but wholly owned subsidiaries, nationalized. The guarantee of the full faith and credit of the United States Government did come to pass, and the taxpayers did fork over $200 billion. And today these are nationalized government entities that were quasi private that had been wholly private.

And I introduced legislation to capitalize and regulate Fannie Mae and Freddie Mac and privatize them last September or perhaps October. It needs to be done yet, Mr. Speaker, although we have enough things going on in our finances today that I choose not to advocate aggressively on that path because we'll get bogged down and not be able to do the things we need to do.

So that's just the Community Reinvestment Act and Fannie Mae and Freddie Mac.

And if we move on and we look at some of the other things that went wrong, we had the bursting of the dot-com bubble that just started to happen in the last year or two of the Clinton administration. It was initiated by the lawsuit against Microsoft, and that was what pierced the dot-com bubble. I think it would have burst anyway. The bubble was created because we had technologically figured out how to store and transfer information more effectively than ever before, cheaper than ever before. And yet the speculators were investing in these dot-com companies, anticipating there would be a lot of money made in the industry. And there was. But the calculation that was the burst of the dot-com bubble was when the bubble had to collapse and let the air out of it that was there because there also had to be an increase in production and efficiency that came with all of that information. If it didn't create that, it didn't have an economic value. So we speculated on what that value might be. The bubble burst when it was pierced by the Microsoft lawsuit. And as the economy began to decline, George Bush was elected President. And we had this bubble going on.

Alan Greenspan saw this happening and concluded that he needed to create an economy that would fill the dot-com bubble. So he began to rachet interest rates down and to do so especially on our long-term loans, and we ended up with subprime loans, to create an economy that would fill the hole that was created by the bursting of the dot-com bubble. Alan Greenspan was busily ratcheting those interest rates down to unnatural levels, creating a housing bubble to fill the dot-com bubble hole, while September 11th rolled around and the United States was attacked by our enemies. The financial centers of the United States attacked by our enemies.

We saw this all happen. And while it was going on, we needed to make some adjustments to bring this economy around because we were wobbly when the attack came on September 11 of 2001. This Congress passed the first round of Bush tax cuts. It filled a

minor hole. It was May 28, 2003, when the real Bush tax cuts took place, and they were the ones that had long-lasting value that brought this economy throughout the entire Bush term, even though we were in the middle of fighting a war, even though our financial center had been hammered. And while all this was going on, the housing bubble was being created yet, even though as the interest rates went higher, the subprime loans and the variable interest rates were being adjusted and putting people in trouble with homes that would have been in trouble probably anyway, many of them. Not all of them by any means.

So this was almost a perfect storm. And I haven't even gotten to the mark-to-market accounting side of this thing and credit default swaps and AIG Insurance that had nobody looking over their shoulder that were setting their own premium rates and had such a market share that there wasn't a way that anyone could look in on them and second guess the rates they were providing to guarantee the return on the bundles of mortgage-backed securities.

So this perfect storm unfolded until the day Henry Paulson came to this Congress and called for $700 billion. And he said, I've been watching this problem for 13 months.

And we said, Why didn't you do something?

He said, Well, if I had said anything, it would have accelerated a downward spiral in our economy.

Well, so what was he doing here in Congress asking for $700 billion and doing press conferences and interviews every step along the way around this Capitol but scaring the living daylights out of everyone and demanding $700 billion? So could he have just done that 13 months earlier, maybe we could have had a way to digest all of this and the crisis wouldn't have been as bad. But it got bad.

I will say, though, that where we are today, the United States economy hasn't taken the hit as hard as the rest of the industrialized world has and that President Obama picked up the plan that was proposed by Henry Paulson and endorsed by President Bush. He picked this up. And, by the way, he came back to vote for the $700 billion TARP, and yet as elected President, he was fond of saying, I inherited a trillion dollar deficit; so don't blame me for all the things that have gone wrong in the past.

Well, part of that trillion-dollar deficit he voted for. Maybe not all of that because he didn't spend a lot of time in the United States Senate, but he voted for a lot of the deficit that President Obama claims to have and for a significant portion of it did inherit.

But it's his economy. He voted for it. He supported it. President Bush initiated it. Who knows how far he would have gone. Would President Bush have allowed General Motors and Chrysler to move into Chapter 11, or would President Bush have simply decided enough was enough? We actually will never know what President Bush would have done. But we do know what President Obama has done and what he has said. And what he has said is the New Deal actually did work, that FDR got part of it right, but he ran out of nerve and he got worried about spending too much money; so he backed off in the second half of the decade of the 1930s, and that brought about a recession within a depression.

□ 2115

This is the President talking, not me. I don't believe that this is what happened. I've studied it and I draw a different message from it.

But the message that our President drew was that FDR should have spent a lot more money. If he had done that we would have recovered from the Great Depression before World War II had to come along to be the largest stimulus plan ever and get us out of this depression. Not that anybody is concluding that we would not have had World War II if we had had a stronger economy. I don't think that's actually a valid exercise in the study of history.

But I will make this other point. Whenever you borrow billions of dollars from the future of our children, and you inject it into the economy and make-work projects that do not have economic value, you put this Nation in a debt that is harder and harder for it to climb back from. That's what this policy has done, that's what this stimulus plan does, and that's what many of the proposals that have unfolded here from this Federal Government have done.

If Franklin Delano Roosevelt had gotten it right, we would have seen a positive recovery from the Great Depression take place in the thirties. But instead we saw unemployment rates going into World War II that were very similar to the unemployment rates in the middle of the decade. I will say that FDR inherited some very high unemployment rates.

The numbers that I recall are about 25 percent. That would be the peak. But at 15 percent, it's really serious. And we are seeing unemployment rates now that show at least 11.5 million people in America that are out there actively looking for jobs.

Now this 25 percent unemployment rate that we had in the early thirties carried through at 15 percent, in that range or a little more, on throughout that entire decade, and then World War II came along and put people to work. When I hear people tell me that 4.6 percent is a historically low unemployment rate—and we had that rate 3 or 4 years ago—I would disagree, Mr. Speaker. When I look through the rates, my recollection is, and I am very confident I am right on this, at the close of World War II, 1945, the United States of America had a 1.2 percent unemployment rate.

That's about as close to a full employment economy as you can actually devise out of a society, because there's always going to be some people in between jobs. That was the scenario of a full employment society.

And had we done the free-market thing back in the thirties, had we just simply pulled government back out of the way, lowered some taxes and given the entrepreneurs an opportunity, instead of competing directly with them for capital, for employees, and, actually, for jobs, had we let the private sector flourish in the thirties, I believe we would have seen a lower unemployment rate and real economic growth going on into towards World War II. The war would have happened, anyway, but we would have been on the footing of not carrying the debt we did into the Second World War which put a tremendous amount of debt on our economy.

We need to remember, Mr. Speaker, that from the time that FDR was inaugurated as President of the United States and initiated the New Deal program—let me back up a little more. I will back up to October 1929 when the stock market crashed.

The stock market on the day that it crashed, that point as a benchmark, we went through to 1930, the beginning of the decade of the thirties, all the way through the thirties, not reaching the point where the stock market had been when it crashed in October of '29, all the New Deal, we exhausted every dollar invested in New Deal, spent it all, make-work projects of all kinds, borrowed money hand over fist, hired people to work directly for the Federal Government to do make-work projects, to dig holes and fill them back up, all the way through the thirties, and still the stock market hadn't recovered in a substantial way.

We went into World War II and industrialized all of America and we were the surviving industrial nation at the close of World War II, and still the stock market hadn't caught back up with where it was in October of '29.

So we had the post-World War II era when our troops came back home and the economy got a shot in the arm because we had good, well-trained employees that were starting families, and there were real investments going on. And throughout that period of time, from 1945 until the early fifties, still the stock market didn't catch up with where it was in October of '29.

And then the Korean War began, and we went over there and fought that war and lost those soldiers over there and negotiated to a draw in Korea. And still the stock market didn't catch up with where it was in October of '29. Not until 1954, Mr. Speaker, not until Franklin Delano Roosevelt had been dead for 9 years did the stock market recover from where it was on the day that it crashed in October of 1929.

That's not data that tells me the New Deal worked. But our President has adopted the idea that the New Deal actually did work, to use his terms, except FDR lost his nerve.

And I can say this, Mr. Speaker, this President will not lose his nerve when

it comes to spending money. If there is one thing that he has courage to do, that's to spend our money. And he has spent trillions of our money, and I predicted when he made the pitch for the stimulus plan that his economic recovery model was about an $8 trillion project. And I got ridiculed for being such a radical reactionary.

But he has surpassed $8 trillion some time back. His very budget that he presents to this Congress creates a $9.3 trillion deficit.

Mr. Speaker, I can't help but seek to inform you and the balance of the body of what a trillion dollars is. You know I come from Iowa, and we happen to be, and we are pretty proud of it—and I don't raise any of it so I don't get the credit—we are the number one corn producing State in the Union. We raise a lot of it, and we are pretty good at it. We have the right weather and the right soil and the right people to do it. We have been increasing yields 3 to 4 percent a year for some time, and we will do that for sometime into the future.

But we will raise about 2¼ billion bushels of corn in this 2009 crop that's being planted, well, as we speak, if it's not raining at home. Two and a quarter billion bushels. Let's just say for the sake of simplicity and math, it's worth $4.40 a bushel. It's not today. It's worth less than that, less than $4 today. We have had some markets that went well above that. This works out so that I can memorize these numbers. I can't do the math this fast in my head.

That makes Iowa's corn crop this year worth about $10 billion. So we have a good yield, the markets are down a little, or if we have not such a good yield, the markets are up a little, we will raise enough corn to cash sale that for $10 billion.

Now, how much is a trillion? Well, let's see. If we could take all the corn we could raise in Iowa this year and next year and next year and the year after, and we handed every kernel of corn over that we could raise in Iowa for the next 100 years, we would have generated a trillion dollars. A hundred years of Iowa's corn crop just to pick up the trillion dollars that is not even enough to pay for the first proposal on the stimulus plan, let alone the Obama budget deficit, which comes to $9.3 trillion. A century of all of our corn accumulated comes to a trillion dollars.

But this is not a trillion dollar deficit. It's a $9.3 trillion deficit created. And if you would just bear with me, and we will presume that we are going to round this up to 10 trillion for simplicity, and because government always spends more money than they promise you they will—we know that to be a fact. It's a historical truth.

So a $10 trillion deficit created by Obama's budget, now, how much corn is that? It's all the corn that Iowa can raise, and not one century or two centuries or three centuries, Mr. Speaker, the deficit created by the Obama budget is the equivalent to all of the corn, the value of all the corn that Iowa can raise in a thousand years, an entire millennium of our corn crop, a thousand years, way longer than anybody has been farming this ground. It will take a thousand years of all of our corn just to pay the deficit created by this budget.

And now, if you wanted to add to that the value of the existing deficit, which is around $11.3 trillion, now it's easy. It's easy to get to $20 trillion.

In fact, the numbers will come to between $20.8 trillion and $23 trillion. But let's just use 20. This is a conservative number.

How much is $20 trillion? That's if we take the present value of the production of corn in Iowa from the time of the birth of Christ and multiply that every year for more than 2,000 years, you would finally, at the end of two millennia, accumulate enough money in present value to pay off the Obama budget and the national debt. $20 trillion. That's how big this is, Mr. Speaker. This is a huge deficit put upon our children and our grandchildren.

And I happen to think that the economic problems that this country has aren't the worst problems that we have. They sound insurmountable. Perhaps on another night I will approach this with a solution, and I have in the past.

But I think what happened here on the floor of the House of Representatives today tells us something about the other problems that are great, that are huge, that undermine the core of our civilization, the character of our nation. That is, Mr. Speaker, the hate crimes legislation that passed the floor of the House of Representatives today.

This is legislation that sets up a special protected status for sexual orientation, gender identity, gender, I think they have also disability in there, which I am not particularly concerned about. We did a 2-day markup in the Judiciary Committee on this legislation, Mr. Speaker.

What it does is it defines special classes of people that will have special protection from, let's say assault, and special classes of people whom if someone does assault them, the perpetrator, if convicted, will get an enhanced penalty, an enhanced crime. It sets up sacred cows in our society. This civilization that we are so blessed to be part of has always punished the overt act, not the thought, not the hate that's underneath many of the crimes that we have, but we have punished the act, not the thought.

Because throughout history, we have understood that. We can't know what goes on in someone's head, but we can prove definitively, many times, the extent of the crime that was committed and who committed it. It's the crime that's wrong, not the thought associated with it that's wrong. This is a free country that we have, after all.

And so this legislation reflects for me George Orwell's book, 1984, written in 1949, studied by many of us as we went through the educational system, and I would present for your consideration, Mr. Speaker, some phrases from George Orwell's book, 1984. He was writing about the force of the new totalitarians. That's my term, not his. Well, actually it is his.

He didn't call them the new totalitarians, but he called them the totalitarians. And they were the successors of the German Nazis and the Russian Communists. And he argued that the totalitarians wanted total control, not just total control of the economy and the military and the society. They wanted to control everyone's minds, Mr. Speaker.

So here is what goes on. This hate crimes legislation seeks to punish, to punish not the overt act but the thought that is associated with the overt act. There wouldn't be any reason to have hate crimes legislation if we were just going to punish people for committing the crimes, because we have laws against them.

But this legislation puts up a special penalty for the perception that is in the head of the perpetrator, which is identified by the perception that's in the head of the victim.

And for the first time, there would be legislation, passed this House today, that evaluates the skull contents of the perpetrator and of the victim, and what goes on in that gray matter and what motivated them, rather than the crime itself. Now, George Orwell wrote, and I quote, ''The party is not interested in the overt act. The thought is all we care about. We do not merely destroy our enemies, we change them. We are not content with negative obedience, nor even with the most abject submission. When finally you surrender to us, it must be of your own free will. It is intolerable to us that an erroneous thought should exist anywhere in the world, however secret and powerless it may be. Even in the instant of death we cannot permit any deviation.'' That's out of George Orwell's 1984, Mr. Speaker.

The party then, the new totalitarians, were not interested in the overt act. But they were interested in the thought. Because they knew that if you control the thought, you control the act.

Now, that was written to stretch our minds and, I think, predict for us what could happen when government got to be the be-all, end-all, super intrusive conscience for everyone. And I think we have heard that here tonight.

As I look at this legislation, Mr. Speaker, I find all kinds of gaps in it.

□ 2130

When I take it apart piece by piece and go through it word-for-word, line-by-line and subsection by subsection, I find that this legislation doesn't hold together, that it has references in it that references other sections of code that are inconsistent with the language in the bill itself.

So as I look through these definitions that are here, I recall the gentlelady

from Wisconsin in committee saying that sexual orientation only meant homosexuality or heterosexuality. Apparently it didn't mean bisexuality, and obviously according to that definition doesn't include all of the proclivities listed in the American Psychology Diagnostic List.

So if that is the case, I am still concerned. But I offered an amendment to eliminate pedophiles as a special protected class of people. And, Mr. Speaker, if we are going to put a shield of statutory protection around someone for their proclivity, couldn't we at least exempt it for the pedophiles? But on a party line vote, the Democrats in the Judiciary Committee voted no on the exemption of pedophiles from special protected status. And that is just one of those groups, Mr. Speaker. It is just one of the groups.

Here is a list. This is a list that is a list of the paraphilias. Paraphilias, things that I call proclivities, they are the powerful and persistent sexual interest other than typical interest and behavior. That is paraphilia. There are, according to one of the well-respected definitions, how about from the Diagnostic and Statistical Manual of Mental Disorders, here is a list of some of the paraphilias. There are 547 of them altogether, Mr. Speaker.

Among them there is a high list of 30 that we will recognize some of. Let me see which ones could I actually mention into this RECORD without embarrassing myself.

One is Asphyxophlia, and that is a sexual gratification derived from oxygen deprivation. I didn't know that was out there. But that is a special paraphilia, a proclivity, that would be protected under the hate crimes legislation. So one dare not assault one of those folks or discriminate against them in any way, because you could be subjected to a Federal hate crimes legislation.

I will argue that everybody ought to have protection without regard to any of these things. But these are special protected classes of people created by this law. And even that side, even though they won't discuss it and they won't answer the questions, doesn't agree with each other. I get a different message from the gentlelady from Wisconsin, Ms. BALDWIN, and a different message from her from the gentleman from the Rules Committee, Mr. HASTINGS.

Mr. HASTINGS read from a list of paraphilias, and I don't remember just which ones he read into the RECORD, there are so many. But, let's see, as he read through these philias, he said he thinks they are all protected under the legislation under the definition of sexual orientation. So Autogynephilia, Coprophilia, what other philias do we have here, there are a number of others, Kleptophilia, sexual excitement from stealing. I didn't know that existed. Klismaphilia, I won't give you the definition of all of them. Necrophilia, that is fixation with a corpse. Pedophilia, I mentioned that to you. I think all these philias should be in the bill and are covered by sexual orientation. But his own party member and main proponent of the bill says no, it is only heterosexual and homosexual, but not apparently bisexual.

This is a major discrepancy in this approach, but what it does is it allows the courts to decide what is and isn't covered under ''sexual orientation,'' a very, very broad definition of the term.

Then, Mr. Speaker, as I reach to pull this bill out, here is a definition of gender identity. Gender identity, when I make the point that there is no definition of gender identity, I get this response. Yes, there is. It is defined in the bill. Just look in the bill.

So, I looked in the bill, and I read here that I guess you could argue it is defined, although I wouldn't want to make this argument. Gender identity, from the bill: ''For the purposes of this chapter the term gender identity means actual or perceived gender-related characteristics.''

Okay, so if you are coming in off the farm, what in the world does that mean? I say I don't know what gender identity is, can you help me out here, because we are going to be setting the destiny of America. So define it for me. I would like to know.

Well, gender identity means actual or perceived gender-related characteristics.

All right. Let me see, how would you define clothing? Well, clothing could be actual or perceived clothing-related characteristics. Well, would that be like a heavy Russian winter coat, or would it be a itsy-bitsy bikini, or a pair of blue jeans? What would you describe it as? It is not very specific. Could you identify that all as clothing without a definition of clothing as having clothing-related characteristics? Can't we do better in law?

I argued that fence posts come in a lot of different versions too. We have creosote-treated pine fence posts. That would be wood. We have hedge posts. We have cedar posts, split cedar posts. We have steel post, T-posts, electric fence posts. What if I defined it as fence posts mean actual or perceived fence post-related characteristics? Now what have we?

I am just telling you this, Mr. Speaker, because these are inanimate objects that I am describing here, and even still the silliness of this I think emerges in my argument. But when you start talking about not inanimate objects, but animate objects that are being described by what goes on in their mind and using terms such as ''gender'' instead of the word ''sex'' and ''gender identity'' and ''sexual orientation'' and recognizing that there are three different categories for some of these definitions, Mr. Speaker.

One of them is gender, okay, for example, as opposed to sex. Sex is a physical characteristic. Gender can be a physical characteristic, or it can be what you think you are, a mental characteristic. All right. So there is two different categories of gender, two different definitions of gender.

You have sexual orientation. Gender identity. Let me go to gender identity. Gender identity can be whatever you think you are, I don't know about the physical component of this, and sexual orientation can be what you think you are, what you act upon, or let's just say the composite of those two. And the thought, the act and the physiology are the three categories we are trying to define here and blending and blurring them all together.

So it is no wonder that when I try to explain this law, it sounds like gibberish, Mr. Speaker, because it is gibberish. It is a piece of gibberish legislation that seeks to set up sacred cows, those people that would walk the face of the United States of America, could lay down in the center of traffic like a cow in India, they could walk through the bakery shop and do whatever they wanted to do, and everybody would have to walk around them for fear that the Federal regulators would come in and bring hate crimes charges against them.

Or I described this scenario last night, Mr. Speaker. Let's just say we had a baseball game going on in Chicago and it was an inter-league game between the Cubs and the White Sox. And let's just submit that there were 15 Cub fans in the sports bar and they were of mixed ethnicity, mixed race, mixed sex/gender, sexual orientation and gender identity. These are the Cubs fans over here. While the game is going on hot and heavy, here are the White Sox fans over here mixed up the same way, every imaginable race, ethnicity, sexual orientation, gender and gender identity, and even whatever sex they might be.

Now, as the game goes on and the barbs fly back and forth and the insults go from the Cubs fans to the White Sox fans and back and forth, let me presume here there will be some racial slurs that will come out, there will be some gender-oriented slurs, there will be some slurs that have to do with these paraphilias that I talked about. Then a fight would break out, White Sox fans versus the Cubs fans. And they would line up along those lines, because they would know who was a Cubs fan and who was a White Sox fan. They might forget who fired which insult at which particular special protected sacred cow class that has been created by this Federal legislation if the Senate should pass this to the President.

Now we have the Feds coming in to sort out a bar fight in Chicago and bringing Federal charges against people whose primary motivation might not have been anything to do with any of the insults that they hurled back and forth. It might just have been a more effective way to insult a White Sox fan or a Cubs fan.

When you get into the path of punishing people for what goes on in their

head, this law cannot figure it out. They can't even figure out how to define the terms that are in it, let alone psychoanalyze anybody that falls under the purview of this hate crimes legislation.

While we are on that subject, Mr. Speaker, let me just surmise this, that most of us would agree that preventive medicine is a good idea. So if we go to the doctor regularly and get our checkup and get our physical, he will run the blood samples on us and let us know what kind of shape we are in. And if he will do that and we submit ourselves to an exercise regimen and watch our diet, take the medication that we need to, that preventive medicine will save a lot of money and a lot of lives over time, and our lives will be more productive. It is a good and healthy thing to do to have preventive medicine.

Mr. Speaker, if we can divine what is in the head of the perpetrator of these crimes, if we can go in and psychoanalyze the perpetrator without bothering to psychoanalyze the victim and taking their word for whatever their paraphilia might be, but if we could do that, why don't we just pick up the Orwellian approach to this, psychoanalyze people and figure out they are likely perpetrators before they commit the crime, rather than let us have a victim lead us to that perpetrator, and then we could have the preventive medicine of hate crimes.

Wouldn't that be great, if we could just punish people when they have the thought, before they actually acted upon it? I would suggest that if we can actually psychoanalyze people after the fact, we can psychoanalyze them before the fact, and then we could do crime prevention. But truthfully you all know, and I know you know, Mr. Speaker, I don't believe that can happen. I don't believe we can know what is in their head.

Let me take up another definition of sexual orientation. Even though we had a couple of different definitions along the way, sexual orientation as defined by the Merriam-Webster dictionary, medical dictionary, we have sexual orientation by Merriam-Webster as one's attraction to and preference in sex partners.

Here is another definition from the American Heritage Stedman's medical dictionary. Sexual orientation would be sexual activity with people of the opposite sex, the same-sex or both.

So one says it is the attraction, it is in the head. The other one says it is the activity. It is the overt act, or maybe a covert act, Mr. Speaker. That is two polar opposite definitions of sexual orientation, which is in the bill.

And we have two polar opposite definitions coming from the Democrats, neither of which is in the bill. One definition says homosexual, heterosexual, nothing else, not even bisexual. The other says every kind of proclivity, paraphilia, all philias whatsoever, Mr. HASTINGS from Florida.

I go to the American Psychological Association for their definition of sexual orientation, and this is it: ''Sexual orientation is different from sexual behavior because it refers to feelings and self-concept. Individuals may or may not express their sexual orientation in their behaviors.''

So, you can give no sign that you have some particular paraphilia sexual orientation and be a special sacred cow protected class, that if someone commits a crime against you they are facing a punishment far more severe than they would be facing if it was just someone that wasn't carved out in this legislation as a special protected sacred cow class. And herein lies some of the flaw and some of the fault in this legislation.

Some other is this. It isn't just violent crimes against people, Mr. Speaker, because there is a reference in the legislation that takes us back to an existing section of the code that defines a crime of violence. Crime of violence in this bill means what it says in this section of the code, and I will read from that.

The term crime of violence means an offense that has as an element the use, attempted use or threatened use of physical force against the person or property of another or any other offense that is a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

So, the crime of violence means a physical act against a person or the attempted use or threatened use of that force, but also against property, Mr. Speaker, also against property. And it says an offense that has an element.

Now, if there is an offense, let's just say someone maybe perceives a thought that goes on in somebody else's head and decides they want to send him a message, and so they go and paint some graffiti on a garage door, there is a crime against property, not an individual. Well, that would be the crime of violence definition. It would meet it because it would have an element in it that the use of and/or the threatened use of physical force against property has taken place.

Physical force is another broad term. Is physical force leaning against the garage door? Is it pushing the spray button on some spray paint? Yes, it could well be. But the element that is part of that takes us back also to the thought crimes part of this, and it tells the pastors of the world, be careful if you preach from Leviticus, be careful if you preach from Romans, because if you do, there might be someone who could intimidate someone else based upon their new Biblical beliefs that you have just informed them of last Sunday, and now you have become an element in a hate crime that maybe was not any crime against an individual, but maybe even a crime against property. And this is set up so that we would send Federal forces in to assist in prosecution to political subdivisions, Mr. Speaker.

□ 2145

Political subdivisions being cities, counties, States, parishes, any subdivision smaller than that in the United States. And not only would we help them in the prosecution of hate crimes, but we'd also, according to this legislation, Mr. Speaker, we would be in there helping to enforce any of those political subdivisions' existing hate crimes laws, whether or not it fit the definition here in this bill. It doesn't have to conform with the Federal standard; it just has to be whatever they decide it's going to be.

And so, I happen to recall that the Speaker of the House's home city, San Francisco, has an ordinance in San Francisco that says essentially this: Thou shalt not disparage the short, the fat, the tall or the skinny. Now, that's an antidiscrimination. One might characterize it as a hate crime if you disparage somebody that's short, fat, tall or skinny. I think all of us think we're one of those categories, sometimes two or three of them at the same time, but that would be a case where if we could actually have Federal prosecutors go in to San Francisco and decide they're going to support an ordinance like that.

Now, think how intimidating it is when you have Federal prosecutors coming in to enforce hate crimes legislation that's created by a city council that might be so utterly biased in their approach that they could reflect the judgment of the people on the other side of the aisle on the Judiciary Committee that brought this legislation to this floor under a closed rule, denying all amendments, and a very short period of time to debate, Mr. Speaker. It's no way to run the House of Representatives.

And so—and by the way, the pedophilia that was apparently approved for special protected status in two ways, voting down my amendment to exempt pedophiles from this special protected sacred cow status, and also, I think, if we listen to Mr. HASTINGS, and if he's right, if all philias whatsoever should be protected under this legislation, then a pedophile is this. It's an adult sexual disorder consisting in the desire for sexual gratification by molesting children, especially young children. That's the pedophile.

Here's another definition of sexual orientation. They're all over the place, Mr. Speaker. Refers to feelings and self-concept, not behavior. Maybe. But we know that another definition in the dictionary that I referenced says that it actually is the act, not the thought, not the attraction.

So, as we go through this piece by piece, Big Brother is reaching out and telling us that they're going to control our thoughts by passing hate crimes. And they're going to give us definitions like gender, gender identity, sexual orientation, and not even engage in a debate on what those words might mean, but leave it wide open for trial lawyers and defense lawyers and judges

to decide what it is we might possibly mean. And how are they going to decide if we don't have clarity even from the proponents of the bill?

It'll be decided in a slipshod fashion, Mr. Speaker, and it will not be a happy result.

And I will submit also that we will see soon on the floor of this House the chairman of the Financial Services Committee's legislation called the ENDA Act, the Employment Non-Discrimination Act, which really means discriminate against employers and impose your values on them, tell the churches they have to hire people that are the antithesis of their teachings, for example.

And in the end, there also was another amendment. There were many of them that were rejected. One of them was the immutable characteristics amendment. I just simply want to protect people who have immutable characteristics. It was mentioned in the opening remarks in the rules today erroneously. Immutable characteristics are not protected in this bill. It was specifically rejected when I offered it by amendment. Immutable characteristics are often poorly defined or wrongly defined.

And, Mr. Speaker, immutable characteristics are those characteristics of people which can be independently verified and cannot be willfully changed. Those characteristics we can protect when we cross the line and we start protecting especially behaviors. Those are not immutable characteristics. They are mutable. Behaviors are those kind of characteristics that one can just simply self-allege.

And so as the question was raised back in those years when I was in the Iowa Senate, constantly lobbied by the students, often they came from the University of Iowa, and they asked a State senator there, we need special protection because—and he said, why? What, protection from what? Well, discrimination. Well, how are you discriminated against, and how do you people discriminate against you? Because of your sexual orientation. And they said, well, they won't rent us apartments and we can't do this and that and the other thing. We don't have certain opportunities that might exist for others. We think we're discriminated against and we need special protected status.

So this State senator said, let me ask you a question. What am I? What, am I a heterosexual or am I a homosexual? And they looked him up and down and they finally said, well, we don't know. We don't know.

And his answer was, exactly my point. Now, if you don't know, how could you discriminate against me? Or if I don't know, how could I or anyone discriminate against you? If you keep those things private, there can be no discrimination. And that's what I submit is the right thing to do when it comes to sexuality, Mr. Speaker.

Except, I believe that the laws should be respected. And I don't believe that we should be establishing a special protected status for people who carry such proclivities that many of them are punished with prison time for the very sake of carrying them out.

I think this bill restricts religious freedom, and I think it restricts our First Amendment rights. I think it intimidates pastors. I think it takes us to a place where we are seeking, by law, to define what is in the head of the perpetrator and what is in the head of the victim. And sometimes it's the plumbing of the victim and sometimes it's the mental attraction that exists for it within the victim and the perpetrator. And we can't agree. Even the authors of the bill don't agree on where the perception actually exists, whether it's in the head of the perpetrator or the head of the victim. I'll submit that it has to eventually be analyzed in both, and that cannot be done, not with today's science or technology.

And with today's understanding, I'm very concerned because, Mr. Speaker, this society has, to a large extent lost its ability to reason. We're racing from emotion to emotion, from feeling to feeling. We are not racing from scientific data to empirical analysis and logical conclusion arrived at by deductive or inductive reasoning. That seems to be lost in this civilization.

I look back on the Age of Reason of the Greeks 3,000 years ago, and I think of Socrates and Plato and Aristotle. I think of them sitting around under the shade trees in their togas analyzing, thinking, testing each others' brains, writing the classical works that they did, and shaping the foundation for Western civilization, the theorem, the hypotheses, the basis for our science, for our math, the basis for our reason. If it hadn't been for the Greeks, Western civilization maybe would have never found this modern era.

But the Age of Reason that came from the Greeks primarily, that flowed through and was the foundation for the Age of Enlightenment, centered in France, and at the dawn of the industrial revolution, that all came to the United States and found itself in an environment of almost unlimited natural resources, very low taxes, in many cases, no regulation, with a moral people that came over here for their religious freedom, with Judeo-Christianity the inspiration for freedom and the core of this culture. It found the perfect petri dish to thrive, and the vigor that we have in the United States enhanced by legal immigration that skimmed the donors from every other civilization on the planet, the best vigor, the best vitality, from each of those donor civilizations. And our Founding Fathers had the wisdom to sit down and place into the Declaration and into the Constitution the foundations for our freedom, the rights that come from God, that are vested in the people and the sovereignty of the people that loan that power, those rights, to their Congressional Representatives, their elected Representatives in this Constitution Republic that we have. The greatness of this Nation is diminished by the mushy thinking of hate crimes acts, Mr. Speaker.

□ 2200

ENERGY, ECONOMIC AND CLIMATE CRISES FACING OUR NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes.

Mr. TONKO. Thank you, Mr. Speaker.

The opportunity for us to address several crises facing our Nation allows us to respond, I think, in very bold measure to opportunities that speak to an energy crisis, to an economic crisis and to a climate crisis in our Nation.

There is no mistaking that, as we work through this very tough economy under the leadership of the new President and his administration and Speaker PELOSI in this House and in Congress in general, the leadership is advised by several that we need to think in terms of an innovation economy—one that allows us to grow boldly into the future by addressing the basic core needs of not only our economy but of our climate, of our environment and certainly of our energy solutions.

As we look at the potential that exists out there for growing clean energy jobs—American jobs—that can generate American-produced power, we have the awesome opportunity to go forward in an innovative and creative way to provide for a response that reduces our energy dependency on fossil-based fuels that are oftentimes imported from some of the most troubled spots in the world.

We're given the opportunity to embrace our intellectual capacity as a Nation as we go forward with research and development investments—dollars that can invest in prototypes of design and that speak to the energy independence of this Nation—and to do it in a way that takes that prototype and further develops that technology into the manufacturing sector, deploying it into the commercial sector.

We see that today as work came forward to me in NYSERDA—the New York State Energy Research and Development Authority. I was able to witness firsthand the soundness of the investment in R&D, making certain that we could take these projects that were coming through R&D investments and could grow them in a way that created American jobs, that embraced intellectual capacity—the brain trust of this Nation. It was greening up our economy and our thinking in terms of energy generation and energy emerging technologies.

That's what the measure about energy reform here in our House is all about. It's about making certain that we grow our energy independence and our energy security and, in so doing,

grow our national security. This strikes as a win across the board for us as consumers, for us as job seekers, for those of us striking to plan a comeback with this economy, and certainly for generations to follow in terms of a better environment that will be shared and passed on for other generations, coming generations, to steward.

So we are at that cutting edge, at the opportunity of ushering in a new era of thinking where we're able to invest not only in generation opportunities for energy's sake but to invest in those transmission opportunities.

I saw what happened just in my district, in the 21st Congressional District of New York, when we invested in groups like Superpower. Superpower is breaking its own records in producing a superconductive cable that allows us in the future to think of transmitting electrons in a way that provides far more opportunity and much greater efficiency as we wheel those electrons over a cable that can transmit far more electricity than can traditional cable of the same size. That's just one example.

We look at the opportunity with kinetic hydropower, that power that is produced by the turbulence of water flow. Just in the area of New York State, along the island of Manhattan, in the East River, we have seen the successful demonstration of kinetic hydropower. It is thought that some 1,100-megawatts' worth of power could be the solution just in one State by dealing with this innovation, by taking this cleverness of the intellect of energy reform and transitioning our economy into one that is based on far greater potential by investing in those sorts of designs.

So, as we move forward, we talk about clean-energy jobs, clean-energy jobs that cannot be shipped overseas. We talk about saving money for our families and for our businesses through efficiency. I saw what the investment of efficiency meant for many businesses, for many farms, for agriculture in the State of New York through NYSERDA. The New York State Energy Research and Development Authority was there as a partner, working with the business.

That's what this is about. It's investing in our future. It's investing in new technology. It's investing in the opportunities to grow a better climate, to grow and to address the environmental needs, not only of this country but of the world, to make certain that we address climate change, that we address that carbon footprint that needs to be reduced. As stewards of the environment, we all have that responsibility, and it does a great deal to reduce that glutinous addiction that we have to foreign oil that is imported from some of the most unstable governments around the globe.

So here is a golden opportunity for us to turn green, to turn green in our energy outcomes and to grow a stronger American economy that finds us controlling our destiny in much more bold expression.

You know, as we look at some of the opportunities here, we're looking at investments that could be made in not only the grid but with smart metering, making certain that we embrace new technology, cutting through some of the traditional patterns of the past and making certain that new choices, new cleverness, is incorporated into our energy thinking. Clean-energy jobs—it's calculated through the renewable electricity standard—can create some 300,000 new jobs, and in the area of efficiency, the talk is some 222,000 projected jobs. This is just in those two areas alone. That then equates to billions that are saved—$100 billion with the opportunities for renewable electric standards and certainly some $170 billion in efficiency savings.

We need to see efficiency measures as our fuel of choice. It is shelf-ready today. There are emerging technologies invested into through R&D today. There is the potential of growing countless other options, but the fact remains that we need to address the per capita consumption of electricity in this country in a way that enables us to see efficiency as something that is mined and drilled routinely. You know, as we mine for coal, as we drill for oil, we need to see that mining and drilling, for efficiency's sake, can produce great savings. It means the avoided cost of having to build additional plants. It means a clean outcome. It means less of a carbon footprint as we go forward with an investment in energy efficiency.

So all of this is at our fingertips. All of this great potential is here to allow us to create clean jobs. In so doing, we will strengthen our economy; we will provide certainty for our businesses in this country, and we will be able to address the pollution that is part and parcel to the residential, business and housing sections of this country—those sectors that all can be benefiting from energy thinking, that is of a nuance of sorts, that breaks from these traditional patterns and from the glutinous dependency.

So this evening, as we move forward in this hour of discussion, it is great to have colleagues here who will be talking about some of the opportunities that we have as energy consumers.

The fact remains that, for far too long, I believe we have invested in prototypes. We have invested in those new orders of thinking, but we have not done enough to stretch that budgeting to enable that prototype to be developed more fully and then to be entered into in the manufacturing sector.

When we think of the great potential, there are super opportunities for us to think in magnanimous terms, to think with a sense of vision that expresses our boldness for creating jobs not yet on the radar screen. When we develop green-collar workforces out there, when we develop that array of workers that will join the traditional assignments through white- and blue-collar job opportunities, we will now be able to advance a new order of job creation of a green-collar variety. That new addition to the workforce out there will save those traditional white- and blue-collar jobs through the nuances that the green-collar job opportunities will bring.

I saw again, through the work done at NYSERDA, where we were able to implement programs for training construction majors, for instance, in the new, cutting-edge technologies for solar and PV installation, making certain that those arrays are incorporated into the certification programs and matriculation programs at a local community college in the State of New York.

Hudson Valley Community College would train these green-collar workers and then would also reach out to other campuses and would enable them to develop that workforce that we will need as a society as we retrofit with this new order of thinking of efficiency, of conservation, of new technologies—emerging technologies—and of efficiency standards that will be enhanced so that we can go forward with new opportunities that this country can prosper by.

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When we deal with the green collar job development, we're going to look at situations within the framework of this new thinking that will allow us to reach into the earlier grades, to allow students to think of the potential of a career path enabling us to develop with centers like BOCES and with trades, occupational efforts with apprenticeship programs, with the opportunities to go forward with community colleges, again developing their course work to comply with the growing needs of a green collar workforce and to offer those innovative opportunities into the college setting, into graduate studies. All of this, the array from trades on over to engineers, inventors and innovators, will all be required to be part of that process that provides that new thinking that will enable us to go forward in a way that will strengthen our economy and clean our environment and create opportunity.

The opportunities that befall us as a country are many, and knowing that in this process, it will draw down that dependency on fossil-based fuels knowing that we have precious little time to go forward, to clean up an environment that is impacted by some of the severe measurements that we see out there today.

That reminds us of a plan that we had in cleaning up acid rain that was part of the 1990s era, where through the efforts of the then-President, President Bush, we moved forward and fought acid rain successfully by having a focus and a plan and cutting back on situations that made polluters pay. But we're talking today of having polluters pay for their consequential damage to

the environment, we want to make certain that we benefit Americans, middle-class Americans with tax credits that will come from those who are polluting.

So it's encouraging clean companies, it's encouraging American-produced power, and it's providing tax credits to families, and it's investing resources from a clean-energy jobs programming that will invest in the new ideas that are being developed as we speak. But it's the sort of impetus that can be provided, the sort of incentive that is created that will really spur this sort of economic recovery that will make for a strong response.

I am reminded of a project that we had conducted while I was at the State Assembly in the State of New York as energy chair. We had reached out to energy service companies, we had reached out to academia, we had reached out to the farm bureau and worked with demonstration projects through local dairy farms and working through the auspices of NYSERDA, the State energy research and development authority, we were able to put together a review, an audit of those dairy farms, and take a situation where they were dealing with a perishable product and making certain that a highly regulated arena, as it should be, producing a basic nutritional need for this country that had to deal with the ebbs and flows of not only how they conducted business but dealing with energy cycles that they couldn't escape simply because of the forces of mother nature. With all of that being the dynamics of their day-to-day operation, we were able to work within that context to create energy efficiency opportunities that came through the guidance of groups at Cornell and Farm Bureau and the local utility and NYSERDA where we retrofitted to those dairy farms the sorts of demands for energy that dealt with pumping and cooling processes and put together a plan, a strategy, that really developed a very sound outcome—a pleasant surprise to those who participated in the demonstration project. In fact, it became so successful as a demonstration project that we advanced this notion to some 70 farms in the State of New York that prospered from this sort of activity, of auditing the farms and putting efficiency into play.

We also saw successful programs that came about with business incorporated into the energy-efficiency opportunities. And it reminds us that if we are going to compete, if we're going to ask our American businesses to compete in a global marketplace, then we need to advance every bit of opportunity of doing it in smart fashion, doing it in a way that is clever, that is causing a stronger outcome, a more progressive outcome simply by the incorporation of a highly intellectual energy plan, a comprehensive energy plan that looks at cutting demand.

For too often we have reached to a supply situation as we were looking at energy solutions. We were developing more supply. We were content with using, consuming a lot of energy resources when, in fact, we should have moved forward with opportunities that allowed us to address the demand side of the equation.

Looking at that consumption factor, looking at the efficiency, looking at conservation were the clever strategies that were dictated simply by the dynamics of the given solution today.

So as we go forward, we see these opportunities to advance a plan that is encouraged by our President as he wants us to grow smart with our energy usage. He wants us to reach to innovation and a clever strategy using our creative genius to put together a source of investment in research and development, to grow those prototypes of the future, to further develop them and then move to the manufacturing of these commodities here in this country—domestic production of all sorts of nuances—making certain that we move forward not only in the energy generation world but in the energy transmission and distribution area giving commercial consumers the opportunity to work within the context of smart metering, making certain that they can have these smart meters to control their destiny so that they can see firsthand the amount that's being consumed and when to be on-peak and off-peak in given situations; to be able to have a transmission system that responds to weaknesses that were so highly visible in August of 2003 where we witnessed a huge collapse in the system, the delivery system, that started as far west as Ohio and moved into New York and New England and the mid-Atlantic States and into southeast Canada. That was a huge bit of blackout for consumers in that given bit of geography that stood as a glaring example of vulnerability, of a weakness in our system.

We need to go forward and advance the investments in a very wise and clever way that will enable us to strengthen that generation aspect of electricity, strengthen the transmission and distribution components, and to go forward with a commitment to efficiency and conservation. And looking at renewable opportunities. Taking advantage of so many opportunities that mother nature provides and where the President has called for an investment where we embrace our wind, our sun, our Earth to be able to make certain that we use that in a benign way to grow the energy response that we require that will be clean, that will be innovative, and that will draw down our energy dependence in a way that allows us to prosper with bolder outcomes.

As we move forward, I would encourage us to cleverly look at the plans that have been advanced by the leadership of this House, the discussion that is made of growing a green energy economy, the ideals embraced by the President and his administration for this innovation economy that reaches to the American brain trust, that sees us with our science and tech potential to be ready and willing to go forward and provide for the nuances that will usher in a new era of energy thinking. That is what the opportunity for clean energy jobs is all about.

It's a clean energy jobs agenda that finds us producing jobs, developing jobs, retaining jobs, growing jobs in this country, avoiding the opportunities to ship overseas these jobs that have far too often escaped our American economy. And then for saving money for our families, our businesses, individuals in this country through efficiency opportunities, and ending that addiction, that gluttonous addiction to foreign oil, fossil fuels, that really do not enable us to think in the kind of boldness and the sense of vision that is required today.

Mr. Speaker, I thank you for the time to be here this evening and share these opportunities with you, to share the thinking that I believe can help us grow as a Nation and respond to the crisis that we see, the crisis with the energy situation, the crisis with our environment, the crisis with our economy. It can address a multitude of needs out there by embracing this sort of cleverness of thinking and advancing policies that are progressive and investing resources that will really strengthen us as a people, as a Nation, and certainly as a world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for the week of April 27 on account of official business in the district.

Mr. PERRIELLO (at the request of Mr. HOYER) for today on account of business in the district.

Mr. STARK (at the request of Mr. HOYER) for today.

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. PERLMUTTER) to revise and extend their remarks and include extraneous material:)

Mr. BOYD, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. BRADY of Pennsylvania, 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 6.

Mr. JONES, for 5 minutes, May 6.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, April 30.

Ms. ROS-LEHTINEN, for 5 minutes, May 5 and 6.

ADJOURNMENT

Mr. TONKO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, April 30, 2009, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

SCOTT MURPHY, New York, Twentieth.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter of 2009 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Winsome Packer	1/1	3/1	Austria		22,464.99		7,330.24				29,795.23
Shelly Han	1/19	1/21	Austria		622.00		6,084.31				6,706.31
Hon. Alcee Hastings	2/15	2/18	United Kingdom		1,241.91		5,170.29				6,412.20
	3/20	3/22	Belgium		1,373.13		6,762.93				8,136.06
Mischa Thompson	2/14	2/19	United Kingdom		1,655.88		8,323.35				9,979.23
	3/16	3/20	Austria		1,336.00		7,325.59				8,661.59
	3/20	3/25	Belgium		2,429.34						2,429.34
Fred Turner	3/20	3/22	Belgium		1,373.13		6,762.93				8,136.06
Committee total					32,496.38		47,759.64				80,256.02

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Chairman, Apr. 16, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JANUARY 1 AND MARCH 31, 2009.

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Keenan Keller	3/17	3/21	Austria		768.00		7,464.53				8,232.53
Committee total					768.00		7,464.53				8,232.53

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN CONYERS, Jr., Chairman, Apr. 15, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1489. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1490. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1491. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1492. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1493. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1494. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1495. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1496. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1042] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1497. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1039] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1498. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1499. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1036] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1500. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1030] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1501. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8067] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1502. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8065] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1503. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8061] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1504. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Delay of Effective Date [Docket No.: FR-4998-F-04] (RIN: 2501-AD16) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1505. A letter from the Associate General Counsel for Legislation & Regulation Divisions, Department of Housing and Urban Development, transmitting the Department's final rule — Real Estate Settlement Procedures Act (RESPA): Rule To Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs; Further Deferred Applicability Date for the Revised Definition of ''Required Use'' and Solicitation of Public Comment on Withdrawal of Required Use Provision [Docket No.: FR-5180-F-05] (RIN: 2502-AI61) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1506. A letter from the Deputy Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report covering the activities of the Office of Financial Stability and the TARP during the period of March 1, 2009 to March 31, 2009, pursuant to Section 105(a) of the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

1507. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Modification of Temporary Liquidity Guarantee Program (RIN: 3064-AD37) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1508. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Accuracy of Advertising and Notice of Insured Status (RIN: 3133-AD52) received March 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1509. A letter from the Secretary, Department of Education, transmitting a legislative proposal, which would limit the application of the requirement to delay the effective date of certain student aid regulations under Title IV of the Higher Education Act of 1965; to the Committee on Education and Labor.

1510. A letter from the Acting Director, National Institute for Literacy, transmitting the Institute's report entitled, ''Developing Early Literacy: A Scientific Synthesis of Early Literacy Development and Implications for Intervention''; to the Committee on Education and Labor.

1511. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Encouraging Early Submission of Citizen Petitions and Petitions for Stay of Agency Action''; to the Committee on Energy and Commerce.

1512. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's annual update on the use and effectiveness of funds appropriated by the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

1513. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on the issuance of passports during fiscal year 2008; to the Committee on Foreign Affairs.

1514. A letter from the Acting President, Overseas Private Investment Corporation, transmitting the Corporation's Annual Policy Report for Fiscal Year 2008 and the Report on Cooperation with Private Insurers, pursuant to Section 240A of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1515. A letter from the Acting Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the Agency's annual report for Fiscal Year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1516. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's annual report for fiscal year 2008, pursuant to 5 CFR 724.302; to the Committee on Oversight and Government Reform.

1517. A letter from the Director, National Science Foundation, transmitting the Foundation's annual report for fiscal year 2008, pursuant to Public Law 107-174; to the Committee on Oversight and Government Reform.

1518. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1519. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's Annual Report for Fiscal Year 2008, pursuant to Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1520. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Court's report on the activities of the Family Court during 2008, pursuant to Public Law 107-114; to the Committee on Oversight and Government Reform.

1521. A letter from the Secretary, Judicial Conference of the United States, transmitting the Conference's report entitled, ''Report on the Adequacy of the Rules Presribed under the E-Government Act of 2002'', pursuant to Public Law 107-347, section 205(c)(3)(C); to the Committee on the Judiciary.

1522. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Saftey Zone; Red Bull Flugtag, Seddon Channel Turning Basin, Tampa, Florida. [Docket No.: USCG-2008-0093] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1523. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Long Range Identification and Tracking of Ships [Docket No.: USCG-2005-22612] (RIN: 1625-AB00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cleveland harbor, Dock 32, Cleveland, OH [USCG-2008-0329] (RIN: 1625-AA87) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1525. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Colorado River, Parker, AZ [Docket No.: USCG-2007-0140] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Arkansas Waterway, Little Rock, AR, Operation Change [Docket No.: USCG-2007-0043] (RIN: 1625-AA09) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1527. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, MD. [Docket No.: USCG-2008-0315] (RIN: 1625-AA11) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1528. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No.: FAA-2008-0644; Directorate Identifier 2007-NM-321-AD; Amendment 39-15659; AD 2008-18-02] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1529. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Airplanes [Docket No.: FAA-2008-0613; Directorate Identifier 2008-NM-066-AD; Amendment 39-15794; AD 2009-02-04] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1530. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No.: FAA-2007-0254; Directorate Identifier 2007-NM-209-AD; Amendment 39-15795; AD 2009-02-05] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1531. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200,-300, and -400ER Series Airplanes [Docket No.: FAA-2008-0150; Directorate Identifier 2007-NM-325-AD; Amendment 39-15818; AD 2009-04-12] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1532. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2008-1006; Directorate Identifier 2008-NM-110-AD; Amendment 39-15822; AD 2009-04-16] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1533. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No.: FAA-2008-0908; Directorate Identifier 2007-NM-190-AD; Amendment 39-15788; AD 2009-01-09] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1534. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines [Docket No.: FAA-2006-24145; Directorate Identifier 2006-NE-06-AD; Amendment 39-15823; AD 2009-04-17] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1535. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2007-29255; Directorate Identifier 2007-NM-085-AD; Amendment 39-15821; AD 2009-04-15] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1536. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30653; Amdt. No. 479] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1537. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting the Foundation's annual report for fiscal year 2008, pursuant to Public Law 102-281, section 429(b); jointly to the Committees on Financial Services and Science and Technology.

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. PERLMUTTER: Committee on Rules. House Resolution 379. Resolution providing for further consideration of the bill (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 for other purposes (Rept. 111–92). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KING of New York (for himself, Mr. RANGEL, Mr. CASTLE, Mrs. MCCARTHY of New York, Mr. KIRK, Mr. MORAN of Virginia, and Mr. SMITH of New Jersey):

H.R. 2159. A bill to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Ms. BORDALLO, Mr. LUETKEMEYER, Ms. KILROY, Ms. ZOE LOFGREN of California, and Mr. THOMPSON of Mississippi):

H.R. 2160. A bill to promote and encourage the valuable public service, disaster relief, and emergency communications provided on a volunteer basis by licensees of the Federal Communications Commission in the Amateur Radio Service, by undertaking a study of the uses of amateur radio for emergency and disaster relief communications, by identifying unnecessary or unreasonable impediments to the deployment of Amateur Radio emergency and disaster relief communications, and by making recommendations for relief of such unreasonable restrictions so as to expand the uses of amateur radio communications in Homeland Security planning and response; to the Committee on Energy and Commerce.

By Ms. SHEA-PORTER (for herself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. PAYNE, Mr. HARE, Mr. COURTNEY, Ms. HIRONO, Mr. KUCINICH, Mr. SCOTT of Virginia, Ms. SCHAKOWSKY, Mr. LOEBSACK, Mr. GRIJALVA, Mr. HINOJOSA, Mr. WU, Ms. DEGETTE, Ms. MOORE of Wisconsin, Ms. SUTTON, Mrs. MALONEY, Ms. WATERS, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. CASTOR of Florida):

H.R. 2161. A bill to nullify certain regulations promulgated under the Family and Medical Leave Act of 1993 and restore prior regulations and to direct the Secretary of Labor to revise certain additional regulations under that Act; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, 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. MINNICK (for himself and Mr. SIMPSON):

H.R. 2162. A bill to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the ''Herbert A Littleton Postal Station''; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mr. MCDERMOTT, Mr. LARSON of Connecticut, and Mr. KLEIN of Florida):

H.R. 2163. A bill to authorize the Secretary of Transportation to make grants for certain streetcar projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BLUMENAUER (for himself, Mr. MCDERMOTT, Mr. LARSON of Connecticut, and Mr. KLEIN of Florida):

H.R. 2164. A bill to amend title 49, United States Code, to modify the authority of the Secretary of Transportation to make grants for new fixed guideway capital projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARROW (for himself, Mr. MARKEY of Massachusetts, and Mr. WAXMAN):

H.R. 2165. A bill to amend Part II of the Federal Power Act to address known cybersecurity threats to the reliability of the bulk power system, and to provide emergency authority to address future cybersecurity threats to the reliability of the bulk power system, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CUELLAR:

H.R. 2166. A bill to amend the Communications Act of 1934 to provide universal service support to head start programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CUELLAR (for himself, Mr. HINOJOSA, and Mr. ORTIZ):

H.R. 2167. A bill to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain lands as the Los Caminos del Rio Los Caminos del Rio National Heritage Corridor, and for other purposes; to the Committee on Natural Resources.

By Mr. DUNCAN:

H.R. 2168. A bill to amend the Internal Revenue Code of 1986 to suspend the penalty on underpayments of Federal income tax for unemployed individuals; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2169. A bill to limit Federal spending to a percentage of GDP; to the Committee on the Budget, and in addition to the Committee on Rules, 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. FORTENBERRY:

H.R. 2170. A bill to direct the Secretary of Agriculture to establish a program to provide covered institutions loans for conversion to use of biomass for energy generation; to the Committee on Agriculture.

By Mr. HINCHEY (for himself, Mr. MCHUGH, Mr. PLATTS, Mr. FATTAH, Ms. SLAUGHTER, Mr. BARROW, Mr. GORDON of Tennessee, Mr. LOEBSACK, Mr. GERLACH, Mr. MCGOVERN, Mr. POE of Texas, Mr. ARCURI, Mr. ACKERMAN, Mr. ISRAEL, Mrs. MALONEY, Mr. GONZALEZ, Mr. NADLER of New York, Mr. TONKO, Mrs. LOWEY, and Mr. CROWLEY):

H.R. 2171. A bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records; to the Committee on Oversight and Government Reform.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, Mr. MCMAHON, Mr. YOUNG of Alaska, Mr. SIRES, Mr. INSLEE, Mr. KAGEN, Mr. PASCRELL, Mr. DELAHUNT, Mr. ISRAEL, Mr. BUTTERFIELD, Mr. JONES, Mr. COURTNEY, Mr. TAYLOR, Ms. PINGREE of Maine, Mr. SMITH of Washington, Mr. MCINTYRE, Mr. REICHERT, and Mr. MCDERMOTT):

H.R. 2172. A bill to promote secure ferry transportation and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MICHAUD (for himself and Ms. PINGREE of Maine):

H.R. 2173. A bill to designate the facility of the United States Postal Service located at 1009 Crystal Road in Island Falls, Maine, as the ''Carl B. Smith Post Office''; to the Committee on Oversight and Government Reform.

By Mr. MICHAUD (for himself and Ms. PINGREE of Maine):

H.R. 2174. A bill to designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the ''Clyde Hichborn Post Office''; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia (for himself and Mr. BRADY of Pennsylvania):

H.R. 2175. A bill to prohibit as indecent the broadcasting of any advertisement for a medication for the treatment of erectile dysfunction, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POMEROY (for himself, Mr. SAM JOHNSON of Texas, and Mrs. CAPPS):

H.R. 2176. A bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. SPRATT, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. COOPER, Mr. MILLER of North Carolina, Mr. MCGOVERN, Mr. DINGELL, Mr. FILNER, Mrs. MALONEY, Mrs. CAPPS, Mr. BRADY of Pennsylvania, Mr. ELLISON, Ms. HIRONO, Mr. HALL of New York, Mr. ETHERIDGE, Mr. FARR, Mr. BLUMENAUER, and Mr. PAYNE):

H.R. 2177. A bill to require accountability for personnel performing private security functions under Federal contracts, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, 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. RANGEL:

H.R. 2178. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself and Mr. MINNICK):

H.R. 2179. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho, which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TEAGUE (for himself and Mr. FILNER):

H.R. 2180. A bill to amend title 38, United States Code, to waive housing loan fees for certain veterans with service-connected disabilities called to active service; to the Committee on Veterans' Affairs.

By Ms. TITUS (for herself and Mr. CARDOZA):

H.R. 2181. A bill to require servicers of mortgages on single family homes to provide notice to mortgagors of possible eligibility for Federal mortgage assistance; to the Committee on Financial Services.

By Mr. TOWNS (for himself, Mr. ISSA, Mr. KUCINICH, Mr. PLATTS, Mr. WELCH, and Mr. CONNOLLY of Virginia):

H.R. 2182. A bill to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted pursuant to such Act, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SKELTON (for himself, Mr. MCHUGH, Mr. MARSHALL, Mrs. DAVIS of California, Mr. WILSON of South Carolina, Mr. FLEMING, Mr. REYES, Mr. BRADY of Pennsylvania, Mr. LANGEVIN, Ms. BORDALLO, Mr. SHUSTER, Mr. BISHOP of Utah, Mr. ANDREWS, Mr. JOHNSON of Georgia, Mr. LARSEN of Washington, Mr. ORTIZ, Ms. GIFFORDS, Mr. COURTNEY, Mr. MCKEON, Mr. SPRATT, Ms. PINGREE of Maine, Mr. FORBES, Mr. MILLER of Florida, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SMITH of Washington, Mr. ELLSWORTH, Mr. COFFMAN of Colorado, Mr. BARTLETT, Ms. LORETTA SANCHEZ of California, and Ms. TSONGAS):

H.J. Res. 44. A joint resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army; to the Committee on Armed Services.

By Mr. BUCHANAN (for himself, Mr. CAO, Ms. BORDALLO, Mr. LEE of New York, Mr. MCKEON, Mr. ROGERS of Michigan, Mr. ROONEY, Ms. KILPATRICK of Michigan, Mr. THOMPSON of Pennsylvania, Mr. CASTLE, Mr. DENT, Mr. ALTMIRE, Mrs. BACHMANN, Mrs. MYRICK, Mr. LATTA, Mr. GOHMERT, Mr. BROWN of South Carolina, Mr. NEAL of Massachusetts, Mr. BARTLETT, Mr. REICHERT, Mr. BURTON of Indiana, Mrs. BLACKBURN, Mr. MACK, Mr. WAMP, Mr. SCHRADER, Mr. SMITH of New Jersey, Mr. ROE of Tennessee, Mr. HALL of New York, Mr. BOOZMAN, Mr. UPTON, and Mr. ABERCROMBIE):

H. Con. Res. 114. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to honor our Nation's disabled veterans; to the Committee on Oversight and Government Reform.

By Mr. CALVERT (for himself and Mr. ABERCROMBIE):

H. Res. 377. A resolution recognizing Armed Forces Day and the exemplary service of the members of the United States Armed Forces; to the Committee on Armed Services.

By Mr. POE of Texas (for himself, Mr. MCCOTTER, Mr. PAYNE, Mr. MACK, Mr. INGLIS, Mr. CAMPBELL, Mr. BILIRAKIS, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. MCCAUL, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. GALLEGLY, Mr. SCHOCK, Mr. ROONEY, Mr. WOLF, Mr. CHAFFETZ, Mr. OLSON, Mr. FLAKE, Mr. WILSON of South Carolina, Mr. ROYCE, Mr. LAMBORN, Ms. ROS-LEHTINEN, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, and Mr. CALVERT):

H. Res. 378. A resolution recognizing the 30th anniversary of the election of Margaret Thatcher as the first female Prime Minister of Great Britain; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself, Mr. WU, Ms. SPEIER, Mr. REYES, Mr. BILBRAY, Ms. DEGETTE, Mr. CLAY, and Mr. CAMP):

H. Res. 380. A resolution expressing support for designation of April as ''National Donate Life Month'' and expressing gratitude to all Americans who have communicated their intent to be organ and tissue donors; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of Rule XXII,

38. The SPEAKER presented a memorial of the State Senate of Georgia, relative to Senate Resolution 632 affirming states' rights based on Jeffersonian principles; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. KIND and Mr. KILDEE.

H.R. 155: Mr. HALL of Texas.

H.R. 179: Mr. PIERLUISI.

H.R. 181: Ms. LINDA T. SÁNCHEZ of California.

H.R. 197: Mr. CONAWAY, Mr. PETERSON, and Mr. SCALISE.

H.R. 207: Mr. HUNTER and Mr. WITTMAN.

H.R. 208: Mr. BARRETT of South Carolina, Ms. BALDWIN, Mr. YARMUTH, Mr. CARNEY, Mr. MCMAHON, Mr. PLATTS, Mr. ROSS, Mr. WELCH, Ms. BORDALLO, and Mrs. NAPOLITANO.

H.R. 213: Mr. MOORE of Kansas, Mr. POSEY, and Mr. DAVIS of Kentucky.

H.R. 218: Mr. PLATTS.

H.R. 265: Mr. FRANK of Massachusetts.

H.R. 270: Ms. TSONGAS.

H.R. 303: Mr. MORAN of Virginia, Mr. FILNER, Mr. LATHAM, and Mr. LATOURETTE.

H.R. 347: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. MURTHA, Mr. CARSON of Indiana, Mr. CANTOR, Mr. DINGELL, Mr. FATTAH, Mr. FOSTER, Mr. NYE, Mr. SPACE, Mr. ALEXANDER, Mr. BARTON of Texas, Mrs. BIGGERT, Mrs. BLACKBURN, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mr. CASTLE, Mr. COLE, Mr. CRENSHAW, Mr. DAVIS of Kentucky, Mr. MARIO DIAZ-BALART of Florida, Mr. FORBES, Ms. FOXX, Mr. FRELINGHUYSEN, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. HOEKSTRA, Mr. INGLIS, Mr. KING of Iowa, Mr. WITTMAN, Mr. LATOURETTE, Mr. LOBIONDO, Mr. MANZULLO, Mr. MARCHANT, Mr. MICA, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. UPTON, Mr. YOUNG of Alaska, Mr. WAMP, Mr. WILSON of South Carolina, Mr. HALL of New York, Mr. CLYBURN, Mr. DAVIS of Alabama, Ms. DELAURO, Mrs. HALVORSON, Mr. HEINRICH, Ms. KILPATRICK of Michigan, Ms. MARKEY of Colorado, Mr. MASSA, Mr. OBERSTAR, Mr. RANGEL, Mr. THOMPSON of Mississippi, Mr. YARMUTH, Mr. BURTON of Indiana, Mr. PUTNAM, and Mr. TERRY.

H.R. 430: Mr. BISHOP of New York and Mr. ROE of Tennessee.

H.R. 433: Mr. KING of New York.

H.R. 442: Mr. CHILDERS, Mr. MARCHANT, Mr. CONAWAY, and Mr. BARROW.

H.R. 450: Mr. WESTMORELAND.

H.R. 482: Mr. HOEKSTRA.

H.R. 510: Mr. COBLE and Mr. BOOZMAN.

H.R. 556: Mr. ROTHMAN of New Jersey and Mr. CONNOLLY of Virginia.

H.R. 574: Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. FARR, Mr. PETERSON, Mr. COURTNEY, and Ms. KILPATRICK of Michigan.

H.R. 618: Mr. SESTAK.

H.R. 622: Mr. SMITH of Nebraska.

H.R. 635: Mr. GRIJALVA.

H.R. 816: Mr. BISHOP of Utah, Mr. GOODLATTE, Mr. BURTON of Indiana, Mr. BROUN of Georgia, Mr. MCNERNEY, Mr. ROSKAM, Mr.

TIM MURPHY of Pennsylvania, Mr. KIND, Mr. LATOURETTE, and Mr. SCALISE.

H.R. 840: Mr. POE of Texas, Ms. SHEA-PORTER, and Mr. INSLEE.

H.R. 847: Mr. COHEN.

H.R. 904: Mr. FATTAH.

H.R. 927: Mr. KRATOVIL.

H.R. 982: Mrs. BIGGERT, Mr. BRADY of Texas, and Mr. CHAFFETZ.

H.R. 1067: Mr. ROONEY.

H.R. 1074: Mr. BARRETT of South Carolina, Mr. SOUDER, Mr. CONAWAY, and Mr. BARROW.

H.R. 1102: Mr. ALTMIRE.

H.R. 1174: Mr. LIPINSKI, Mrs. CAPITO, and Mr. PIERLUISI.

H.R. 1189: Mr. MICHAUD and Mr. GENE GREEN of Texas.

H.R. 1190: Mr. PETERSON.

H.R. 1191: Mr. PASCRELL and Mr. REICHERT.

H.R. 1193: Mr. CONNOLLY of Virginia.

H.R. 1194: Mr. UPTON, Mr. HASTINGS of Florida, and Mr. BUTTERFIELD.

H.R. 1203: Mr. MICHAUD, Ms. ZOE LOFGREN of California, Mr. JACKSON of Illinois, Mr. UPTON, and Mr. POMEROY.

H.R. 1206: Mr. CRENSHAW, Mr. HASTINGS of Washington, Mr. GINGREY of Georgia, Mr. ALEXANDER, Mr. BURGESS, and Mr. ROHRABACHER.

H.R. 1207: Mr. WILSON of Ohio, Mr. HALL of Texas, Mr. KLINE of Minnesota, Mrs. BONO MACK, Mr. TIM MURPHY of Pennsylvania, Mr. CALVERT, Mr. MCDERMOTT, Mr. UPTON, and Mr. BACHUS.

H.R. 1208: Mr. WAMP, Mr. MCCLINTOCK, Mr. REHBERG, Mr. STEARNS, Mr. ROE of Tennessee, Mr. BURGESS, Mr. GINGREY of Georgia, Mr. ALEXANDER, Mr. KIRK, Mr. ROHRABACHER, Mr. SCALISE, and Mr. LATOURETTE.

H.R. 1269: Mr. HENSARLING.

H.R. 1283: Mr. HIGGINS.

H.R. 1308: Mr. CARSON of Indiana, Mr. DINGELL, Mr. HALL of New York, Mr. MOORE of Kansas, Mr. MCGOVERN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1324: Mr. SERRANO, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Mr. GRAYSON, Mr. TONKO, Mr. INSLEE, Mr. STUPAK, and Mr. SKELTON.

H.R. 1326: Mr. TIERNEY.

H.R. 1327: Mr. CHANDLER, Ms. BEAN, Mr. SULLIVAN, Mr. WESTMORELAND, Mr. KISSELL, Mr. AL GREEN of Texas, Mr. JORDAN of Ohio, Mr. MCNERNEY, Mr. COSTA, Ms. SPEIER, Mr. MATHESON, Mr. SCOTT of Georgia, Mr. MAFFEI, Mr. LEE of New York, Mrs. MYRICK, Mr. COHEN, Mr. BOOZMAN, Mr. CROWLEY, Mr. BARRETT of South Carolina, Mr. HERGER, Mr. MANZULLO, and Mr. CLEAVER.

H.R. 1392: Mr. TIBERI.

H.R. 1411: Ms. JACKSON-LEE of Texas.

H.R. 1422: Mr. MARCHANT.

H.R. 1430: Mr. MOORE of Kansas, Mr. GERLACH, Mr. PAYNE, and Mr. SMITH of New Jersey.

H.R. 1458: Mr. PASCRELL and Mr. COSTA.

H.R. 1470: Mr. PETERSON.

H.R. 1479: Ms. FUDGE and Mr. MEEK of Florida.

H.R. 1522: Mr. OBERSTAR, Mr. STARK, Ms. LEE of California, Mrs. CAPPS, Mr. COURTNEY, Mr. SESTAK, Mr. MCGOVERN, Ms. BORDALLO, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BISHOP of New York.

H.R. 1547: Mr. LEWIS of Georgia, Mr. COLE, Mr. LUCAS, Ms. RICHARDSON, Ms. ESHOO, Mr. CROWLEY, Mr. MCNERNEY, Mr. NEUGEBAUER, Mr. ALTMIRE, and Mr. BRADY of Pennsylvania.

H.R. 1549: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1551: Ms. LINDA T. SÁNCHEZ of California and Mr. QUIGLEY.

H.R. 1552: Mr. GRAYSON, Mr. WITTMAN, Mr. HOLDEN, Mr. MCINTYRE, Mr. SHULER, Mr. BOREN, Mr. WILSON of Ohio, Mr. ARCURI, Mr. COSTA, Mr. PETERSON, Mr. MOORE of Kansas, Mr. DAVIS of Tennessee, and Mr. CUELLAR.

H.R. 1585: Mr. CONNOLLY of Virginia, Ms. ZOE LOFGREN of California, Mr. ALTMIRE, Mr. PETERSON, Mrs. MALONEY, and Mr. GENE GREEN of Texas.

H.R. 1616: Mr. QUIGLEY, Mr. MILLER of North Carolina, Ms. CLARKE, and Mr. PIERLUISI.

H.R. 1670: Ms. WOOLSEY and Mr. PITTS.

H.R. 1675: Mr. CAPUANO.

H.R. 1684: Mr. SCALISE, Mr. SOUDER, and Mr. CONAWAY.

H.R. 1700: Mr. PETERSON.

H.R. 1708: Ms. SCHWARTZ.

H.R. 1709: Mr. HOLT and Mrs. BIGGERT.

H.R. 1723: Mrs. CHRISTENSEN.

H.R. 1736: Mr. HOLT.

H.R. 1787: Mr. VAN HOLLEN.

H.R. 1792: Mrs. LOWEY.

H.R. 1802: Mr. FORBES and Mr. SIMPSON.

H.R. 1813: Mr. BURTON of Indiana.

H.R. 1836: Mr. ROONEY.

H.R. 1841: Mr. KING of New York.

H.R. 1842: Mr. HALL of Texas.

H.R. 1864: Mr. YOUNG of Florida, Mrs. SCHMIDT, Mr. HASTINGS of Washington, and Mr. GINGREY of Georgia.

H.R. 1881: Mr. FARR, Ms. BERKLEY, Mr. LYNCH, Mr. HARE, Mr. MASSA, Ms. SHEA-PORTER, Mr. MITCHELL, Mr. ALTMIRE, Mr. PALLONE, and Mr. BACA.

H.R. 1894: Mr. PASCRELL and Ms. ZOE LOFGREN of California.

H.R. 1910: Mr. CUELLAR and Mr. LANCE.

H.R. 1912: Mr. LANCE and Mr. POLIS of Colorado.

H.R. 1933: Mrs. LOWEY.

H.R. 1941: Mr. MINNICK and Mr. BISHOP of Utah.

H.R. 1958: Ms. BORDALLO.

H.R. 1976: Mr. FARR.

H.R. 1977: Ms. MOORE of Wisconsin and Mr. TAYLOR.

H.R. 2000: Mr. MCNERNEY and Mr. BRADY of Pennsylvania.

H.R. 2006: Mr. MICHAUD, Mr. KILDEE, and Mr. NADLER of New York.

H.R. 2014: Mr. BARRETT of South Carolina, Mrs. LOWEY, and Mr. GARY G. MILLER of California.

H.R. 2021: Mr. SMITH of Nebraska, Mr. PAUL, Mr. HASTINGS of Washington, Mr. MANZULLO, Mr. CASSIDY, and Mrs. BONO MACK.

H.R. 2047: Mr. LINDER and Mrs. MILLER of Michigan.

H.R. 2063: Mrs. BLACKBURN, Mr. GOHMERT, Mrs. EMERSON, and Mr. SAM JOHNSON of Texas.

H.R. 2090: Mr. BISHOP of New York and Mr. ACKERMAN.

H.R. 2113: Ms. NORTON.

H.R. 2116: Mr. CONNOLLY of Virginia, Mr. SCHIFF, Mr. CARNEY, and Mr. MITCHELL.

H.R. 2117: Mr. REYES.

H.R. 2118: Mr. SESSIONS.

H.R. 2119: Mr. SESSIONS.

H.R. 2132: Mr. MEEK of Florida.

H.R. 2148: Mrs. CAPPS.

H.R. 2149: Mrs. MALONEY.

H. Con. Res. 58: Mr. ABERCROMBIE and Mr. SESTAK.

H. Con. Res. 87: Mr. MCCOTTER and Mr. COSTA.

H. Con. Res. 102: Mr. PETERSON and Mr. LATHAM.

H. Con. Res. 111: Ms. BERKLEY, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BOSWELL, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. DENT, Mr. FRANKS of Arizona, Mr. FOSTER, Mr. HODES, Mr. LOBIONDO, Mr. MARKEY of Massachusetts, Mr. MASSA, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. SHUSTER, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. SCOTT of Georgia, Mr. MCMAHON, Mr. HOLDEN, Mr. CULBERSON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LAMBORN, Mr. GALLEGLY, Mr. POE of Texas, Mrs. BACHMANN, Mr. MARCHANT, Mr. MORAN of Kansas, Mr. CONAWAY, Mr. DAVIS of Tennessee, Mrs. SCHMIDT, and Mr. STEARNS.

H. Res. 42: Mr. WAMP, Mr. TIM MURPHY of Pennsylvania, Mr. MCHUGH, and Mr. ALEXANDER.

H. Res. 111: Mr. ROONEY, Mrs. SCHMIDT, Mr. YARMUTH, Mr. PERLMUTTER, and Mr. SHIMKUS.

H. Res. 130: Mr. CHILDERS.

H. Res. 192: Mr. BACA, Ms. MCCOLLUM, Ms. EDWARDS of Maryland, Mr. TIBERI, Mr. LOBIONDO, Mr. THOMPSON of California, Mr. SARBANES, and Mr. WILSON of Ohio.

H. Res. 204: Mr. GINGREY of Georgia, Mr. PITTS, Mr. HALL of Texas, Mr. SHADEGG, Mr. BARTON of Texas, Mr. MCHUGH, Mr. POSEY, Mr. PETERSON, Mrs. EMERSON, Mr. CULBERSON, Mr. LINDER, Mr. EDWARDS of Texas, Mr. WAMP, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. GOHMERT, Mr. GENE GREEN of Texas, Mrs. BIGGERT, Ms. FOXX, Mr. BAIRD, Mr. SHUSTER, Mr. WESTMORELAND, Ms. DELAURO, Mr. FLAKE, Mr. HARPER, Mr. GUTIERREZ, Mr. COBLE, and Mr. KUCINICH.

H. Res. 209: Mr. LINCOLN DIAZ-BALART of Florida and Mr. ENGEL.

H. Res. 232: Mr. BUYER.

H. Res. 236: Ms. KOSMAS.

H. Res. 252: Mrs. LOWEY and Ms. BERKLEY.

H. Res. 291: Ms. BORDALLO.

H. Res. 300: Mr. MCKEON and Mr. CASSIDY.

H. Res. 309: Mr. WILSON of South Carolina, Mr. BOOZMAN, and Mr. FRANKS of Arizona.

H. Res. 333: Mr. ELLISON.

H. Res. 362: Mr. FILNER, Mr. HINOJOSA, Ms. KILPATRICK of Michigan, Mr. PASCRELL, Mr. POLIS of Colorado, Mr. SKELTON, Mr. MCGOVERN, and Mr. BRADY of Pennsylvania.

H. Res. 364: Mr. OLSON, Mr. CROWLEY, Mr. BRADY of Pennsylvania, and Mr. NADLER of New York.

H. Res. 366: Mr. MOORE of Kansas, Mr. LAMBORN, and Mr. CAPUANO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Gutierrez or a designee to H.R. 627 the Credit Cardholders' Bill of Rights, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, WEDNESDAY, APRIL 29, 2009 No. 64

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Eternal Father, strong to save, whose arms have bound the restless waves, let Your still small voice echo down time's corridors to renew our lawmakers and to lift their vision. Inspire them to dedicate themselves to eternal values and to be unafraid of the consequences of following the highest standards they know. May they run from the success purchased at the cost of cowardice and cunning. Guide them, Lord, by Your living word, as You infuse them with the spirit of service. Help them to see that nothing they do can separate them from Your love but that they can block the experience of Your joy. Remind them to make Your joy their strength.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 29, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to an hour, with Senators being allowed to speak for up to 10 minutes each. The Republicans will control the first half, the Democrats the second half.

Following morning business, the Senate will begin 10 hours of statutory debate with respect to the conference report to accompany the resolution on the budget. Under an agreement we reached last night, the Senate will proceed to the conference report upon receiving a message from the House of Representatives with respect to the conference report. Senators will be notified when the vote on adoption of the conference report is scheduled. We will probably vote on that late this afternoon, early this evening. We have 10 hours. There are no amendments in order. There are no procedural obstacles to our finishing that fairly quickly. I spoke to Chairman CONRAD. He certainly will not use the 5 hours which we are allotted, so we will yield back a lot of that time. Even if the Republicans use all of their 5 hours, we should be able to vote fairly quickly.

As far as the rest of the week is concerned, we hope to reach an agreement with the Republicans to begin consideration of the housing legislation, which we should be able to start either tonight or tomorrow.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to 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 Republicans controlling the first half and the majority controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I suggest the absence of a quorum and ask that the time be equally charged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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.

FLU OUTBREAKS

Mr. MCCONNELL. Mr. President, we were all saddened this morning to hear

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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that a Texas child has died from the recent outbreak of the H1N1 flu. This is a very worrisome situation, and we are all following it very closely.

Yesterday, Secretary Napolitano briefed Republicans on this matter, and we appreciate the administration's coordination with Congress. The administration has said that it currently has all the personnel and equipment it needs to handle the situation, but going forward, Congress is prepared to work on the request for additional funds in the supplemental.

I would note that Congress is in a much better position to deal with outbreaks such as this as a result of the hard work of Senator BURR and others, who have done a great deal on the issue of biopreparedness and on coordinating all of the relevant Government agencies. We stand ready to closely work with the administration to protect the American people as this situation unfolds.

BUDGET CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, from the very first days of the new administration, Senate Republicans have pledged to work closely with our new President and his Cabinet to find solutions to the Nation's many foreign and domestic challenges.

On the foreign policy front, we felt strongly about the need to work with the new administration on a unified agenda that protects the American people and furthers our interests abroad. So far, we have had two major points of convergence.

On the enormously important question of our strategies in both Afghanistan and Iraq, Republicans support the President's decision to follow, in both cases, the best advice of his military commanders on the ground.

We may part ways on a number of other foreign policy issues, some of which I outlined in greater detail earlier this week, but when it comes to the question of Iraq and Afghanistan, the President's strategy is one that most everyone can support.

Here at home, there have admittedly been fewer opportunities for agreement.

An ongoing recession and the continuing reverberations of a financial shock that began in the housing industry led both parties to come up with their own respective plans to jumpstart the economy in the short term and strengthen its foundations in the long term.

The administration's plan revolved around a trillion dollar stimulus that was neither timely, targeted, nor temporary—as well as a decision to press forward on several major, controversial legislative proposals. If the President's budget is fully implemented, it would double the national debt in just 5 years and nearly triple it in 10.

Republicans had a different approach. We worked closely with Democrats last fall to pass a financial rescue plan aimed at stabilizing the overall economy. But we refused to support a second round of funds when the administration couldn't assure us it would only be used to address the crisis at hand.

When it came to an economic stimulus, Republicans pointed out the glaring weaknesses in the Democrat plan and we offered a plan of our own that would have cost half as much and gone straight to the root of the problem, which is housing.

We also suggested that instead of spending billions on wasteful projects, we loan State and local governments money. This would have encouraged the careful use of taxpayer dollars since State and local governments would have known they would have to pay the money back when the economy improved.

We also refused to support bailouts for the auto industry, since we don't think the Government should be picking winners and losers. We said bailouts would only delay necessary reforms for long-term success. Our position was recently vindicated when the automakers came back for even more money, forcing the administration to talk seriously about bankruptcy as a means of achieving the necessary restructuring.

When it comes to protecting taxpayers and to a mounting debt that our children will inherit, the new administration has been remarkably carefree. Most of this debt is being financed by China and countries in the Middle East, which of course increases the economic leverage these countries have over the United States.

Americans are worried about this and they should be. In a time of economic hardship, we should not be borrowing money we will not be able to pay back.

The current administration seems to disagree. In just 1 week in February, the administration's acts cost the American taxpayers more than $1 trillion, or more than the wars in Iraq, Afghanistan and the relief efforts for Hurricane Katrina combined.

Federal support for a single company in the financial sector now amounts to almost $175 billion over the past year alone. That is more than what we will spend this year on the deployment costs of our Armed Forces fighting in Afghanistan and Iraq.

So far this year the most far-reaching legislation we have considered is the budget. In the middle of a recession, the same Democrats who were outraged over a $455 billion deficit last year came to us this year with a budget that would lead to trillion-dollar deficits and which saddles Americans with more debt than all the debt we had accumulated from George Washington to the present day, combined.

Hundreds of thousands of American workers are losing their jobs every month. They are concerned that all this spending and debt will not just slow the economic recovery but make it harder to keep or find jobs. These Americans may like the President, but they do not understand how a giant expansion of Government will help create or preserve jobs.

They do not think the administration has done enough to explain how borrowing money to create those programs will make America stronger, more secure, and more economically sound.

Americans are also increasingly concerned about the administration's approach to a number of foreign policy issues that are related to our efforts in Afghanistan and Iraq. One of the most troubling of these decisions relates to the terrorist detention facility at Guantanamo Bay. Shortly after taking office, the new Attorney General was tasked with closing Guantanamo by next January.

Yet 3 months later, the administration still has not provided the American people with any further details about what will happen to these inmates once the January deadline arrives. The American people do not want terrorists back on the battlefield, and they certainly do not want them released into their neighborhoods, as some in the administration have shockingly proposed, according to news accounts.

The administration has not been clear about its reason for closing Guantanamo before it has a plan for these detainees. But its reason cannot be that the facility is poorly run, since Attorney General Holder has said himself that the facilities there are good ones. It cannot be that the administration has a better alternative. If it did, we would have heard about it by now. The American people do not want trained terrorists released into their neighborhoods. They want answers. Unfortunately, the administration has only offered silence.

In the face of tremendous challenges at home and abroad, the new administration offered a burst of activity and a veritable explosion of debt. Meanwhile, Republicans have proposed responsible solutions that are meant to empower the American people and improve the quality of their daily lives.

On this front, Republicans will continue to offer sensible ideas on health care that address the concerns Americans have about the high cost of doctors visits, about finding good health coverage, and about keeping the coverage they have.

The lesson of the failed health care proposal of the Clinton era is not that Americans do not want reform, it is that any reform should reflect the needs of all Americans, not just a select few in Washington. Americans do not want a health care solution that puts bureaucrats in charge of medical decisions, delays appointments or diminishes the quality of health care they already receive.

Health care is an area where Americans expect the President and Congress to work together. The divide-and-conquer approach did not work in 1993, it will not work in 2009.

Energy is another area where Republicans have offered and will continue to offer commonsense solutions. Last year, even before gas prices hit the roof, we proposed a sensible approach of finding more and using less. Republicans are also proposing a dramatic expansion of nuclear power. This would match the high demand for energy in the world's largest economy with a growing public desire for cleaner, more efficient energy sources.

Health care and energy are just two of the areas where Republicans will continue to offer better ideas in the coming months. We hope our friends on the other side are more supportive of these ideas than they have been of our proposals on the economy.

On this point, it is interesting to know that just a few weeks ago, Democrats showed strong support on the Senate floor for Republican proposals to protect small businesses and middle-class taxpayers, as well as a proposal to keep the Nation's debt at a level we can manage. They also expressed strong support for a Republican proposal that climate change legislation not lead to higher gas and electricity bills.

Yet these Republican proposals which drew such broadspread support on the Senate floor just a few weeks ago were, for some reason, taken out of the final product that came out of the closed conference.

Democrats cannot have it both ways. Americans are suffering. They are losing homes, and they are losing jobs. Republicans have offered, and will continue to offer, proposals that put the concern of these ordinary Americans first: Democrats' overspending, taxes, and debt.

Massive spending and debt is not the answer to a recession. A one-party solution with no checks and balances is not the answer for health care. Opposing clean, nuclear power and expanded use of other domestic energy sources is not an answer for our energy needs.

Voting for tax relief before voting against it is not the way to show the American people you have their best economic interests in mind. Republicans have not been hesitant to offer our strong public support for the new administration, and, again, I commend the President on his approach to Afghanistan and Iraq. But we have not been hesitant to state our differences clearly.

That has been the story of the first 100 days for Senate Republicans and will continue to be the story for Senate Republicans: Principled support, principled opposition, and pragmatic, creative solutions to meet the challenges of the day.

TRIBUTE TO ROBLEY REX

Mr. MCCONNELL. Mr. President, I rise because my State and our country have lost one of our last links to a bygone era. On Tuesday, April 28, Robley Rex passed away a few days shy of his 108th birthday. He will forever be remembered as Kentucky's last World War I-era veteran.

Ninety years ago, a teenaged Robley Rex landed in France, caring a rifle and wearing a U.S. Army uniform. He was a long way from Christian County, KY, where he was born in 1901 and raised.

Wanting to see the world and fight for his country, Robley enlisted in the Fifth, and later the 28th, Infantry Division and was deployed to Europe. After leaving the Army in 1922, he returned to Kentucky and settled in Louisville, where he became a postal worker and ordained Methodist minister.

Robley was not only the Bluegrass State's preeminent veteran, he was also its preeminent volunteer on behalf of veterans. Decades after his own active service ended, he continued to serve his fellow soldiers by volunteering at the Louisville Veterans Affairs Medical Center, right up until the last years of his life.

The Veterans of Foreign Wars honored him for over 14,000 hours of service in 22 years. I was proud to call Robley a friend of mine. Our lives intersected a number of times over the last 20 or 30 years. A few weeks ago when I was in Louisville, I had the pleasure to read a wonderful article about Robley in the Southeast Outlook. On a sad note, the article mentioned how Robley was looking forward to his impending birthday. I know a lot of the rest of us were too. His friends were planning a special birthday celebration at the Louisville VA hospital next month. Instead, it will be an opportunity to remember how much Robley meant to all of us.

As much as we will all miss him, I take comfort knowing that Robley is reunited with his beloved wife Gracie, who passed away in 1992, after more than 60 years of marriage.

Because I wish to share with my colleagues this article on Robley Rex's long and exciting life, I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville, Kentucky, Southeast Outlook, Apr. 2, 2009]

107-YEAR-OLD ROBLEY REX

(By Ruth Schenk)

Eighteen-year-old Robley Rex weighed just 115 pounds when he landed in France at the end of World War I carrying an 84-pound pack.

Every soldier had a blanket, a quart of water, 160 rounds of ammunition, a Springfield M6 Scout gun and a small khaki-colored New Testament. His uniform was made of a drab olive wool.

Rex signed up for the Army on May 21, 1918, a few weeks after his 18th birthday. He convinced his mom to sign to papers after recruiters told him it was the ''chance of a lifetime'' and assured the teenager who grew up on a farm in Christian County, Ky., that he'd ''see the world, and the world would see a lot of him.''

Army pay back then was $36 a month.

At that time, everybody thought the war would end any day. The Germans and the Allies signed the Armistice on Nov 11, 1918, but they hadn't yet signed the Treaty of Versailles.

Rex, now one of the last World War I-era vets living in the United States, is a celebrity at Christopher East Nursing Home in Louisville and an icon among veterans. In 107 years, he has lived through 20 presidents, two world wars, the Korean conflict, Vietnam, the Persian Gulf and the war in Iraq.

He has seen a lot of world change in his lifetime.

Rex was a Private First Class when his ship landed in northwestern France. Word of the armistice hadn't yet reached the trenches, so bullets still were flying. His first job was guarding German prisoners. Remnants of war were everywhere—in the rubble of buildings, hundreds of acres of ''torn up'' land and big puddles of green water that reminded Rex of gangrene.

French soldiers told him they would have lost the war if it weren't for the Americans.

Back then, military life meant absolute, complete obedience. No one questioned authority.

''If the corporal told us to pick up something on the ground, we picked it up. There was no need to explain or question why we were going to climb a mountain or go to a town,'' Rex said. ''If the captain said you were going, you were going—without any explanation.''

Most everyone attended religious services.

''They weren't mandatory, but if everybody from Company B was told to be at the 8 a.m. service, they were there,'' Rex said. ''We went because we wanted to do the right thing.''

Rex believes that Army coffee must come from the bark of trees, and that there are no atheists in foxholes.

The faith he'd learned at home carried him through scary times. ''When I was walking down a road in Germany or in France, and the fear would rise up in me, I would say, 'I have no fear for Thou are with me' from Psalm 23 or Isaiah 41:10, 'So do not fear, for I am with you; do not be dismayed, for I am your God. I will uphold you with my righteous right hand.'''

There's not much Rex doesn't remember.

All the great military heroes of that day were in Europe: Dwight Eisenhower, George Patton and John Pershing.

''The soldier we wanted to see most was Douglas MacArthur. At that time, he was considered the world's greatest patriot,'' Rex said.

After 2½ months in France, Rex was sent to Germany with the 3rd Army Intelligence Unit because he had finished two years of high school.

He saw destruction—and need. Rex said he'll never forget seeing German citizens wait for the food the American soldiers threw away so they could take it to their own homes.

Rex spent three years in Europe. The recruiters were right: He saw people and places he never would have seen if he had stayed in Kentucky.

In 1921, Rex returned to the States, was discharged from the Army and settled into civilian life with a job at Marathon Tire in Cuyahoga Falls, Ohio. By then, he was 22 years old and ready to ''settle down.'' If the job was good, meeting his wife, Gracie, in the Camp Taylor area of Louisville was 100 times better.

It was close to love at first sight.

Rex doesn't remember where they went on dates, but he says the secret to his long life is ''marrying the right woman.''

According to Rex, Gracie was the best cook and ''saver'' in the world.

''Grace could walk across the yard, cut off a handful of grass, fry it and it would be

good,'' he said. ''And she never let us spend more than we brought home. If I earned $10,000, and she said we'd save $2,000, we'd save $2,000. If I made $6,000 and she said we should save $2,000, we'd save $2,000.''

The two only had each other, as they never had children.

For Rex, that was enough.

Rex began volunteering at the Louisville Veterans Medical Center when he was in his 80s. His job was to get needed medical records to the right place in the hospital before 8 a.m. He continued volunteering until 2005, when he was 104 and confined to a wheelchair. By then, he had put in 22 years and more than 14,000 hours.

He always took time to talk with wounded veterans.

''Each one has a great story to tell,'' Rex said. ''I've heard soldiers tell how they lost legs and arms in battle, how they were taken prisoner and managed to survive horrors of combat.''

His advanced age has not diminished his sense of humor either.

Ask Rex about his best birthday celebration and he says, ''The one coming up.''

The hardest thing in Rex's life wasn't the war or the Great Depression.

It was Aug. 24, 1992, the day Gracie died. He still tears up when he talks about it, and he still wears his wedding ring with tape wound around it to keep it on his finger.

Rex doesn't think he's anything special. Just an ordinary boy from Kentucky who served his country.

Mr. MCCONNELL. I know all my colleagues join me in honoring the memory of this great patriot and soldier. Through his long lifetime of service, Robley Rex proved his faith and devotion to his country. Now his country will forever be faithful and devoted to him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I ask unanimous consent there be a full hour of morning business as under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENT'S FIRST 100 DAYS

Mr. KYL. Mr. President, President Obama's first 100 days in office make for compelling news stories, but what we should focus on is how the first 100 days will affect our future. This will go down in history as the most expensive 100 days for the American people.

Since his inauguration, President Obama has signed into law $1.19 trillion in new spending. That is $11.9 billion of spending for each day he has been in office. Those figures do not include the $3.7 trillion budget for next year, a measure now awaiting final action on the Senate floor.

The Congressional Budget Office estimates that if this budget is passed and signed into law, by 2019, the public debt will reach 82.4 percent of our gross domestic product. That means more new debt will be created under this one budget than all the combined debt created by all the previous 43 Presidents, all the way back to President George Washington.

His own advisers acknowledge the budget will put us on an unsustainable course. It proposes a sweeping change of course for the U.S. economy that will shift the balance of power away from the private sector toward the Federal Government.

It is not just the uncharted levels of spending and debt; this budget levies higher taxes on every household in the form of a national energy tax and puts taxpayers on the hook to pay for a larger and more intrusive Federal Government.

In other words, this budget spends too much, taxes too much, and borrows too much. On spending, President Obama has made his proposed new spending sound more palatable by describing it as an ''investment'' that will pay off by saving us money down the road.

Most of the new spending, however, is for services and programs whose long-term value continues to be debated. Nor is there any intention of cutting spending in the future. This budget does not propose one-time investments followed by areas of reduced spending. Instead, billions in new outlays will continue indefinitely, meaning the permanent accruement of power in Washington.

Rolling back the Federal Government's reach in the coming years could prove a Sisyphean challenge. Those of us in Washington need to keep in mind that families and small businesses, now more than ever, make sacrifices and tradeoffs in their own budgets. Should Washington not do the same?

This budget continues business as usual, making no hard choices about how to rein in out-of-control Government spending. In fact, the budget is so big that, according to the Heritage Foundation, a quarter of a million new Federal bureaucrats may be required to spend it all.

Federal Government employees represent the largest group of new jobs created under this bill. In response to concerns about the spending, President Obama has instructed his Cabinet to cut $100 million from the budget in the next 90 days. Wow, $100 million. That represents just .003 percent of the budget. Let me put it in context. It is hard to imagine an Arizona family using the same math to trim its budget. A typical Arizona family makes $47,215 per year. Say they would like a budget similar to the President's. That means their budget would be $71,848 in the coming year. But they have to cut .003 percent. That is $2.05. So they still have a debt of $24,631 to put on the family credit card. Unsustainable.

No family would decide to do this. It would not put them on a course for future prosperity. We need to cut a lot more than that .003 for this budget to be fiscally sustainable.

On the matter of taxes, the President has said he will cut taxes for 95 percent of Americans. But his budget would raise taxes by $1.4 trillion over the next 10 years. It would implement a new $646 billion energy tax that will affect every American household regardless of income and is estimated to increase energy costs for every family by as much as $3,168 annually.

It is described as a downpayment, meaning there is much more to come. This tax is touted as a way to curb greenhouse gas emissions. But it will unavoidably tax every economic activity, since almost every aspect of our daily lives requires energy from fossil fuels.

I recall President Obama telling the San Francisco Chronicle that: ''Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket.''

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mr. KYL. Economic historian John Steele Gordon draws a good analogy to an energy tax in the April issue of Commentary magazine:

''If passed it will act on the economy as a whole exactly the way a governor acts on a steam engine, increasingly resisting any increase in revolutions per minute,'' Gordon writes.

He continues:

> With the supply of licenses to emit carbon dioxide fixed, the price of the permits will inevitably rise as economic activity picks up. That means that any increase in overall demand will increase the price of energy. . . . That will damp down demand. The more the economy tries to speed up the more [this tax] will work to prevent it from doing so.

Does this sound like a good idea—especially in time of recession?

The budget also lets some of the existing low tax rates expire, thus raising taxes, which also hurts our economy.

We need to keep in mind that our economy is a complex and dynamic force, made up of individuals and families deciding on how much they want to save, spend and invest and whether to create new jobs or open new businesses.

Usually, it resists policymakers' attempts to manipulate and control it. It is not a ball of clay that Washington can mold any way it wants to and expect never to encounter adverse results. There are negative consequences to what we do.

We are obviously straying too far from the principle that the purpose of taxes is to pay for the costs of government in a way that does the least damage to the economy. Now we are using tax policy to redistribute wealth. How many activities or services can we now think of that the Government does not tax or is not aiming to tax?

Finally, there is the matter of borrowing too much, the debt and the deficit. In 5 years this budget will double the public debt; in 10 years it will triple the public debt. That is why we can say that just this one budget accumulates more debt than every President of the United States combined previous to now. The Congressional Budget Office projects that the President's budget

will accumulate $9.2 trillion in deficits. That would raise the debt held by the public to an astonishing 82.4 percent of GDP in the year 2019.

My colleague, Senator MCCAIN, told us during the campaign that spending and deficits are two sides of the same coin; that President Obama's spending promises would raise deficits to unsustainable levels and that huge tax hikes, and not just for the wealthy, would be required to pay for it all. Even the President's Office of Management and Budget Director Peter Orszag has confirmed what Senator MCCAIN said all along: These levels of spending and deficits will not be sustainable.

Let me quote an editorial comment from the Washington Post recently:

> President Obama's budget plan would have the government spending more than 23 percent of gross domestic product throughout the second half of this decade while collecting less than 19 percent of revenue.

Is this the legacy we want to leave the next generation, unprecedented debt?

On this side of the aisle the answer to that question is no. That is why we are concerned about the effect of the past 100 days on our country's future.

And we can't forget the finance charges. By 2014, the interest on the national debt will be the largest single expenditure in the budget, more than we'll spend on education, on healthcare, on national security.

This excessive borrowing also increases our dependence on creditors in countries such as China and Russia. Other countries now hold more than half of America's total publicly held debt. As Senator BAYH pointed out in a recent Wall Street Journal column, when other countries hold a large amount of our debt they also have leverage to influence our currency, trade, and national security policies.

All of us share the goal of getting the economy back on track. We need a budget that meets the test of fiscal responsibility. This budget does not. Moreover, it contradict's the President's campaign promises for a net spending reduction and no tax increases for 95 percent of Americans. The unprecedented amounts of spending, taxing, and borrowing are sure to hinder an economic recovery.

As President Reagan said: Facts are stubborn things. We have seen throughout our country's history that increasing taxes and introducing new regulation during a recession has never led to economic growth. Why would this time be any different? Right now we should be working on growing our economy, not growing the Federal Government.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

TYRANNY OF THE MAJORITY

Mr. ALEXANDER. Mr. President, in the early 1800s, a perceptive young Frenchman came to America, Alexis de Tocqueville. He marveled at our new democracy. He wrote a classic book about it. He warned more than anything about something he called ''the tyranny of the majority.'' That was his worry about the American democracy.

We now have finished 100 days for a popular new President. He has presented a blueprint for the country that is dramatically different from what we had before.

Yesterday, a member of our Republican side moved his desk to the other side potentially giving that side of the aisle 60 votes and raising the prospect that we would have no check and balance on one-party rule, the genuine risk of what de Tocqueville called the tyranny of the majority. So the question arises, what is the blueprint for this popular new President, and is it the kind of change we really want?

All of us can point to something, as the Republican leader did, to Afghanistan and Iraq, of which we approve. I could point to the Secretary of Education, Arne Duncan and his focus on paying teachers more for teaching well and encouraging charter schools, something I greatly support. But both the Senator from Arizona and the Senator from Kentucky have pointed out that the blueprint presented by our new President has too much spending, too much taxing, and too much debt.

Especially striking to me is the idea that we would have, in the 10th year of the President's budget proposal, $800 billion in interest to pay, which is more than we would be spending on defense that year, eight times as much as the Federal Government would spend on education that year, and eight times as much as it would spend on housing, $800 billion of interest to pay just on the debt.

Yet there is another part of this blueprint that worries me, and that is too much government. We read that now our Government, through taxpayers, owns half of our largest automobile companies.

In an interview I heard the Environmental Protection Agency Administrator say automakers are waiting for the Government to tell them what kind of car they ought to build. Already the President has fired the President of our largest auto company and our Government is telling the company who should be on the boards. I suppose it will be saying also what plants should be kept open or closed and what people should be paid. That is quite a bit of government. Or banks, instead of asking the Congress at the beginning of January for a $1 trillion line of credit so we could get the toxic assets out of banks and get credit flowing again, so jobs would come back and housing prices would stabilize, this new administration spent $1 trillion, a breathtaking, unimaginable amount of money, adding it to the debt. What about the banks? Well, we are going to own the banks or at least be the major shareholder in many of the biggest banks in the world. Again, that means politicians and regulators in Washington will be deciding who will be the bank president, who will be on the boards, who will get the loans, perhaps, and for what purposes the loans could be used.

Isn't that the kind of thing that got us into trouble in the first place, politicians in Washington telling banks to loan money to people who could not afford to pay it back? This too much government in the first 100 days is not just the result of the recession in which we find ourselves. This is not a crowd that believes if you can find it in the yellow pages, the Government should not be doing it. This is a deliberate choice of more Government.

As in the case of student loans, the first proposal from the President was that we take the amount of Pell grants and add that to the automatic spending in the budget, adding another $117 billion to the automatic spending over 10 years. This is something that could bankrupt our country and it didn't fly. But there is another proposal, which is still out there. That would take the entire student loan program and cancel the choices that students have, create a big new bank, a half-trillion-dollar bank, and have the Department of Education make all the loans. That is a massive takeover by the Government.

Twelve million students today choose to get their loans from private lenders. There are 2,000 of those loaning money to students who choose to attend Nashville Auto Diesel College or Harvard or Princeton, where the Senator from Missouri was an outstanding student. There are 4,400 campuses that offer this choice. The proposal would be to create a big, new, half-trillion-dollar bank that would take all of that over, that would make $75 billion of loans in a year. It would make the promising new Education Secretary a candidate for banker of the year instead of Secretary of the year. It would cause Andrew Jackson, who fought against the national bank in his day, to roll over in his grave at what his party is doing. It would be Congressmen playing a trick on students because the end result would be saying: We are going to borrow the money, the U.S. Department of Education, at one-quarter of 1 percent, and we are going to lend it to you at 6.8 percent. Then we will turn around and give aid to other people that you students are paying for, and we Congressmen will take the credit.

I don't think students will like that. It is all in the name of $94 billion in savings, but that is exaggerated because the Government already admits that it will cost $25 or $30 billion at least for the Government to manage the program, and I can't believe the Government is a better manager of a bank making 15 million loans a year than banks that are set up to do that.

If the subsidy is too high, lower it; don't cancel the program. That is the direction in which we are going. This is an administration with a blueprint for a different kind of American future. But it is not the kind of American future that Abraham Lincoln saw for the

Federal Government. In the first years of President Lincoln's administration, he not only was involved in the Civil War, but he and the Congress passed the Homestead Act and the Land Grant Colleges Act and the Transcontinental Railroad Act. They conferred opportunities on Americans everywhere, and then the Americans used their own elbow grease to make things happen.

This administration, this 100 days, is a command-and-control type of administration, with regulators and politicians running the banks, running the auto companies, and nationalizing student loans. It is an opportunity to have a new blueprint of a kind we haven't seen before, not one that confers opportunities but a planned America with less freedom, with fewer choices, fewer opportunities, a society planned and run by Washington regulators and politicians that our children and grandchildren cannot afford, not a society that confers opportunities and choices for the people.

In addition, there is the prospect of no check and balance on one-party rule which risks what the perceptive young Frenchman, Alexis de Tocqueville, said in the early 1800s was the greatest threat to the new American democracy when he warned about the tyranny of the majority.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

NATIONAL SECURITY GRADE

Mr. BOND. Mr. President, today marks day 100 on the job for the Obama administration. Many in the media and commentators will be grading the President on his leadership and policy decisions. As vice chairman of the Senate Intelligence Committee, I am most concerned about what is shaping up to be the President's failing strategy in national security policy. Unfortunately, the Obama administration's national security policy appears to be in disarray. While the administration is busy trying to decide who from the previous administration, which kept us safe from attacks since 9/11, they should prosecute for those efforts, they don't understand that as far as the American people are concerned, they are the ones on trial now. The President and his team have to answer how they are going to protect the American people. What are they not going to do? What will they do that will be successful?

Don't get me wrong. The President has some high points when it comes to national security, and I applaud him for those. On some very important issues, campaign rhetoric has met national security realities. To date the President has shunned the advice of Code Pink and others and stayed the course in Iraq. As several of my colleagues have said, his initial rollout steps of a new strategy for Afghanistan and Pakistan are in the right direction, and he has continued strikes against al-Qaida and other terrorists in the Afghanistan-Pakistan region. President Obama took appropriate measures, I believe, to prepare for the North Korean missile launch.

Over the last few weeks the Obama administration has faltered. Now we are seeing some national security decisions made on what I fear is politics, not on what is in the best interest of the American people.

Just look at the recent examples. The President has decided to close our terrorist detainee facility with no backup plan. He has decided to release CIA memos on highly classified terrorist detention programs. Now he plans to release photos of alleged detainee abuse.

First, let's talk about the President's decision to close our terrorist detainee facility with no backup plan. The facility at Guantanamo Bay, or Gitmo, doesn't house middle-of-the-road, white-collar criminals. Instead this terrorist detention facility houses deadly combatants who in the past, when released, have gone back on the battlefield to kill Americans. Don't take my word for it. The Department of Defense has confirmed that at least 18 detainees who were released from Gitmo have gone back to the fight. The Pentagon suspects another 43 of doing the same.

Despite confirmation that Gitmo detainees have gone back to the battlefield to kill Americans, President Obama has decided to close Gitmo with no plan on what to do with these terrorists.

The President also has no plan to deal with new terrorists who are captured on the battlefield. Where does he plan to detain them? Does he plan on telling our troops to release them so they can go on killing Americans? This is one of the scariest of Obama's ''ready, fire, aim'' national security strategy points.

I can tell you this: Missourians in my State, and I believe people in most States, will not stand for importing terrorists such as 9/11 mastermind Khalid Shaikh Mohammed to their neighborhoods. They surely do not want a bunch of them housed in secure facilities in their community because al-Qaida has a nasty tendency to launch massive attacks on detention facilities to release their brethren.

Like me, Missourians and all Americans are still waiting for Obama to make the case that his decision to release the detainees at Gitmo is in our country's national security interest.

The President has failed to make the case that the release of these terrorist detainees will make us safer. The President has failed to make the case that the release of these terrorist detainees will not pose a threat to Americans.

It is clear that without having a plan to deal with the current and new terrorists currently at Gitmo, President Obama's decision was not in our Nation's best interest. Instead, this was a national security policy decided for the purpose of appeasing the ACLU and many in the leftwing.

Another national security policy decided for the benefit of the ACLU—and at their request even—was the President's decision to release memos on the CIA's terrorist interrogation program.

While the ACLU was in favor of releasing these memos, President Obama's own CIA Director and the four previous CIA Directors all opposed this foolhardy decision. The decision is a serious blow to our terror fighters and, even worse, to their ability to obtain the intelligence we need to prevent another 9/11.

The release of these memos sends a chilling message to our intelligence community: The CIA better change their mission to ''CYA'' because their Government is not going to stand behind them.

No intelligence operator can feel safe that the legal guidance they are given or the orders they follow from superiors can be counted on to last beyond a single administration. This means our intelligence operators will be worrying about protecting their hides, not their national security mission.

Former CIA Director General Hayden and former Attorney General Michael Mukasey called President Obama's decision a step in the weakening of our intelligence gathering. Regretably, I could not agree more. This politicization and weakening of our intelligence gathering could result in a retreat to the pre-9/11 mentality that led to the tragic intelligence failures that ultimately cost the lives of more than 3,000 innocent Americans.

In addition to weakening our intelligence gathering, the release of the interrogation program limitations and their operating guidelines ties the hands of our terror fighters. During his confirmation hearing, President Obama's own CIA Director purposefully left open the door to future use of interrogation techniques in an enhanced fashion for the high-value detainees who are believed to have vital information who will not talk under normal questioning.

But now that President Obama has officially given al-Qaida the playbook, he has made any future use of these techniques ineffective. He has also told the terrorists that if they, in the course of trying to kill Americans, are captured, they have nothing to fear. They will not be subjected to any more harsh or coercive tactics than we have subjected hundreds of thousands of Americans who have volunteered to be marines, SEALs or pilots.

It is hard to imagine that this administration could make this situation even worse, but last week President Obama managed it. After his decision to release the CIA memos, the President went to Langley and told employees:

> Don't be discouraged that we have to admit that we've made some mistakes and then move forward.

In these few words, President Obama provided valuable propaganda to the terrorists. He told our enemies that our intelligence operators were wrong in what they did, an admission that will be seized upon by our enemies to fuel the hatred of Americans. Is it any surprise that the morale at the CIA has been severely damaged? Our terror fighters need to know whether the President has their back or will stab them in the back.

Unfortunately, the President completely disregarded the damage his decision would have on the CIA. He completely disregarded the damage his decision would have on our ability to get the intelligence we need to stop terrorist attacks. He completely disregarded the ammo his decision would give the terrorists bent on our destruction. Instead of these critical national security concerns, the President's decision was a political one aimed at appeasing the far leftwing.

The President even tried to claim that the ACLU's Freedom of Information Act request made the release of these memos necessary. But the first exemption under the law is for ''classified secret matters or national defense or foreign policy.'' The memos on the CIA terrorist interrogation program certainly meet those definitions. At the very least, President Obama should have made that argument in court. Instead, he handed over a victory—not for national security but for the ACLU.

While many in the media are getting mired in the details of each of these bad decisions, the bigger question is this: What is this administration's strategy for confronting the terrorist threat and keeping America safe? The world did not suddenly become safer when President Obama was elected.

Instead of telling Americans the strategy to keep our Nation safe, the latest Obama administration move has been staging costly glamour shots of Air Force One. I am not sure if everybody has heard about this stunt, but earlier this week the White House decided to update their photos of Air Force One—only they chose to take the photos of the jet at the Statue of Liberty with a fighter jet escort.

Across downtown Manhattan—where the Twin Towers once stood—New Yorkers were panicking. Thousands fled New York skyscrapers. You see, New Yorkers were not told this glamour shot was going to happen. After living through the horrors of the September 11 attacks, New Yorkers, of course, feared that another attack was happening. And 9/11 was fresh in their memories.

While the Obama administration tried to shrug off this incident, I think it is telling. This stunt is a symbol of how far from their minds the attacks of 9/11 are.

In addition to the administration's glamour shot stunt, President Obama's advisers have been busy releasing classified information that only tells the side of the story they want to share. I think everyone knows this, but let me lay out the details.

First, the Director of National Intelligence, Admiral Blair, in a letter to the intelligence community, said the interrogations provided ''high value information'' and gave the U.S. Government a ''deeper understanding of the al Qaeda organization that was attacking this country.'' Blair also detailed how Congress was repeatedly briefed on the program. But in the public statement which had to go through White House clearance, these details were left out.

Next: The White House releases the memos that describe in detail the interrogation techniques that were used. But missing—in fact, I assume purposefully redacted—is the information on the lifesaving intelligence we received from these interrogations.

Also, President Obama—and many Democrats in Congress—supported the release of the CIA memos but are now opposing the release of information on what Members of Congress were briefed on the program.

Now, let me get this straight. So the facts about our interrogation program of terrorists—how we do it, and the strict limits on it to avoid torture—are fair game for release, but who and what Congress was told needs to remain secret?

I think the President's advisers got it wrong. You see, it is not supposed to be cherry-picking time in Washington today. Unfortunately, the Obama administration is not above politicizing intelligence.

Message to the administration: Get a new calendar. The election is over. With victory comes responsibility. It is now up to the Obama administration to keep our Nation safe. You are in charge of protecting the American people and stopping terror attacks—I pray with the same success the previous administration did every day since 9/11.

While President Obama failed the national security test at the 100th day mark, the final grade is not in yet. It is up to the President to choose our terror fighters over terrorists, to choose troops over ACLU lawyers, to choose national security over politics.

Protecting our families from terrorist attacks should not be a political issue, it is an American one.

Mr. President, I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I ask unanimous consent that the remaining Republican time be reserved.

The ACTING PRESIDENT pro tempore. The minority time has expired.

Mr. BENNET. Mr. President, I believe I have 25 minutes. I would appreciate it if you would let me know when I have 5 minutes remaining.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. BENNET. Thank you, Mr. President.

PROMISE OF A BETTER LIFE

Mr. BENNET. Mr. President, today we celebrate the first 100 days of our new President's administration. It has been somewhat less remarked upon, but this week also happens to mark my first 100 days in office.

Together, we have done important work in these 100 days. We have taken decisive action to get our economy moving again. We have provided better access to health care for our children. We have made the workplace fairer for women.

For me, these 100 days have provided a remarkable opportunity to listen to Coloradans. In dozens of townhall meetings, in each and every corner of the State, in cities and small towns, in good weather and bad, I have listened to thousands of Coloradans—young and old, Republicans, Democrats, and Independents, teachers, nurses, farmers, workers, ranchers, and small business owners, people from all walks of life with every conceivable point of view.

I have been struck by how much—despite the trials we face at this moment in our history and despite whatever disagreements we might have—more than anything the people of Colorado long to build a better future for the next generation.

America has always embraced the promise of a better life for our children.

My family's story is no different. After their lives were shattered by World War II, my grandparents set their sights on Franklin Roosevelt's America as the one place they could rebuild their lives. And it was.

My mother had even more opportunities than my grandparents dreamed, and she and my father were able to create a better life for me, my brother, and my sister. Since our founding, generation after generation, we have worked to form a more perfect union, always fulfilling the promise of a better life for those who come after us.

Yet now that promise is in question.

I am here today as the father of three young daughters of my own—Caroline, Halina, and Anne. I think of them and worry that we are at risk of being the first generation of Americans to have less opportunity than we ourselves were given.

Our economy is in turmoil; 5.1 million Americans have lost their jobs since the beginning of this crisis, and our unemployment rate is at 8.5 percent and rising. Between 2000 and 2007, median family income in this country actually declined by over $300. At the same time, the cost of health care rose by nearly 80 percent and the cost of higher education by roughly 60 percent.

The gulf between rich and poor has gotten wider. Americans are now less likely than people living in a number of other industrialized countries to improve their economic status in their lifetime. As many as 100 million Americans now live in families earning less in real terms than their parents did at the same age.

This crisis stemmed from much more than foreclosed houses and credit swaps. It is a symptom of this generation's lack of attention to the legacy of our grandparents who built for the future. Now we must ask ourselves who we will be as a country when we emerge from this crisis. Will we answer the call of this time or will we fall back on the same tired arguments of the past?

This time demands that we cast our eyes to the future, that we take a 21st century approach to meet our 21st century challenges and seize our 21st century opportunities. With President Obama's leadership and our resilient American spirit, we can emerge from this crisis stronger and truer to our creed than when we entered it.

Each generation of Americans with hope for their children has courageously shed old ways of thinking and, on their behalf, reached out to new ideas. We are no different. We, too, must be willing to abandon our commitments to the weary forms of the past and attend to the future. That is our cause.

We have to address critical structural issues stifling our economy and threatening our children's opportunities. We need to pursue comprehensive financial reform that will prevent the kind of recklessness that got us into this mess. We have a rising deficit, and we must bring discipline to our budgets, even as we invest in the future. We have a unique opportunity this year to drastically reform our health care system and control its skyrocketing costs, and we must seize it. It is time to invest in the new energy economy and break our dependence on foreign oil.

If we are going to emerge from this economic crisis and succeed in the long run, we must fundamentally change public education in this country. Throughout our history, public schools have allowed America to make good on her promise to the next generation. Our schools propelled our children toward their parents' aspirations and prepared them to rise to the challenges of their times.

If we are honest with ourselves, we see that our public schools too often become traps—traps that perpetuate a cycle of poverty and foster mediocrity. Our children—my girls and millions of others like them—are attending schools that were built to prepare their grandparents for an economy that no longer exists. Our public education system, as designed, does not work well enough for all children in this country, and for our poorest children barely works at all.

Across America, 1.2 million children drop out of high school each year. Globally, we rank 20th among industrialized nations for high school graduation rates. Forty years ago we were first. Seventy percent of our country's eighth graders can't read at grade level. On average, a 9-year-old from a low-income family is already 3 years behind their high income peers, has a 1-in-2 chance of graduating from high school, and a 1-in-10 chance of finishing college. Despite many efforts to close our stubborn achievement gap, a report released yesterday shows we have made almost no progress. How can we as Americans accept this reality, especially when none of us here would accept these odds for our own children? These are our children too.

There are teachers throughout the country who have rejected the defeatism that too many of us have accepted for our schools. They have come in early and stayed late. They have visited their students' houses and bought school supplies out of their own pockets. They have expected more from their students than their students knew to expect from themselves. Yet too many of us have accepted the existing odds, considering them a natural consequence of poverty. At the same time, we have entered into tiresome debates—debates that take ideology seriously and the fates of our children lightly.

Children's futures have been wasted while adults have endlessly debated techniques for assessing failing schools instead of changing or closing schools that are obviously failing on every dimension that can be assessed. We have debated modest and incremental reforms instead of doing the hard work of identifying successful school structures and human capital strategies and taking them to scale. We have been stuck debating whether teachers should be paid more based on merit, while roughly half of our teachers quit in the first 5 years of their career. A narrow, small politics has allowed us to duck ever making real choices about anything, and it has, failure after failure, shriveled our shared ambition for America's children. As long as we have these same conversations, today's 9-year-olds will see their younger brothers and sisters enter fourth grade with the same low odds of graduating from college they have, just as they saw their older brothers and sisters face the same odds, generation after generation.

When I took over as the superintendent for Denver public schools, in a school district of 75,000 children, only 33 African-American students and 61 Latino students—fewer than four classrooms worth of kids—scored proficient on the State's tenth grade math test, a test that measures a junior high school standard of proficiency in Europe. Spending time with our students and their families in Denver, I was struck not by their fragility but by their resilience. Their parents—like many before them—had made tremendous sacrifices to provide their children with greater opportunity. The students I knew were willing to work harder and stay in school longer. We were selling them short.

I joined the Denver public schools with kind of an abstract understanding that what was happening in our schools was unfair. My experience there left me with a profound sense of urgency to change what is unfair and fundamentally unjust.

We can do better, and we will do better. In Denver we have made progress. From 2005 to 2008, Denver students scored higher in reading, math, writing, and science. We did not get there by doing things the same way as they had been done before. We closed failing schools and opened new ones. We implemented a groundbreaking teacher pay system that rewards teachers who improve their students' performance and provides incentives for teachers to go to the neediest schools. We accomplished this change by working with the union. It took a lot of effort. We had a lot of disagreements, but we made progress together because of a fundamental commitment by all of us to get the job done, not just score political points.

With the leadership of our mayor and our city council, voters expanded our early childhood education. As a result, this year there are 1,500 more 4-year-olds in full day programs, a 300-percent increase. We increased full-day kindergarten by 25 percent, so that for the first time more than 95 percent of our 5-year-olds have the benefit of a full day of school. Research tells us there is no smarter investment we can make.

In 2008, we launched a school performance framework that measures the progress of actual students year over year throughout their career, rather than meaningless measurement of one year's class against the next year's class.

We still have work to do in Denver. There is still a long way to go before these reforms materially change the odds for our students, but we are moving in the right direction. In other districts we will see similar success if we support reform efforts that work.

Our job in the Senate should be to help the administration spur innovation and identify and expand what works. I look forward to working with our Education Secretary, Arne Duncan, my colleagues here—and I notice our former Education Secretary, the Senator from Tennessee, is here today, and I am glad that he is here—my colleagues here, as well as parents, teachers, students, and community members in Colorado to support innovative solutions to the problems plaguing our schools.

Our commitment to our children and grandchildren requires that we hold ourselves to a higher standard than we have in the past. This is not a time to spend new money on old programs or to timidly attempt changes that have already failed too many of our children. Now is the time to reimagine our schools as magnets for talent, centers for communities, and incubators of innovation. Only then can we ensure that our students are getting the 21st century skills that will equip them for the new economy.

We must do the same for our teachers. As President Obama said yesterday:

In a global economy where the greatest job qualification isn't what you can do but what you know, our teachers are the key to our Nation's success; to whether America will lead the world in the discoveries and the innovations and economic prosperity of this new century.

Study after study has shown that nothing makes a greater difference to student learning than great teaching. We need to support effective teachers and make sure they stay in the classroom. That means creating school environments where teachers and students want to spend time, and it means restructuring our schools and our school calendar so that teachers have time to plan together and learn from each other. Also, we need to pay teachers in ways that reward their success and provide incentives for them to stay in the profession. More fundamentally, we need to recognize that our system of hiring, compensation, and training designed deep in the last century, is utterly inadequate for 21st century labor market realities. In 1960, a gallon of gas cost 30 cents. Elvis and the Everly Brothers were at the top of the charts. A first-year lawyer earned about the same as a first-year teacher, and women had basically two professional choices: becoming a nurse or going into the classroom. In 2009, as nation after nation moves past us in educational achievement, we are kidding ourselves if we think a teacher recruitment and retention plan that came in when the Hula Hoop went out—and effectively subsidized our schools by limiting women's opportunities—is a serious response to America's needs.

We must invest in proven training that equips teachers with the content, knowledge, and classroom management skills to be successful in helping their students, and we need to ensure that we provide ongoing, high-quality professional development that actually helps them do a better job in the classroom; otherwise, we risk losing our best teachers.

We need to expand alternative pipelines for teachers, to enhance the traditional pathways we already have. President Obama has called on the Nation to create a new army of teachers. We must recruit a diverse, excellent, and committed group of Americans to teach our children. The talent is all around us—in the veterans returning from Iraq and Afghanistan, the baby boomers who have spent their careers running successful businesses or working in manufacturing or medicine or law, and the college graduates looking to find a rewarding vocation—all of whom can inspire and challenge our students to become the engineers who will build green cities, the doctors who will cure cancer, and the entrepreneurs who will start businesses we can't yet even imagine. As we open the profession to allow talented and committed people to become teachers, we must have rigorous selection for every spot in front of a class, and replicate effective training for new teachers.

As we work with States and districts to redesign our schools for the 21st century, we should do so in conversation with business and labor to inform our efforts about what skills the market will require. Competitive workers must be problem solvers, not just test takers. They must be able to think critically and communicate effectively in multiple mediums. Students won't need to write cursive; they will need to know how to use technology to solve tough problems. They don't need only to memorize facts; they need to understand how to filter and use the information at their fingertips.

We need updated standards that reflect these 21st century skills. We should invite States to embrace voluntary national standards, benchmarked against international norms that allow the public to see the progress students are actually making from year to year. We need an accurate measuring system so that we know when reforms are working and when students are achieving. We need to ensure that the tests we give kids ask them to deploy the knowledge and skills they have, rather than demonstrate their ability to take a test. And we must ensure that when we do give students tests, teachers get the results in time to use them to drive their instruction.

But our tests shouldn't be the sole driver of our instruction. We should look beyond the narrow window of standardized test scores, to parent and community engagement and student retention rates. We should expand learning opportunities to start earlier, be broader in scope, and beckon everyone in the community.

Our schools should become centers where communities gather for skills and services. Schools are uniquely positioned to deliver health and support services. Research shows a statistical link between nutrition and achievement for all students. We need to look at nutrition in schools not as something extra but as central to student success.

Our schools should be on the cutting edge of using new technology for both teaching and learning. Technology can connect students to resources and teachers to each other. Effective use of technology can allow a teacher in a rural area to get feedback from a mentor elsewhere. We should be using technology to disseminate effective practices and share great lesson plans. We can look to technology to help train teachers in new ways by simulating classroom experiences and delivering real-time feedback on lesson plans.

There is something wrong when students who enter the schoolhouse find they are moving backwards in time, leaving behind all the technology that in the rest of their day expands and enriches their lives.

While we know we can't fix our schools by spending more money on the same inadequate programs, we must commit to funding what works in our schools. We now have the largest investment in public education in history with which to do it. The stimulus package and the budget are working in tandem to increase access to early childhood education. States and districts are competing with one another to build on their efforts to revamp standards and turn around failing schools. There are additional resources to reduce high school dropout rates and increase college graduation rates.

If we continue to spark this kind of innovation, if we can allow ourselves to think big again about education, we can start to imagine school buildings as prototypes for energy efficiency and classrooms as job training centers for the new energy economy—preparing parents and students alike. School-based health care can advance from one nurse stretched between multiple schools to clinics that are leaders in efficient health care. School lunches can progress from packaged feedings in the cafeteria to live lessons on nutrition and wellness. In sum, our schools can become what they should be: the institutions that are preparing our children and their children to lead in the 21st century.

Our cause is clear. It is time for policies that serve not the ideologies of adults but the needs of kids. I will be working in the coming months to develop legislation that will outline ways in which the Federal Government can better support our States and school districts in providing a public education that meets the challenges and possibilities of our times.

I look forward to working with my colleagues on both sides of the aisle, as well as with parents, teachers, students, and community leaders across Colorado to ensure that we do our part to increase opportunity for our children. We will know we have succeeded when we see not only more students graduating high school but more of those graduates going on to complete college as well. We will not only see the achievement gap shrink, but we will see the United States once again lead the world in academic achievement.

We are lucky. In our time, history is once again beginning to run in the direction of change. We have the chance to honor our grandparents' example and move forward together to create a better future for our children. If we do, those children and their children will say we rose to the moment, that we laid down our adult burdens and our differences to lift up our country and our children instead. Let them say that a spark flew in America in this new century that ignited a generation of educators, children, parents, and communities and gave them courage to abandon the status quo for a better future. Let our schools once again be the cradle of the American dream and act to fulfill the solemn promise of one generation to the next.

Thank you, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for a couple of minutes to comment on Senator BENNET's speech.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR BENNET'S MAIDEN SPEECH

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Colorado on what we call in the Senate his maiden address. I also had the privilege of hearing Senator UDALL's speech when he made his on renewable energy. I was glad to hear these today.

The Senator from Colorado has focused on a subject he has worked on hard and which is central to every part of our ability to improve our schools. It is one recognized by our new Education Secretary who, I think, is President Obama's best new appointee. It is the question of how do we reward outstanding teaching.

Every time we deal with education, we are ultimately reminded that it boils down to the parent and the teacher. What the parent cannot do, the teacher has to step in and finish. In so many cases, whether it is a gifted child or a child who hasn't been read to at home or a child with disabilities or a child who needs a music lesson, it takes a gifted teacher to do the best job to help the child reach his or her potential.

We are still, as the Senator said, 50 or 60 or 70 years behind in recognizing that our country has changed and that women have many opportunities outside the home. We cannot trap them into teaching. We need to attract them and keep them, as well as outstanding men.

Senator BENNET has been successful in his work in Denver and in finding ways to initiate that. The Secretary wants to do that. I worked on that in Tennessee. I have said to the Secretary of Education if he leaves after 4 or 8 years having left a legacy of many different ways of improving ways to reward outstanding teaching, he will have done more than all of the other secretaries of education put together.

As Albert Shanker once said, ''If we can have master plumbers, we can have master teachers.''

Again, I congratulate the Senator from Colorado for his focus on education in his maiden address. I was happy and privileged to be on the Senate floor to hear that.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I thank the Senator from Tennessee, and I acknowledge his great work as Secretary of Education. This is one of those issues on which I think Republicans and Democrats have a lot of work they can do together. There isn't one solution. This is a time when we are long overdue, and we have been short on answers. I think the Education Secretary is perfectly positioned to carry on the work that needs to be done. I look forward to working with the Senator, and I appreciate him enduring my speech.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I also had the opportunity to be here presiding in the chair to hear the Senator from Colorado in his maiden speech. I want to congratulate him and tell him he has done an excellent job in the Senate, as I have observed him over the last 100 days.

I think Senator BENNET has hit on an issue that is important to all of us. If we are going to move forward as a nation, we are going to have to do it by focusing on education. It is heartening to see that we have a President, President Barack Obama, who cares about education with the same passion, I believe, the Senator from Colorado has.

One of the things the Senator from Colorado noted is that we have to focus on teachers. He talked about a comprehensive approach, an approach to education that is going to move us forward in the 21st century. Teachers have to be a big part of it. Parents have to be a big part of it. As the Senator from Colorado noted, based on his work in Denver and in chairing the Denver education effort, if parents aren't involved, we are not going to be able to move forward.

In addition, one of the big things Senator BENNET knows is, this No Child Left Behind law needs to be revamped. It is not doing right by our children. We have to take a look at that piece of legislation with the ideas that he mentioned and make sure we put into place a piece of legislation and a reauthorization that is going to empower our teachers and our parents and move us forward on the education front.

Again, I just wanted to congratulate Senator BENNET. It was a great start with that maiden speech. I thought the exchange the Senator had with Senator ALEXANDER was a good one. It shows that we can work together.

Senator BENNET from Colorado has shown a bipartisanship in his first 100 days. I very much want to congratulate him and tell him I have enjoyed serving with him and look forward to serving with him for a very long time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, I ask unanimous consent that all time under morning business be yielded back and the Senate now begin consideration of the conference report on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will begin debate on the conference report to accompany S. Res. 13.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I also want to recognize the excellent first speech that the Senator from Colorado just gave. I had a chance to hear part of it on the Senate floor and part of it in the cloakroom. We welcome him. If his first speech is any measure, he is going to make a significant contribution. So we are delighted to have somebody of his thoughtfulness and quality as part of this body.

Mr. President, the Senate now begins consideration of the conference agreement on the budget for 2010. I think we have to see this budget in its context. We have to understand what this administration has inherited from the previous administration. To be clear, it is a colossal mess—the worst recession since the Great Depression, a doubling of debt under the previous administration, and a more than tripling of foreign holdings of U.S. debt.

I try to suppress partisanship in my discussions on the Senate floor, but it is impossible to overlook the record of the previous administration. They have slammed this economy into the ditch. President Obama is put in the position of the cleanup crew. It is not pretty or easy, and it is going to be a difficult challenge for this country to come out of a policy stew that is impossible to choke down.

Let me be clear in my own view of how we got here. I believe we had an overly loose monetary policy under the control of the Federal Reserve ever since 9/11, an overly loose fiscal policy under the control of the White House and the Congress, record deficits, a massive buildup of debt—when the economy was relatively strong and right before the baby boom generation started to retire. That is remarkable.

If you look back into history, it is rare to have at the same time an overly loose monetary policy, low interest rates, Congress and the White House

running an overly loose fiscal policy with record deficits, even at a time of relative economic strength; on top of that, a dysfunctional trade policy with record trade deficits, which meant we were shipping hundreds of billions of dollars to other countries to buy their goods, over and above what we were producing, and a deregulatory environment administratively and in terms of the laws of this country that allowed things like the AIG derivative fiasco to develop completely without oversight.

Those elements created the seedbed for bubbles to form. So we didn't just get a housing bubble, we got a commodity bubble—wheat prices went to nearly $20 a bushel; we got an energy bubble, with oil prices up to $145 a barrel. So if one looks at this historically, we see the formation of these bubbles, and bubbles ultimately burst and create enormous economic wreckage. That is what has occurred here.

All of this was under the direction, fundamentally, of the Bush administration. This was their policy that was pursued for 8 years. Our friends on the other side controlled the House and Senate for 6 of those 8 years. They put into place the policies that have been the guiding principles of policy for this country for the last 8 years.

As a result, we saw a very dramatic deterioration in the budget picture under the Bush administration. They went from inheriting surpluses to putting us into record deficits. For 2009, there is a deficit of $1.7 trillion. In fairness to them, they are not responsible for that whole amount because part of it is the stimulus package that was enacted.

Clearly, they are responsible for at least $1.3 trillion of the $1.7 trillion of deficit in 2009. This is the record on deficit and of debt by the previous administration. After their first year in office, the debt was $5.8 trillion. We typically do not hold administrations responsible for their first year because they are working off the plan of the previous administration. If you look at the 8 years they are responsible for, the debt went from $5.8 trillion to over $12 trillion.

Mr. President, that is not the only part of this that is important to keep in mind. It took 42 Presidents 224 years to build up $1 trillion of foreign debt held by foreign entities. The previous administration tripled that. They ran up another $2.5 trillion of U.S. debt held abroad. Some say it is a sign of strength that people are willing to lend us all this money. I personally don't think it is a sign of strength. I think it is a sign of vulnerability that we are running record trade deficits, meaning record borrowing, much of that borrowing done abroad.

Last year, of the debt we had to finance, 68 percent of it was financed by foreign entities.

Mr. President, this President walked into a truly astounding set of circumstances. Here is what they are: Record deficits, doubling of the national debt under the previous administration, the worst recession since the Great Depression, and financial market and housing crises. Everywhere you look, this President inherited a crisis—in housing, in the financial sector, and in the fiscal sector. Also, 3.7 million jobs have been lost in the last 6 months, and we have ongoing wars in Iraq and Afghanistan.

So what do we do about it? The budget is a document that outlines the fundamental priorities of the country.

In this conference agreement, we have attempted to preserve the President's priorities of reducing our dependence on foreign energy—critically important to our economic future—a focus on excellence in education, and fundamental health care reform.

If we look ahead to the fiscal future of America, no single thing is more important than reforming the health care system. Already, we are spending nearly 18 percent of our gross domestic product on health care. That is $1 of every $6 in this economy going to health care. We are on a trajectory to have 37 percent of our gross domestic product going to health care. That would be more than $1 in every $3 in our economy going to health care. Clearly, that is unsustainable. At the current rate of nearly 18 percent of our GDP going to health care, we are spending twice as much as any other industrialized country.

We are on an unsustainable course, and the President says we have to alter that, we have to expand health care coverage so that everybody is included so we can then institute the kind of cost controls that will be necessary. I know it is counterintuitive to think: How can it be that we are going to reduce costs if we are expanding coverage? The thing we know in our current system is that people without coverage still get health care, but they are getting it in the most expensive setting: they are getting it in the emergency rooms of our hospitals all across the country. We would be much better off having them have coverage and having them in a system that is a wellness system, one that is designed to keep people from getting ill and, if they become ill, managing their illness in a way that prevents the most costly of outcomes.

This conference report also provides $764 billion in tax cuts focused on the middle class. I know there has been a lot of talk in the press about some tax increases, and indeed there are. For those of us who are fortunate enough to make more than a quarter of a million dollars a year, we will be expected to pay somewhat more—not a lot more but a little bit more. If we are going to get our fiscal house in order, those of us who are most fortunate are going to have to pay a little bit more. But on a net basis, when you add in the tax increases asked for from those who are the most fortunate, with all of the other tax changes, the overall effect is to reduce taxes from current law by $764 billion over the next 5 years, and those tax reductions are focused on the middle class.

We also cut the deficit in half by 2012 and by two-thirds by 2014. We get it down to 3 percent of gross domestic product by 2014. Most of the economists say that is the key metric because at 3 percent of GDP, growth of the debt relative to our national income is stabilized. We keep the debt from growing the way it has been.

The discretionary spending level in this conference report is $10 billion below the President's proposal. We have cut his spending plan by $10 billion. In addition, there are reconciliation instructions for health care and education. They require at least $2 billion in deficit reduction.

I personally believe reconciliation, which is a special process here, a fast-track process, will not be used for health care because as people get into it, I think they will find it is a very difficult way to write major, substantive legislation. My own prediction is that reconciliation will not be used for health care. The committees of jurisdiction have until October 15 to report legislation in the regular order of business using the regular procedure. I have talked with the chairman of the committee that has most of the responsibility for health care, and, of course, that is the Finance Committee. Senator BAUCUS says it is his full intention to proceed under the regular order, not using the reconciliation instruction. But it is there as an insurance policy.

We also have the alternative minimum tax fix for 3 years, so we will not see a big increase in the number of people affected by the alternative minimum tax. There are some 3 million or 4 million people now paying. If we did not take these steps, 24 million people would be expected to pay the alternative minimum tax. Nobody wants to see that happen. So we have a fix for the next 3 years.

We also have disaster relief for the next 2 years. We call it a placeholder because it is an estimate of what disaster relief will cost for the next 2 years based on looking back over the last 5 years and doing an average.

This is a break from how we have typically dealt with disaster funding. Typically, we have done it through emergency designations. The President thought: Look, we know we are going to have disasters. Why don't we budget for them? It is a worthy experiment, and we will see how it works.

Even though none of us can predict what disasters might occur, we know the strong likelihood is that there will be disasters. Certainly, my state has experienced them. We have had flooding all across the State of North Dakota from one end to the other. I have been home three times in the last several weeks going from town to town all across North Dakota, from the Red River Valley in the east, to the Souris Valley in the central part of the state, the James, the Cheyenne—all of them,

are experiencing flooding that is unlike anything we have ever seen in recorded history.

We know there are disasters. There are going to be costs. In my state, hundreds of millions of dollars have already been experienced in terms of losses, roads, bridges devastated. We have even had dams significantly eroded by these weather events. We know there are costs associated with it, and we have tried to anticipate them in this budget.

Most important, this budget coming from the conference committee focuses on three key priorities: reducing our dependence on foreign energy, putting a focus on excellence in education, and fundamental health care reform.

First, with respect to energy, it reduces our dependence on foreign energy, creates green jobs, helps protect the environment, and helps with high home energy costs. It does that in three ways. One, it creates a reserve fund to accommodate legislation to invest in clean energy and address global climate change. Second, it provides $500 million above the President's level of discretionary funding for energy for fiscal year 2010. Third, it builds on the economic recovery package investments in renewable energy, efficiency and conservation, low carbon coal technology, and modernizing the electric grid.

By the way, modernizing the electric grid presents this country with an amazing opportunity to have a leap forward because we are really dealing almost in the horse-and-buggy era with the grid that we have that is not permitting us to shift power from places we can produce it—clean, green power—to places that need it.

In addition, we have in this budget coming back from the conference a focus on excellence in education. We generate economic growth and jobs. We prepare the workforce to compete in this global economy. We make college more affordable. We attempt to improve student achievement, which is at the heart of what education is all about. We do it again in three ways: by providing a higher education reserve fund to facilitate the President's student aid increases; we provide for education tax cuts to make it more affordable for our young people to go to college and other institutions of higher learning; and we provide the President's requested level of $5,550 for Pell grants and fully fund his education priorities, such as early childhood education.

The third key priority is fundamental health care reform, and that is accommodated in the conference report. We attempt to bend the health care cost curve to get costs under control, to improve health care outcomes for our nation's people, to expand coverage because we have more than 40 million people now without any health care insurance. We increase research, especially devoted to those areas of highest opportunity to make meaningful progress, and we promote food and drug safety. Again, we do that in three ways with a reserve fund to accommodate the President's initiative to reform the health care system; by funding for at least 2 years a reserve fund that further addresses Medicare physician payments; and continues investment in key health care programs, such as the NIH and the FDA.

I want to at this moment indicate that one of the key staff persons on our Budget Committee is himself in the hospital. Joel Friedman, who is the deputy staff director for the Budget Committee, a remarkable person, truly gifted, somebody who has the respect of people on both sides of the aisle, is in the hospital. Our thoughts and prayers are with Joel and his family. I don't know if he is able to watch this. Last week, he was not able to because he did not have C–SPAN in his room. But I want him and his family to know that the entire Budget Committee family—and that goes for Republicans and Democrats—is thinking of him and hoping for his swift recovery.

While we have focused on these key priorities of the President—excellence in education, reducing our dependence on foreign energy, health care reform—we are doing it all in the context of dramatically reducing the deficit. In fact, we cut the deficit by two-thirds by 2014. As measured by the gross domestic product, which economists say is the best measure, we do even better than that, as measured by share of the gross domestic product, we are reducing the deficit by 75 percent, by three-quarters, from 12 percent of GDP in this year to 3 percent of GDP in 2014.

Again, that metric of 3 percent of GDP in 2014 is especially important because economists tell us that at that rate, we have about stabilized the growth of the debt. In other words, the debt will not continue to grow faster than our national income if we can continue deficits of 3 percent of GDP. My own view is we should do even better than that. Certainly, in the second 5 years, I think it is incredibly important that we do better than that given the fact the baby boom generation will be retiring.

In terms of the revenue changes in the budget resolution, I indicated earlier that if you look at total tax changes in the budget resolution—and this is CBO scoring, this is not my invention—the taxes are cut by $764 billion over the 5 years, and here is where: middle-class tax relief, $512 billion. That includes the 10-percent bracket, the marriage penalty relief, the child tax credit, education incentives, and all of the other 2001 and 2003 tax cuts that affect those earning less than $250,000 a year. All of those tax cuts are extended for the entire 5 years.

In addition, we have provided for alternative minimum tax relief for 3 years at a cost of $214 billion. We have provided for estate tax reform at a cost of $72 billion that will permit couples to avoid any estate tax if they have estates of $7 million or less. Let me say that excludes 99.8 percent of estates. Mr. President, 99.8 percent of estates will pay nothing—zero—under the budget proposal.

In addition, we provide $63 billion for the so-called tax extenders. Tax extenders are items such as the research and development tax credit. Those have to be extended every year or every other year, depending on which one we are talking about, and we provide for those as well.

Those tax cuts that amount to $861 billion are offset by loophole closers of $97 billion. And what we are focused on here is the offshore tax havens; the abusive tax shelters.

We now know, from the Permanent Committee on Investigations, that we are losing over $100 billion a year to these offshore tax havens; billions of dollars more to abusive tax shelters. I have shown on the floor of the Senate many times pictures of European sewer systems, and people have asked me: What has that got to do with the budget of the United States? Well, it turns out it increasingly has something to do with the budget of the United States because we have the spectacle of wealthy investors here and companies here buying European sewer systems—not because they are in the sewer business but because they want to depreciate those assets on their books for U.S. tax purposes—and they turn around and lease the sewer systems back to the European cities that built them in the first place.

I picked out sewer systems, because that is most graphic, but it doesn't end there. We actually have companies buying city halls in Europe and depreciating on their books for U.S. tax purposes here leasing those city halls back to the European cities that built them in the first place.

Some say if you go after that kind of scam, you are increasing somebody's taxes. Well, I suppose in some sense you are. But you know what. Shame on the people who are doing it. The vast majority of us pay what we owe. But unfortunately, we have an increasing group of companies and individuals who are dodging what they legitimately owe here and they are doing it in these offshore tax havens.

I have shown on many occasions a picture of this little five-story building in the Cayman Islands that claims to be the home to 14,000 companies—14,000 companies. They say they are all doing business out of this little five-story building in the Cayman Islands. They are not doing any business out of there. They are doing monkey business. And the monkey business they are doing is to avoid their taxes in the United States. Shame on us if we don't close that down.

Some say: Well, this is a big spending budget—big spending. Really? That can only be the statement of people who haven't read this budget, because this budget takes domestic discretionary spending as a percentage of our gross

domestic product from 4.4 percent in 2010 to 3.4 percent in 2014. So as a share of our national income, domestic discretionary spending is going down.

Facts are stubborn things. Over the life of this budget, non-defense discretionary spending in dollar terms—in dollar terms—is being increased 2.9 percent a year. That is below the rate of growth of our national income. That is why, as a share of our economy, domestic discretionary spending is going down, not up. So when you hear claims this is a big spending budget, it is not this budget. They may be talking about some other budget, but the budget before us is the budget reported by the conference committee, and that budget is tough on spending, it is tough on deficits, it is tough on getting our country back on a more sustainable course.

We have a series of budget enforcement tools in this budget resolution that I am particularly proud of: discretionary caps for 2009 and 2010. We maintain a strong pay-go rule. We have a point of order against long-term deficit increases; a point of order against short-term deficit increases. We allow reconciliation for deficit reduction only. And we provide a point of order against mandatory spending on an appropriations bill.

This last one I want to emphasize I think is especially important. Because what we have found is our friends on the Appropriations Committee have found a new way around the rules here and they have started to put mandatory spending on discretionary spending bills. Let me be clear. Mandatory spending is for things such as Medicare, for Social Security. If you are eligible, if you qualify, you get your benefits. So that is called mandatory spending, and that is most of the spending of the Federal Government. Most of the spending is now mandatory spending. Medicare and Social Security are the biggest ones. We also have certain veterans benefits, which is mandatory spending for some of it, much of it discretionary.

Discretionary means under the discretion of the appropriations process each year. That is why it is discretionary. And discretionary spending, as I have indicated, is going down under this budget as a share of our gross domestic product. But we don't want mandatory spending to be increased in discretionary spending bills, and that started to happen a couple of years ago and we put this point of order in place to provide a barrier, a hurdle, against that bad practice.

We also have in this budget resolution provisions addressing our long-term fiscal challenges. I think everybody understands that health care is the 800-pound gorilla. Health care in our Federal accounts—Medicare, Federal share of Medicaid, and other aspects of health care spending—is where we see spending of the Federal Government soaring and continuing to grow out of control. So there is the health care reform reserve fund that I previously described that is critically important to getting our fiscal future back in line.

We also provide program integrity initiatives to crack down on waste, fraud, and abuse in Social Security and Medicare. This is especially prevalent in Medicare. The previous Secretary—Secretary Leavitt—whom I had high regard for, came to see me one day. He had with him information about scams that were being conducted across the country to defraud Medicare, and he had pictures of phony operations in Florida that were in shopping malls where they had individual storefronts set up that were supposedly providing Medicare services, each of them billing $500,000 to $1 million a year in so-called services to Medicare-eligible patients.

When they pierced the veil, what they found was they weren't providing any services, they were just doing the billing. They were billing but they weren't providing any services. It was a complete scam. And there were dozens of them—dozens of these storefront operations. The Secretary himself went to some of them in the middle of the day and they were closed. They were closed for the public, but they were open for scam. We have provided funds to go after those kinds of fraudulent operations.

We have also provided a long-term deficit increase point of order to try to prevent any action by the Congress to increase the long-term deficit without facing a supermajority point of order hurdle.

Let me close on this quote by President Obama, because it is something I agree with very much. While I believe this budget has made good progress at getting our fiscal house back in order for the next 5 years, we have to do much more—much, much more. President Obama said this at the Fiscal Responsibility Summit he hosted at the White House at the end of February:

> Now, I want to be very clear. While we are making important progress towards fiscal responsibility this year, in this budget, this is just the beginning. In the coming years, we'll be forced to make more tough choices, and do much more to address our long-term challenges.

That is true. We have got much more work to be done, especially in the second 5 years. This is a 5-year budget, because of the 34 budgets written by the Congress, 30 of the 34 have been 5-year budgets. The President sent us a 10-year budget. Some have asked why we didn't do a 10-year budget. Very simply, because Congress almost always has done 5-year budgets because we know that the projections for the second 5 years are highly unreliable—highly unreliable. Frankly, a forecast for 5 years is a bit of a crap-shoot.

I used to have the responsibility of forecasting the revenue for my State. I had to do it for 3 years. I know how difficult it was to do that for 3 years. Five years is extraordinarily difficult, especially at a time like this of dramatic economic changes and a very steep downdraft. The reality is that 10-year forecasts have very little reliability. So we have done a 5-year budget here. That, as I say, has been done 30 of the 34 times Congress has written a budget under the Budget Act. Thirty of the 34 times, it has been a 5-year budget.

I say to my colleagues, I believe this budget is part of economic recovery. We are facing very tough winds. We are facing a very tough economic environment—the steepest downturn since the Great Depression—and we are going to have to be aggressive in terms of preventing a deflationary spiral that could suck this economy down. We saw it in the Great Depression—a failure of Government to act effectively until tremendous damage had been done: the unemployment rate rose to 25 percent, the stock market fell by nearly 90 percent. We had a circumstance in which 25 percent of the people—more than 25 percent of the people—were unemployed, with staggering devastation to the strength of America.

The Chairman of the Federal Reserve, Mr. Bernanke, has made it his life's work to study how to avoid another Great Depression. In his analysis, and others like it—as historians look back—the conclusion is there was a failure of the Government to act proactively. It waited too long. It believed the markets would correct themselves. It believed that somehow everything would work out without intervention. That proved to be a fatal mistake.

All of the elements of the Federal response have taken a different direction in this downturn, and it started with the previous administration, to their credit. The Federal Reserve has done a great deal to provide liquidity in this economy. Instead of pulling back, it has extended credit. The Federal Government, instead of pulling back in order to balance our budget in the short term, has put forward hundreds of billions of dollars in a stimulus package to provide an increase in aggregate demand to provide stimulation to the economy, to provide liquidity. Without it, I believe the collapse would be far steeper, far more serious, and far more threatening. And remember, what we are faced with is not just a national crisis, it is a global crisis, with global economic activity falling very dramatically all around the world. The response of almost every industrialized country has been like ours, to provide liquidity, to provide stimulus. China has a major stimulus program, Japan, and Europe; virtually all the countries of Europe. Russia has announced a major stimulus plan.

I believe those are the right policy responses, however imperfect—and imperfect they are, the specific packages that have been developed. I myself thought we could have done much better in our stimulus package. I would have liked to have seen much more funding for infrastructure. I wanted much more funding for infrastructure

because I personally believe that is a place where you get a two-fer: You get a lift for the economy and you also get an investment that strengthens our economic competitive position for the future. But look, there was a substantial infrastructure component. I would have liked to have seen it be far bigger and more robust, but nonetheless, we are moving in the right direction.

This budget moves in the right direction. It is a contribution to economic recovery. It does preserve the President's key priorities of reducing our dependence on foreign energy, which must be done. It focuses on excellence in education, because if we are not the best educated, we are not going to be the strongest country in the world for very long. And it provides for fundamental health care reform—because that is the 800-pound gorilla that could swamp the fiscal boat of the United States, not to mention the boats of every American family and American companies that absolutely need cost containment—at the same time improving health care outcomes for the American people.

Finally, yes, dramatically reducing the deficit, reducing it by two-thirds in dollar terms, by three-quarters as a share of the gross domestic product of the United States over the next 5 years.

This is not a perfect document. If I were able to write it just by myself I think I could have improved it. I think every Member here believes that; that if they were able to write this document it would be a better document.

That is not our option. We have a Senate, we have a House of Representatives, we have a President. This is the work of all three entities: The President of the United States, the Senate of the United States, the House of Representatives. I believe we have produced an important step in economic recovery.

I urge my colleagues to support the conference report. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank the Budget chairman for a lot of things. One is his openmindedness. But I particularly thank him for the closing he presented because it relates directly to the subject I would like to discuss, but I would like to yield to the chairman to ask him two questions to make sure I am accurate about the conference report. First, it is my understanding that there is a $634 billion account set up for health care; is that correct?

Mr. CONRAD. Mr. President, answering through the Chair, that was in the President's budget. We did not provide for that in this conference report. What we did provide for is a deficit-neutral reserve fund. We did not specify an amount that would be necessary for health care because we do not know whether the right number is $200 billion, $400 billion or $600 billion, as the Senator referenced. What we do say is whatever that number is, it has to be dealt with in a deficit-neutral way. It has to be paid for.

Mr. ISAKSON. I thank the chairman. Second, is it not true that the amendment the Senate unanimously adopted that set forth a deficit-neutral account of $34.2 billion for a housing tax credit was deleted from the conference report?

Mr. CONRAD. The Senator is correct.

Mr. ISAKSON. I thank my distinguished chairman.

I wish to make my remarks not to the Senate. I commend the chairman and the Senate for adopting the amendment as we did on the floor 3 weeks ago. I wish to direct my remarks to the President of the United States, to Dr. Summers, to Dr. Christina Romer, the head of the Council of Economic Advisers to the President, to Secretary Geithner, and my friend, Rahm Emanuel. I wish to make a case for what the Senate did, which is deleted from this budget resolution, and I wish to start it looking back 15 months ago.

Fifteen months ago, when we came in, in January of last year, we were beginning to see foreclosures, beginning to see the housing market decline, and I introduced at that time, along with other Members of the Senate, a housing tax credit for the purchase of foreclosed and vacant houses. It was scored at a cost of $11.4 billion. The Finance Committee rejected that amendment in the Senate, saying it cost too much.

Ninety days later, the Senate passed a $150 billion economic stimulus bill recommended by President Bush that gave every American $300, or up to $1,200 per family, to stimulate the economy—and the economy spiraled down.

In July of last year, we dealt with a housing bill that created HOPE for Homeowners and an FHA program expansion. I tried to amend that with a housing tax credit and, to the credit of the House and Senate, the conferees ended up creating a $7,500 interest-free loan for first-time home buyers. It did not work, but it was a sincere effort to try.

Then we came back this year and Senator LIEBERMAN, myself, and others reintroduced the $15,000 tax credit for any family who buys and occupies their home, any single-family residence in America, for at least 3 years. The tax credit of $15,000 is a substantial incentive. It is tied directly to exactly what happened in this country in 1975, when America offered a $2,000 tax credit for anyone to buy any one of the 3 years' worth of standing vacant inventory that was on the market in the United States. We passed it at that time and exited that recession within 12 months, restimulating the housing market which had led us into that particular recession.

It is housing that led us into this recession and it is housing that is causing precisely what the chairman referred to and that is the deflation that is going on in the United States of America. One in five homes today is underwater, meaning they owe more on their home than it is worth. The equity lines of credit have been wiped out. Families' basic major estate and their net worth has been wiped out and the housing market continues to be a collection of short sales and foreclosures.

The current tax credit we have, which is now $8,000 to a family as long as their income doesn't exceed $150,000 and as long as it is their first home purchase, is a fair effort to start, but our problem is not with first-time home buyers. Our problem is with move-ups, with transferees, people who have been playing by the rules, making their payments. If they are transferred, they are afraid to take the transfer because they are afraid they can't sell their house, and they are afraid there is no buyer incentive to help get them there. I urge the President, Dr. Summers, Secretary Geithner, Dr. Romer, and Rahm Emanuel to consider this: That $15,000 tax credit, if it were passed today in America for 12 months, would cost, as scored by CBO, $34.2 billion. How much is $34.2 billion? It is 5.4 percent of the President's set-aside of $634 billion for health care. It is one one-hundredth of 1 percent of the $3.5 trillion budget—one one-hundredth of 1 percent of the amount of the budget.

Don't you think we could provide an incentive that is that inexpensive to motivate a housing market to return, to begin to reflate values back and put equity in the pockets of the American people and return our economy?

Experts have estimated—and I am not saying I am an expert, this is experts who have estimated—that if that tax credit had passed last year it would have created 700,000 home sales and 587,000 jobs. Mr. President, 587,000 jobs is the number of jobs we have been losing a month. We need to find a way to create that kind of number.

More important, let me give you the intriguing fact about the 700,00 house sales. Current home sales in America are at 500,000. An average year in this decade in this country was 1.2 million, a good year was 1.5 million. If you add that estimated 700,000 produced by the credit to the existing 500,000, you would return the United States to a balanced housing market. You would begin to appreciate the value of those houses back to where they were. You would restore equity lines of credit for the men and women of the United States of America. You will employ people in the construction industry.

My last point is very important. This housing recession and the difficulties in it now are in the developed lots that are standing, developed and unsold, and the A, D, and C loans that have been made by the major banks funded around the country to fund those developments. Those loans are beginning to come due. They are threatening the integrity of the U.S. banking system, and there is only one thing that will solve that and that is for those lots to begin to be absorbed. The only way to

do that is to get house buyers back in the market with an incentive to come back in and buy.

If the tax credit passed, we do not have that much of a vacant inventory available in the country. It would immediately stimulate the employment of construction workers to go into homebuilding.

My thanks to the Senate for its wisdom in adopting the $15,000 credit. I express my deep disappointment in the conference committee dropping it, and I encourage our President and the leadership of our country to give a second thought to what this credit could do. It seems to me one one-hundredth of 1 percent of the budget is worth a gamble to create almost 600,000 jobs and 700,000 home sales, restore equity lines of credit to America's families and, most important of all, reenergize the great engine that is the American economy. The greatest stimulus in the world is not a gift of money, it is an incentive to invest and for American families to return their confidence in this great economy we have in this great country.

I urge the leadership of the country to consider that. I, again, thank the chairman of the Budget Committee and every Member of the Senate for their unanimous support of it, and I yield the floor in sincere hopes that when this speech goes to the White House they will read it, they will check the numbers, and they will ask the question: Is one one-hundredth of 1 percent of this budget worth the chance to restore the economy of America?

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Maryland is recognized.

Mr. CARDIN. Madam President, last November the American people voted for change. I think it is appropriate today, as we are considering the conference report on the budget, which is the blueprint for our Nation, and we also celebrate the 100th day of Barack Obama's Presidency and his administration—I think it is time to reflect where we have been in these last 100 days and the changes that have occurred. But first it is important to point out the mess President Obama inherited.

The United States is engaged in two wars. We have the worst economic crisis since the Great Depression inherited by this administration. We have record deficits inherited by this administration. The international reputation of the United States is badly damaged.

In 100 days, the Obama administration, working with us in Congress, has an impressive record of accomplishments. I think it is important to point out that the No. 1 priority, as all my constituents tell me on a daily basis, is to fix our economy. Our economy is in deep trouble. The American Recovery and Reinvestment Act put the recovery of our economy first by creating jobs. We need more jobs, to save jobs, create jobs. The Obama administration put that as their top priority.

But they also invested in America's future in education, in health care, and in energy; protecting our essential services for America's most vulnerable people; and providing tax cuts to help restore consumer confidence in our economy.

That was the first priority. That bill has passed and its impact is now being felt in our country. But in the Congress, under the leadership of President Obama working with us, other things were accomplished in a very short period of time.

The Lilly Ledbetter Fair Pay Equity Act was passed, guaranteeing we have an enforceable right for equal pay.

We passed the Children's Health Insurance Program that now covers 4 million more children with health insurance. I am particularly pleased that law includes dental care so children will be able to see a dentist.

We passed legislation protecting public lands and protecting our environment for future generations.

We passed the Edward M. Kennedy Serve America Act, for Americans to be able to engage in volunteer service to their country throughout their lifetime.

The Obama administration, working with this Congress, has restored America's international leadership. We have made it clear from the beginning that this Nation will not permit the use of torture, focused our missions in both Iraq and Afghanistan of going after the terrorists—which is what we should do to make America safe—and prepared to join the international community in combating global climate change.

We have done a lot during the first 100 days—quite a record. Today we are on the verge of passing the budget conference report which will provide a new blueprint for America's future. What are the priorities? The priority first, is the economy. Again, we have to get out of this recession. This budget allows us to invest in creating new jobs. It will do it in a fiscally responsible way and will invest in health care, energy, and education.

President Obama, as I pointed out earlier, inherited quite a fiscal mess. President Bush, during the 8 years of his Presidency, started with a surplus. Let me remind you, 8 years ago we had a surplus, a $236 billion surplus in 2000. The current year's deficit is $1.75 trillion. This was the fiscal recklessness of the Bush administration that has been inherited by the Obama administration. It has cost us jobs. We are losing half a million jobs each and every month. That is what was confronting the President back when he took office.

We have a housing crisis, people losing their homes. They are still losing their homes today. We have to pay attention to that. We have got to give confidence so that people can keep their homes. It is important for individuals, it is important for our communities, it is important for our economy.

Banks are not lending money. They still are not lending money. We have got to get our financial system working the way it should so that America can grow. We have got to help small business. That is the growth engine of America in order to create jobs and move forward with innovation.

What we need to do is have a budget that puts our priorities on America's future. Well, the budget President Obama has that we are about ready to pass does that. It helps our economy but does it in a fiscally responsible way. It puts us on a glide path to reduce the Federal budget by two-thirds by the year 2014.

We are working on the economy, working on creating jobs, but we are also working on fiscal responsibility to get out from this deficit. Because we not only have a moral obligation to our children and grandchildren to pay our bills, it is critically important for the fiscal strength of America that we get our budget back into balance. So as we come out of this recession, as we create the jobs that this budget will allow us to do, we also put us on a glidepath toward fiscal responsibility.

But the budget recognizes another essential point. We are not going to do things the way we have done them in the past. We have an administration that is prepared to tackle the tough problems. It is one thing to get out of this recession and to try to balance the budget and get our budget balanced, but we have got to deal with the underlying problems that America confronts. We have got to fix a broken health care system, because it is too expensive and drains our economy.

We have got to become energy independent, because that drains our economy and our budget. And we have got to invest in education. Our children are our future. We have got to put our resources with our children.

The budget recognizes that for America to be able to have a strong budget in the future, we need to fix our health care system. We talked about this for a long time. We have talked about fixing it. Well, we now have a President who has said the only option that is not on the table is the status quo. I agree with President Obama, we have got to fix the system. Why?

First, it is way too expensive. Not only is it a drain on Federal taxpayers but to every person in this country. Our health care system is twice as expensive, per capita, than the next most expensive system in the world. And yet we have seen, during the Bush years, the 8 years of his Presidency, the number of uninsured grow from 40 million to 47 million. There are 47 million Americans who do not have health insurance. And we do not have the health care results that would warrant such a large expenditure of our Federal economy in health care. We should have better results. We do not have those results, so we have got to fix our health care system.

What does this budget resolution do, the conference report that is before us—that will shortly be before us for a

vote? What this budget resolution does is allows us to move boldly toward universal health coverage, toward universal coverage. Why is that so important? Well, you see, someone who has no health insurance today enters a health care system in a very expensive way. They use our emergency rooms for primary care, to the extent that they get primary care. They do not have prevention. And they enter our system in a much more costly way. Illnesses that could have been detected early are left untreated. They enter our system in a very expensive way.

Many times people without health insurance do not pay their bills. But they get paid. Guess who pays them. The taxpayers of this country. Those who have insurance pay more for their premiums and doctors and hospitals because of people who have no health insurance.

It is in our national interest to get everyone covered by insurance. This budget conference report will allow our committee to bring in a bill to fix our health care system to provide universal coverage that will provide better quality care and save us money.

This budget allows us to save money in the health care system by investing in preventive health care. If we get more people tested for early detection of diseases, it will save us money. We invest in health information technology so we can eliminate a lot of the waste in our health care system, the administrative costs. Not only will it eliminate costs, unnecessary costs, but you will have better management of care. Doctors and hospitals will be able to communicate with each other. They will understand the complexities of your own individual health history and be able to build health protocols to give you more cost-effective, quality care. That is using technology. This will help us.

We need to deal with the disparities in health care. We know there are gaps across racial and ethnic lines. We need to narrow that, pay attention to that. This budget allows us to move in that direction to eliminate these disparities.

The budget allows us to reform our own Medicare system. Medicare is the largest insurance program in our country. Our elderly and disabled depend upon our Medicare system. But our Medicare system needs to be changed and reformed. Ask any physician about the sustainable growth rate methodology for reforming, for paying their fees every year. We have got to change that. We have got to eliminate this physical therapy and rehab cap. It makes no sense at all.

This budget resolution allows us to reform the Medicare system to make it more cost effective, and the budget resolution provides for the backup of budget reconciliation instructions.

What does that mean? I want to give you my interpretation. That allows us to use regular order to get this issue dealt with, to get health care dealt with. We have been talking about it for years. It is time to act. It is time to fix our health care system. And this is not a partisan issue. It is not a Democratic issue or a Republican issue. This is an issue that affects our country. It is an American issue. We need to work together on it. But it is not regular order to use a filibuster to prevent this body from taking up these issues. And that is what the budget reform process was all about many years ago.

I hope every Member of this body will work together so we can fix this health care system. That is what we need to do. Nobody has a monopoly on the best ideas. President Obama has reached out and said: Look, I know what we need to accomplish. You know what we need to accomplish. Let's work together and get it done so we can make health care more accessible, and people can get quality care in a much more cost-effective way, saving the taxpayers of this country money, helping our economy grow, making American companies more competitive internationally. If we fix the health care system, all of that is possible if we get it done right.

I want to compliment—I see the Chairman of the Budget Committee is on the floor, Senator CONRAD. I want to thank him for his leadership on these issues. You now have a budget that will allow us to deal with these priorities. But the budget resolution also recognizes that for America to be strong, we also need to become energy independent. And the budget resolution allows us, our committees, to do that. We need to become energy independent for the sake of our economy.

We saw the impact on our economy when energy prices went up and down, and we had very little to do with it. But if we get the energy policy right, we are going to create green jobs, more jobs in America. This is about our economy. This is about helping America grow. So smart energy, energy independence, is the right thing to help our economy. By the way, it is also important for national security. We should not be challenged to fight wars because we need imported oil. Let us become energy independent for the sake of our national security, and, yes, let us become energy independent using good green technology, because it is good for our environment and we can do something about global climate change, working with the international community.

But the budget goes further and says, look, if we are going to be a strong nation, if we are going to get our future budgets in balance, if we are going to be competitive internationally, if our economy is going to grow, and the American standard of living is going to grow, we are going to invest in education. Education has got to be our top priority.

We can do a much better job at pre-K through 12 and quality education. Every child should have access to a quality school. This budget resolution allows our committees to move in that direction, and to bring down the cost of higher education for the typical family. Too many families today are being denied the opportunity to send their child to college because they simply cannot afford the cost of higher education. We have increased Pell grants. It is another great record of this Congress. We increased the Pell grants. This budget resolution allows us to go further to bring down the cost of higher education.

The budget resolution recognizes that we have to empower families to be able to afford and to participate in our economy. So tax relief to middle-income families is extended and expanded in this budget resolution.

The budget resolution recognizes that small businesses are the driving force behind job creation. Most of our jobs are going to be created by small businesses. Innovation comes from small companies. So this budget resolution allows us to continue the incentive so that small companies can get the credit they need, can get the help they need to be able to not only survive this economic downturn but to turn it around and create new jobs.

I particularly thank the conferees for continuing to include the increases, the 2-percent increases, in the Small Business Administration, an agency that was decimated under the prior administration. I offered an amendment in the committee that was adopted that increased that appropriation to $880 million. We want the SBA to be the advocate for the small business community, to fight Government agencies to make sure they make contracts available to small companies, to help mentor small companies so they have a business plan that can get a loan from a bank. That is what we want the SBA to do. And now with this budget support, the SBA should be able to build and help our small businesses in America.

Last November America voted for a change. We are delivering on that expectation. This budget resolution that has come out of the conference committee allows our committees, working with President Obama, to tackle the challenges confronting our Nation. The conference committee gives us the blueprint we need by focusing on different areas for helping in tax relief, for bringing our budget better into balance, helping working families, and investing in universal health care and educational opportunities and energy independence.

I urge my colleagues to support the work that has been done by our conferees. Let's work together to refuel and revitalize our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I thank the Senator from Maryland, Mr. CARDIN, who is a very important member of the Budget Committee. We were very lucky to have Senator CARDIN join

the Budget Committee when he became a Member of the Senate, having come from the House where he served on the Ways and Means Committee.

If you look at Senator CARDIN's career, it is a career of leadership, being elected at a young age in Maryland, rising to the most powerful position in the Maryland legislature, coming to the House of Representatives, and now to the Senate. We are very fortunate to have his background, his knowledge, and his skills helping us form a budget resolution for the country. I am indebted to him and I appreciate very much his wise counsel.

I ask unanimous consent that all quorum calls be charged equally to both sides for the duration of the debate on the conference report accompanying the concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I want to indicate, for the purposes of our colleagues, that we have a series of speakers. We do not have this firmly locked in in terms of an order, but we are expecting Senator ENZI momentarily; Senator GREGG—I see Senator ENZI now; Senator BUNNING approximately at 12:30; Senator JOHANNS at roughly 1 o'clock; Senator LINDSEY GRAHAM at approximately 1:30. I will answer, to the extent I determine necessary, as we go through these speeches. But I want to indicate that that is roughly the order of where we are: Senator ENZI, Senator GREGG, Senator BUNNING, Senator JOHANNS, Senator GRAHAM, and Senator MURRAY after that.

We have other Senators also in the train. But if other Senators wish to join this debate and discussion, they are certainly welcome. It will be important for them to call the cloakroom so they can get in the queue so that they do not have to waste their time waiting here on the floor as others speak.

With that, I see Senator ENZI has come to the floor. I will give him a few minutes to get ready, because he is, as is so often the case with Senator ENZI, not only on time but ahead of his scheduled time, and we appreciate that very much.

We are delighted to have Senator ENZI here. He is also an important member of the Senate Budget Committee. While we have differences—no doubt he will have a different view of this budget resolution than perhaps do I—nonetheless, we have great respect for the contributions he makes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I thank the chairman for his kind remarks and for the great job he does on very difficult issues.

Anytime you talk about money, whether it is at home, at work, or here in the Senate, it raises a lot of concern and difficulty.

I know this has been a difficult process to work through. Of course, I have a major disagreement with the budget that I want to concentrate on because I am not only on the Budget Committee, I am also on the HELP Committee, which is a big bite of the apple, especially since the President has placed so much emphasis on health care reform and education reform this year. I also happen to be on the Finance Committee. So the three committees have to interact on those issues, particularly the health care issue. I have never been involved in an issue with as many moving parts or as difficult as health care reform, probably because it involves 100 percent of the American people. Seldom do we have a bill that involves that. This also involves every single business and every single health care provider. All of them are nervous and probably ought to be as long as we are in session. I will speak in opposition because of a particular part of the budget resolution conference agreement that I am disappointed in.

As I review the agreement before the Senate, it once again reminds me of the old adage that I have referred to before: You can pay me now or you can pay me later. This budget conference agreement leaves the bills for later. It taxes too much, it spends too much, and it borrows too much. I ask my colleagues if this is the legacy we want to leave our children and grandchildren. Actually, we are going to be paying for it within our lifetimes; it will not be just the next generation. We ought to know better.

Yesterday, we were having a hearing in the HELP Committee where we were talking to several States that have done something significant in the area of health care. I like the roundtable approach. That is where we bring in people who have done something, and they explain how they did it, why, what the results were, what they would do differently. It is not like a regular hearing where one side invites in some of the witnesses, the other side invites one of the witnesses, and then everybody shows up to beat up on the witnesses. This is to get information. It was fascinating because we had Massachusetts, California, Vermont, and Utah—four States that have tried or done something in the area of health care.

Yesterday, California explained their health care reform and had to mention that it failed. I asked why. They said it was primarily because they had a $14 billion deficit they were trying to figure out how to cover, and health care costs money. I did have to point out that our deficit is significantly bigger each and every year. Even proportionately, it is significantly bigger. So that will raise some difficulties. This budget resolution conference agreement doesn't get near to solving that problem, not even in the long run. So we are not considering a conference report that will confront any of the tough financial priority choices that face our country.

As I have said repeatedly, we cannot sustain the current level of spending without inflicting grave danger on the fiscal health of the country. Recently, I noticed that England tried to sell some bonds. They had difficulty selling them. They didn't sell them. Everyone will recall that China has been asking what additional guarantees we would give on our bonds. What does that say? That says that we have maxed out our credit cards. Every individual in America who has ever had a maxed-out credit card knows what that means. It means you can't get more credit. We run on credit, particularly if we run deficits.

One of the most offensive and dangerous parts of this conference agreement is the use of budget reconciliation. It is a procedural tool, and it is a backdoor method to bypass the full and fair legislative process. The Senate was designed to include minority views, and there aren't issues where it is more important to do this on than with health care reform and education reform. I am hoping that on either of those, in order for the American people to have confidence in what we are doing, we will put together a bill that will have 75 or 80 votes. We need to have that kind of agreement in order to have a plan that will work. And Lord help the party that designs one that does not work or that stops the process of getting one to work. Both sides have a tremendous responsibility in the health care and education debates. Either one can end their party with either of those bills. Reconciliation's intended use is for meaningful deficit reduction on budgetary issues. If you attack those problems purely from a budgetary issue, you cannot get to the core of the problem and you cannot resolve it.

I just came from a Senate Finance Committee meeting where we are talking about the Senate Finance Committee piece of health care. That is separate from the HELP Committee portion of health care. Both have to work together, along with the Budget Committee, in order to come up with a plan. Today, we were going through roughly one-third of the problem. We were going to go through the delivery system part, how do we deliver health care. We have a little eight-page document. The first page is just a cover page. The second page is just a summary. The third page is where we spent the last 2 hours. There are five more pages to go. The other five pages are more difficult than the first page. After we finish all of this and reach some resolution, which we are hoping to do before the middle of May, then we have to look at coverage, what kind of coverage people will be given if they are under health care, and we want to get everyone under health care. The final piece we have to do is how to pay for it. So you can see it is a very complicated process.

Reconciliation is intended for the use of meaningful deficit reduction on

budgetary issues. The budget resolution that passed this Chamber in March, the Senate version, was silent on reconciliation. Reconciliation is included in the House budget resolution and was, therefore, an item we resolved during the conference process.

The conference agreement provides reconciliation instructions to the Finance Committee and the HELP Committee on both health care reform and higher education. I serve on both committees, and as the ranking Republican on the HELP Committee, I do have expertise on the issues at the heart of the debate.

I also have a track record of legislative accomplishments and getting bills across the finish line. It doesn't do any good to just debate them. If they don't get finished, it never helps anybody. I work on getting them across the finish line. The way to do that is to focus on the 80-percent rule. That means focusing on the issues where there is general agreement 80 percent of the time rather than the 20 percent of the issues where consensus is not likely. On that 80 percent, you have to pick out the 80 percent of the issue that everybody can agree on and find another way, a new way of doing that other 20 percent. Then you can reach the goal. If you are divided at the beginning, you won't get the 80 percent, let alone the other 20. It takes time to keep everybody calm and focused and listening. It takes time to reach solutions, particularly on the 20 percent where you are trying to come up with a new way, where neither side loses face, and get a result.

What we have is a situation where the House of Representatives is dictating the Senate process. How did reconciliation instructions make it into the conference report after so many powerful Senate Democrats—the Budget Committee chairman, the Finance Committee chairman, the HELP Committee chairman, all of the committees involved in this—opposed using reconciliation and said they would fight to keep it out of the budget? How did that many important people get rolled on this thing? How did that happen? They said they opposed it, but it winds up in there.

The House Rules Committee can allow large, comprehensive bills to be cleared in a single afternoon. They don't need it. They can do it irrespective of whether the bill is designated as reconciliation legislation. However, in the Senate, without privileged designation, it could take a week or more to consider the same legislation. It does take longer over here. That is because we want to get it right. Using the reconciliation process does not allow for a full and open debate in the Senate. It does not allow a thorough vetting and amendment process. Its fast-track nature shuts out Members, particularly from the minority party. It also shuts out centrist Democrats. So it is a declaration that Republican ideas and centrist Democratic ideas are going to be left out of the mix. It is counter to the successful way legislation is typically considered in the HELP Committee. We often work in a bipartisan way that results in much of our legislation being worked out to achieve strong support from both sides of the aisle. Laws such as the Pension Protection Act and the Head Start reauthorization were hundreds of pages in length, and they passed the Senate with little debate and by huge margins.

I am deeply disappointed that the final budget resolution paves the way for a partisan process, particularly on these issues that are important on education and health. I have to say that the most radical on both sides will favor this. The far-left Democrats see this as a way to do it their way. The far-right Republicans see it as a way to delay it so it doesn't get done because they will be able to cause confusion with the amount of time that is involved. That will be bad for both sides. It won't work for the American people. That is why it won't work for either side. That is why we have to be centrist on this and pull together 75 or 80 people who can agree on these issues. That will take time in committee. If we do the proper amount in committee, it will take less time on the floor. We have proven that with past legislation. To just throw out this little bomb that says we are going to do this in a very short period of time really affects the ability to work closely together.

One truly difficult challenge this Congress has to address is how to get control of America's exploding health care costs. Simply throwing more money at the problem is not a solution. Real health care reform has to be bipartisan. It has to have a full and open debate. If we enact the wrong health care fix, we will worsen our budget crisis. Enacting reforms without reducing costs represents an unsustainable promise that the American people will long regret.

It is taking us time to do these roundtables and hearings. Yesterday, Massachusetts, Vermont, California, and Utah talked about their experiences. We learned a lot. Both sides learned a lot. They have learned a lot. The States are really laboratories for the Federal Government. What works at the State level might have some transformation to the Federal level. On the other hand, if we take it all at the Federal level and we do one-size-fits-all, we can damage efforts that can be done at the local level. The local level is where people live.

Health care reform is too big an issue to advance with procedural shortcuts. There never has been a bill with as many moving parts that affects as many people as health care reform will. To get a workable solution, it will require the effort of everybody in the Senate. We can bring them together and do that. If we can't come up with a plan that will garner the support of at least 75 or 80 Senators, this institution will not gain the confidence of the American people. Without that confidence, the plan will fail. We will never overcome the objections that will be raised.

Misusing the reconciliation process to get a health care bill or higher education reforms is not the right approach. It conflicts with the new bipartisan spirit the President has promised. This is a disappointing day in the Senate. Moving a health care reform bill through reconciliation rehashes what we have been suffering from—the PELOSI war cry: We won the election, we get to write the bills. That is not right. This kind of partisanship disenfranchises millions of Americans—not just Senators, millions of Americans—and it is wrong. They are looking for commonsense solutions, not party messages.

The American people deserve a good bipartisan bill that will work. Using reconciliation will make that impossible. While I expect that Chairman CONRAD has the votes to adopt this conference agreement, I am going to urge my colleagues to oppose the resolution and on the basis of needing to have good health care reform done the right way with everybody working on it. That is exactly how it has to be. It cannot be just one side. Anybody who opposes health care reform—unless it is because it was rushed through with just one party listening—will suffer too. If we get everybody together, we can come up with a plan that will work. I regret that ever made it into the budget. I still cannot believe that could be a part of it—the House, that does not need it, imposing it on a Senate that knows better.

Madam President, I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, very briefly because I see Senator GREGG is in the Chamber, and I know he is on a very tight timeframe.

I very briefly say to the Senator from Wyoming, I do not favor reconciliation for writing health care. I, personally, do not believe it will be used to write health care reform. It is here as an insurance policy. I think virtually everybody who has been engaged in the debate publicly and privately has now concluded it is not the preferred alternative for writing health care.

One of the things we did do is push back the date to October 15 for the committees to act to give them more time to work under the regular order. Chairman BAUCUS has made an absolute commitment to try to do this in the regular order. I have done the same. The majority leader has done the same.

I sincerely believe health care can and should be written without using the fast-track process of reconciliation. It is true it is here as an insurance policy, as a backstop. I would have strongly preferred it not even be that. But let me say, when it is the President of the United States, the Speaker, the majority leader here, it

gets fairly lonely as a conferee. But I do wish to say to the Senator, I agreed with so much of what he said. He is going to be a major player in health care reform. He already has been—certainly in the CHIP legislation.

I believe there is going to be a full opportunity to write it the way it should be written, which is in the committees of jurisdiction, with both sides fully participating. That is the best way and the right way to do it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, picking up on the comments made by the chairman—and I fully accept his sincerity and his belief and his desire not to use reconciliation, but that is not, as he said, the position of the President, the Speaker of the House, and the majority leader. I think we can assume if those three folks want reconciliation to be used, it is going to be used.

The practical implications of reconciliation are to devastate the constitutional prerogative of the Senate. The purpose of the Senate is to debate, discuss, and then amend items of major—major—policy.

The point is, reconciliation was put into this document, which we just received, for the purposes of muzzling the minority and making the Senate into having the same status, from a parliamentary procedure standpoint, as the House, where amendments are not allowed, where discussion is limited, and where an up-or-down vote is the only option given to the membership.

It is not only a terrible idea from the standpoint of the impact it has on the constitutional role of the Senate—which has been explained very effectively by people such as Senator BYRD as being a place where we are supposed to give the minority the capacity to make points and discuss matters of high policy and complex issues in an open forum with the ability to amend—but it is also a very difficult way to proceed on an issue of such complexity as health care reform or the climate change issue. The practical effect of using reconciliation will be that a bill will pass in this Congress, especially in this Senate, which the American people will know is not fair. They will know it is not fair because there will have been no ability for the minority or for people who disagree with the way the bill was written down at the White House to object to it or to amend it.

That type of legislation—major health care legislation, which affects every American—in order for it to be effective and in order for it to be accepted by the American people, needs to be perceived as, and really be, a fair document, reached through compromise, with the purposes of having all the different stakeholders at the table in order to discuss the issue. Regrettably, that is not going to happen under the reconciliation instruction.

I would note that even though the chairman has said—and I am sure he says this in all sincerity; I know he says it in all sincerity—he believes reconciliation will not be used in health care, it can be used and will be used on health care if the President and the majority leader and the Speaker of the House want it to be because that is why they put it in.

In addition, the idea it will not be used to raise the national sales tax on energy or a light switch tax, which is what is being proposed relative to the carbon tax, that also probably does not apply because the language of the bill is not binding. It simply says it is assumed. ''Assumed'' is a pretty weak—in fact, I cannot think of many words that are any weaker than the term ''assumed.'' It is assumed reconciliation will not be used in the area of climate change legislation, which means it can be used in the area of climate change legislation and probably will be if there is a determination by those folks who want to push that issue to do so.

It is ironic this bill—for which we have had two major votes in this Senate that said: Do not use reconciliation for the purposes of climate change—has in it such weak language on that issue, basically opening the door to using reconciliation for the purposes of climate change.

But the reconciliation issue, as serious as it is—and it is a serious issue because it goes to the purposes and the role of the Senate, in my opinion; and it also, in my opinion, will undermine the quality of the product produced in the area of health care or climate change—is not the core problem with this budget. The core problem with this budget is it spends too much money, it raises and creates too much debt, especially on our children's backs, and it raises and spends too much in the way of taxes. It is going to have a dramatic impact on the quality of life in this Nation as it plays out, as it is creating an unsustainable government, a government which neither our generation nor our children's generation, nor our children's children's generation are going to be able to pay for because it is going to increase in size so much and create so much in the way of deficit and debt, which will have to be paid for by our children and our grandchildren.

To try to put this in perspective, the budget basically raises discretionary spending by $1.5 trillion. We are going to hear some arguments from the other side of the aisle that: No, it does not do that. I will get to that in a second. They are essentially doing the Obama budget, the President's budget. The Director of OMB says there is virtually no difference between the two. They are 98 percent the same.

Essentially, they are raising discretionary spending by $1.4 trillion, mandatory spending by $1.1 trillion, and raising taxes by $1.5 trillion. In fact, it may be a lot more. They are making absolutely no savings in the area of spending accounts, which are critical to getting this deficit down and under control.

As we have mentioned on numerous occasions, but which is accurate and needs to be repeated, they double the size of the debt in 5 years, they triple it in 10 years, and they leave our children with a debt which is 80 percent of GDP—a public debt which is 80 percent of GDP.

The practical effect of having a debt that is 80 percent of GDP is that basically you have a nation which cannot sustain its obligations of debt. Today, our public debt to GDP is about 40 percent. If you wish to get into the European Union, your public debt can only be 60 percent of GDP. Under this budget, we are going to 80 percent of GDP. Latvia could get into the European Union, but we could not under this budget. That is what is going to happen. It is not a question of some sort of theoretical event. Under the spending program of this budget—and because the Congress is now totally controlled by the liberal side of the aisle and because the President is of that party—this is going to happen. It is not like it is not going to happen. It is going to happen.

What is driving these massive deficits? Primarily, it is massive spending increases. It is not too tricky an issue. Under President Obama's budget, and under the budget that is brought here by our colleagues on the other side of the aisle—although they tried to obfuscate the spending; at least the President is forthright about his spending—the spending of the Federal Government goes up dramatically.

This chart I have in the Chamber shows, historically, Federal spending has been about 20 percent of GDP. That is about what we can afford, historically, because our revenues are a little bit below that—19 percent of GDP. Under this proposal, the spending goes up radically in the next year, year and a half, and then it comes down as a result of the end of the recession and then it starts going up again. But it never comes down that much. It is 23 percent, 24 percent, 25 percent of GDP.

The problem is spending. The President is very forthright about this. He says he believes strongly—and his party, obviously, agrees with him—that you should significantly increase the size of the Federal Government, that you should significantly increase spending because if you increase the size of the Government, if you move the Government to the left, if you increase its spending, you create prosperity. He believes governments create prosperity.

Well, we do not agree with that. We think the way you create prosperity is having a government you can afford. That does not mean you eliminate Government. It means you have one you can afford. The proposal here is not for a government you can afford. It is just the opposite: a government we cannot afford, a government that is not sustainable. The way to create prosperity is by having a government you can afford and giving individuals the ability

to go out, make investments, takes risks, and create jobs. That is how you create prosperity—not by radically increasing the size of Government, radically moving it to the left, which is exactly what is proposed in this budget.

All this new spending leads to a massive increase in debt. In fact, one of the more interesting statistics—because I noticed the chart of my colleague from the other side relative to George Bush—this President dwarfs—dwarfs—what President George W. Bush did in the area of adding debt to our children's backs. It dwarfs that. If you take all the debt created in this country since George Washington through George W. Bush, President Obama's budget—and the budget which is being brought here by the other side of the aisle, if it were honestly scored and correctly accounted for, which would be essentially the same as President Obama's budget—doubles the amount of debt that has been put on our books by all the Presidents in all the history of this Nation. That is a tragic event for us, but it is an even more tragic event for the next generation.

I hear the other side constantly talking about what President Obama inherited. Yes, he inherited tough times. But the issue is not what he inherited. The issue is what he is going to bequeath, what he is going to leave the next generation. What he is leaving the next generation is an unsustainable Government. You do not have to listen to me to believe that. The chairmen of the Budget Committees on both sides of Congress—on the House side and the Senate side—have said the budget, as presently proposed, is unsustainable in the outyears. Their budget is unsustainable in the outyears. Of course, they eliminate the outyears. They only did a 5-year budget. The President did 10 years. They took off the last 5 years so they would not have to talk about it. But it is not going away at the end of 5 years—still growing, still out of control. And it is unsustainable in their own terms.

Why is it unsustainable?

This chart shows the bottom line of why it is unsustainable. It is called the debt. To quote one of the sages and oracles around here: ''The debt is the threat,'' and the debt is just going up and up and up. It is an unsustainable situation.

What does ''unsustainable'' mean? That is some sort of term we throw out and people don't really catch on. What does it mean? It means the average American family at the end of the President's budget will have $130,000 of new debt—every family in America—that they will have to pay for as part of the Federal debt. It means the average American family will have $6,000 a year of interest payments on that debt for which they will be responsible. It means our children will inherit a government which will cost them so much that basically one of two things will happen to them: The economy will have to be inflated radically to pay off this debt, thus reducing the value of the dollar, eliminating savings of most Americans and creating an economic tax of inordinate proportions through massive inflation; or taxes on all Americans will have to be significantly increased at a rate that we have never seen in our history—other than in World War II—a rate which will essentially mean Americans would not be able to go out and buy a home. They would not be able to go out and send their kids to college. They would not be able to buy that car or live that lifestyle our generation had.

With the debt at 80 percent of GDP, it will mean for the first time in the history of our country, one generation will have passed on to another generation less of a nation—less prosperous, less strong, less opportunity. Totally unfair, but that is exactly what will happen. There is no way around this. Their budget locks us into this path. They themselves admit it is not sustainable, but that hasn't caused them to hesitate in going forward, and going forward in an aggressive way to expand the size of government and not pay for it and leave our kids with these massive debts.

I think it is appropriate at this time to also talk a little bit about the specific budget before us, which is the compromise between the House and the Senate budget because there is so much misdirection and disingenuousness about this budget that it is staggering. I give the President of the United States and his people credit, including Director Orszag and OMB. They attempted to send an honest and straightforward budget where they actually told us what was going to happen and what the costs were going to be. They put in one big gaming mechanism in the area of defense where they assumed $1.6 billion of spending, which everybody knew wasn't going to occur because they counted on the war costs going on for 10 years at their present levels—and we all know that is not going to happen—and then they claimed savings when those war costs were reduced. That was a fairly big item. But outside of that item, for the most part they gave us a budget that had integrity to it in the area of what it really was and what it was really going to cost.

This budget which was just sent to us is just the opposite. It is filled with gamesmanship, with stuffing spending under the rug so we don't notice it, with tools that avoid enforcement mechanisms, and with things such as the reconciliation instructions, which are a total adulteration of the congressional process when it is used relative to a public policy issue as big as the question of health care.

Let's note a few of the things they have left out of their budget to get to their alleged number. Remember, their alleged number is around $500 billion of deficit in the fourth and fifth years, and they pound their chest in great praise of themselves: Oh, we reduced the deficit to $500 billion. We have reduced it by half or three-fourths or whatever they want to claim. That is a little hard to sell to anyone with any common sense. When the deficit is run up to $1.8 trillion or $2 trillion and then brought down to $500 billion, that is not moving forward, folks; that is taking six steps back and one step forward and claiming that we are moving forward. We are still going backwards.

This budget goes backwards at an atrocious rate. It goes backwards at an atrocious rate, and it doesn't even tell us how much it goes backwards because they hide so much of their spending and their costs underneath the rug.

In the area, for example, of the doctor fix—we all know around here what the doctor fix is. The doctors in this country get reimbursed under Medicare, but we have this stupid, arcane rule around here which every year cuts the doctors' reimbursements by some amount, and now it is up to 20 percent. So every year we have to fix that. It is an expensive fix, but we do it every year, so we know we are going to spend that money to fix that arcane rule that ends up cutting doctors' reimbursements arbitrarily and unfairly.

The President's budget accounted for that. They accounted for that fix. Does this budget account for that fix? A very small part of that fix—a very small part of that fix. They leave out about $50 billion of that fix.

In the area of the alternative minimum tax, we know the alternative minimum tax wasn't supposed to apply to 20 million Americans; it was only supposed to apply to a small number of Americans who make a huge amount of money who could avoid paying taxes because they used tax avoidance mechanisms. But because of the failure to index that system, we now have 20 million Americans who will be subject to the alternative minimum tax if we don't fix it every year.

So what do we do? Every year we eliminate the application of that tax to those 20 million Americans because it was never supposed to be there to begin with. But what does this budget do? The President had the integrity to say he was going to do that throughout his budget. They were not going to assume the revenues from the alternative minimum tax because they knew for a surety that they were not going to get those revenues because every year we repeal that tax that applies to those folks. So what do they do in their budget?

Unlike the President, they don't account for all the alternative minimum tax. They score some of that revenue to themselves, taking advantage of that revenue. So instead of having the full cost of the alternative minimum tax in their bill, they have a small percentage of it—not a small percentage of it; about half of the cost accounted for in the bill. So they leave out a big number relative to the alternative minimum tax—about $70 billion—or about $80 billion, actually.

Then the TARP, the President asked for more TARP money. It certainly looks as though, when you listen to all of these things coming out of the White House, that they are going to need more TARP money. They put that TARP money in his budget; they leave it out. No, no TARP money. Well, maybe arguably they will not step up when the President asks them to and finance the issue of how we maintain our financial stability as a country relative to our financial system, but I suspect if the President asks for TARP, it will be allocated, and they should have scored it. At least the President did that.

Budgeting for disasters: We know we have disasters. The President knows we are going to have disasters. It appears the House Democrats and the Senate Democrats don't know we have disasters, or if they do, they decided not to budget for them because they left those numbers out in order to get to a better number on their deficit figure.

Health care reform: We know we are going to get health care reform. We are going to get it through reconciliation probably. They are going to ram it down the throats of this Congress. It is going to be their bill, and we know their bill scores at $1.2 trillion over 10 years. That is how it scores. The President had the integrity to say he would put half of that in here. He put in $650 billion of that cost into his budget. Does it appear anywhere? No, it doesn't. The Democrats in the House and in the Senate, they are not going to pay for health care at all. They put in this euphemism of a reserve fund that claims they are going to pay for it, when we know that is about as likely as their use of pay-go to enforce any spending around here.

The Make Work Pay tax credit, one of the premier items of the President, remember; we hear so much about how there is not going to be a tax increase on working Americans. Well, let's point out the fact that working Americans are going to get hammered pretty hard under this bill in the area of tax increases. First, they are going to get hit with a carbon tax, and a carbon tax is essentially a national sales tax on the production of electricity and the use of electricity. So if someone uses electricity in their home and turns on their light switch, they are going to get hit with a carbon tax.

The estimates of that tax are huge—huge. MIT did a study and said it is $300 billion a year, massive numbers. It is $3,000 per household if we take that study and just divide the number of households into the cost of the study. But independent of that tax, which doesn't appear anywhere in this budget, by the way, other than the fact that we know it is coming through some reserve fund, alleged reserve fund—they wipe out the President's Make Work Pay tax credit which he asked to be extended. They assume it would not be extended. Why? They know it is going to be extended because if the President tells them to extend it, they are going to extend it.

Why do they not put it in here? They don't put it in because they want to make their bottom line look better—look better. Then they actually skim down the middle-class tax relief. They have already scored the fact that they are going to tax wealthy Americans—alleged wealthy Americans—people making more than $250,000. They have already scored that and taken in that money.

Remember, most of those people, the vast majority of those people, are basically running a small business, and when we raise their taxes, what can't they do? They can't expand their small business. They can't add jobs. They are the engine of jobs in this country, by the way. So they are going to tax them, take their money away from them, put it into the Government, expand the size of the Government on the allegation that the Government can create prosperity, not small business.

Small business doesn't create prosperity as far as our colleagues on the other side of the aisle are concerned. No, no, they tax them. No, it is the Government that creates prosperity, so let's take more money from small business, move it over here and give it to the Government, and we will create prosperity for Americans.

Well, tell that to the person who is running the restaurant or running the garage or has a little software company who would like to use his money or her money in order to reinvest it so they can actually hire some more people and actually produce some value in this society, versus expanding the Government and creating more consultants and more people who are out there spending money in a very inefficient way, for the most part. But that is their policy. They won the election. Fine. But in winning the election, they also said they weren't going to tax middle Americans.

Well, look at the document. There is $180 billion of taxes on middle-income Americans which they do not define from where it comes. They simply say it is there. It is in there somewhere. Well, somebody is going to have to pay it. I think it is pretty safe to say it is going to be working Americans who are going to have to pay that $180 billion.

Why did they raise those taxes on working Americans? Why did they go back on their campaign promises, both in the Make Work Pay area and in the taxing working Americans? Well, they did it so they could make their bottom line number look better than the President's. At least the President had integrity. He had honesty. He came to us and said: I am going to extend Make Work Pay. I am going to have a middle-class tax cut. The other side of the aisle, the Democrats in the House and the Senate don't play by those rules. They play by the old rules of let's obfuscate, hide, sequester money and make it look as if we are saving money when we absolutely know for sure the spending is misrepresented in the bill and the taxes are misrepresented in the bill.

Then they have the temerity to use the phony 920 number. We all know 920 is a phony number. This is an account we set up, and when we claim savings, we put things into 920. In other words, I am going to increase spending on the XYZ program because I like XYZ. Well, where do I get the money for that if I am going to try to stay revenue neutral? I am going to get it out of account 920. I am going to spend $40 billion on the XYZ program and the offset is going to be account 920. Account 920 is an account that for all intents and purposes leads to a cut around here. It never leads to anything. It is not specific. It should come out of all accounts. It never happens, but they were a little off in the numbers they wanted to get to, so they did a 920 account in their budget to the tune of, I think, $40 billion or more—$48 billion.

All of that added up, and their real number, their real deficit numbers—the numbers that the President actually had, ironically—come out pretty close to the same. If we put back in all the stuff they have hidden under the rug, all the stuff they claimed they are not going to do, which we know they are going to do, we come back to deficit numbers which are almost exactly what the President's deficit numbers are.

There is no $500 billion deficit in the fifth year; it is $924 billion—if you put back in what they have hidden, claimed, obfuscated, manipulated, and generally tried to play games with around here.

So the President's numbers were accurate. He deserves credit for that. But this budget is a fraud on its baseline numbers. The reason this is important, besides the fact that there is actually $400 billion of spending almost every year that is not accounted for in this budget, is that the deficit, at these numbers, is around 5 percent of GDP. A deficit of around 5 percent of GDP and a public debt of around 80 percent of GDP leads you to being a country that is essentially unsustainable in its fiscal policy. It leads to a nation where the dollar loses its value, where our debt cannot be sold, where inflation is rampant, tax policy is basically so heavy that productivity is significantly stifled. They want to hide that number. At least the President had the integrity to admit that. The House and Senate Democrats have tried to hide that.

There is one other point that needs to be made here, because of the foolishness of the statements about how they are going to reinstitute a real pay-go. You know, I understand that the Blue Dog Democrats on the House side come from districts where their people expect them to be fiscally responsible. They have gotten on this banner of pay-go. They say we are going to assert pay-go. That will be the rules that guide us, and we will make sure all the

spending is paid for and the tax cuts are paid for. That is called pay-go. They say that as a mantra, to the point where it has become a term of art that implies you are fiscally responsible.

Look at this budget. My colleagues on the House side, who are Blue Dogs, claim to wrap themselves in the banner of pay-go, but they have no banner on their pole. There is no pay-go in this bill that will have a significant impact. In fact, the budget passed by the House and Senate put in place policies that would obfuscate pay-go to the tune of approximately $2.4 trillion. So on the face of this, they have ignored pay-go in their own budget. The ultimate insult is that the most significant public policy event we are going to do, probably in the term of anybody in this Congress, going back to the beginning of ROBERT C. BYRD's term, forward to the end of probably the youngest Member of the Congress who is serving today's term, which is the issue of rewriting the health care system of this country—17 percent of our GDP—the single most significant public policy event we will ever undertake—affecting every American everywhere, at all different levels, they formally, by law, waive pay-go in this bill for that exercise.

The Blue Dog Democrats in the House say we have the pay-go protection. Nobody who is being forthright with their constituents should go out and claim that pay-go is going to be a disciplining event. It isn't, hasn't been, and will not be—especially on the most significant issue we confront, which is the question of health care reform.

We have already talked, of course, about reconciliation and the affront that is to the Senate procedures and the constitutional role of the Senate. But it should be noted that using reconciliation also creates the situation where you can run through a massive tax increase, such as the carbon tax, and use it to pay for health care reform. Don't think that that is not being considered around here. Assuming that reconciliation won't be used in that area is an optimistic projection, because the majority leader has already said publicly that—and I am paraphrasing—isn't it interesting that the revenues from the carbon tax, or the national sales tax, light switch tax, pretty much is what we need in order to do the first few years of the health care bill as we see it.

So offsetting those two has obviously been an idea that has presented itself to the majority leader, and he wields significant authority here. He was able to keep reconciliation in over the objections of our chairman, allegedly, so I know he is powerful, because the chairman is extraordinarily powerful. When two powerful forces meet, if one of them survives, we know that one is really powerful. We know the majority leader is really powerful because he was more powerful than the chairman on the issue of reconciliation. So that is serious. We could use the carbon tax to pay for the health care, which is possible. I am not saying it is going to happen, but it is possible while using reconciliation.

That brings me back to my closing point, which I want to reiterate. It is about debt. It is about the fact that when this is all said and done, when all the smoke has risen, there will still be burning a massive explosion of Federal debt, an explosion so large, increases so dramatic, that I don't see any way out from under it with this budget. I am so concerned about where this takes our opportunities as a Nation. When you pass on—and it is not that far away because we are talking 2013, 2014, when we start getting big numbers. When you pass on a deficit of 4 to 5 percent of GDP, a debt of 60 to 80 percent GDP, where do we go as a Nation? Let's think about that for a minute. How does a nation get out from underneath that? Doesn't the world start to look at us and say, my God, has America lost its way? Is it no longer capable of disciplining itself and living in a responsible manner? When they say that about us, where does our Nation end up? Where do we leave our children?

It is a serious issue. Yet it is right here, and this budget is the point. If we pass this budget in its present form, with the outyear spending and outyear debt, I don't know how we get out from behind it.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I found the presentation of my colleague, for whom I have great respect—but on this presentation I found it highly entertaining, and it bears almost no relationship to the document that is at the desk.

It is very interesting, if you read the charts that the Senator presented, they all relate to the President's budget. You notice they don't relate to the budget that is before us. The fact is that we made significant changes in the President's budget, because after the President presented his budget, we learned in the Congressional Budget forecast that we were losing $2 trillion of revenue because of the economic slowdown over the next 10 years. So we made a series of very significant adjustments to respond to that reality.

In fact, over 5 years alone, we changed the Obama budget by $555 billion. Not one dime of that was reflected in the Senator's charts. They say if you are a lawyer and if you have the facts, argue the facts; if you have the law, argue the law; if you have neither, attack your opponent. That is what we have heard. They don't have the facts, they don't have the law, and they certainly are not talking about the legislation before us; so they launched an ad hominem attack.

Let me go back to the facts, because they are stubborn things. On spending, let's be clear. This budget takes domestic discretionary spending, as a percentage of GDP, from 4.4 percent in 2010 to 3.4 percent in 2014. That is not a big spending budget; that is a tough budget that reduces the share of our national economy going to Federal domestic discretionary spending. On nondefense discretionary spending, in dollar terms, over the 5 years of the budget, the spending is increased, on average, by 2.9 percent a year. That is less than the growth in national income. That is why the share of domestic discretionary spending as a part of our economy is going down under this budget.

The Senator said that somehow there is a $180 billion tax increase in this budget. Where? I mean, he made this same assertion last year. He said the budget last year was going to increase taxes. What happened with last year's budget? Did it increase taxes? No. It cut taxes by hundreds of billions of dollars. That is what this budget does. This budget cuts taxes, on balance, over 5 years by $764 billion. That is a fact. That is not made up for the convenience of a political debate. That is a fact. Taxes are cut under this budget $764 billion.

On reconciliation, I must say the speech by the Senator is beyond the pale. He acts as though reconciliation is against the Constitution of the United States. Well, it is interesting what he had to say when the shoe was on the other foot. When the shoe was on the other foot in 2001, and he wanted to use reconciliation, what did the Senator say then? Unfortunately for the credibility of his speech here, we have the RECORD. We know what he said then. Here is what he said then:

> Reconciliation is a rule of the Senate, set up under the Budget Act. It has been used before for purposes exactly like this on numerous occasions. The fact is, all this rule of the Senate does is allow a majority of the Senate to take a position and pass a piece of legislation, support that position. Is there something wrong with majority rules? I don't think so.

So when they wanted to use reconciliation, it was a rule of the Senate, and it simply allowed the majority to work their will, and there was nothing wrong with it. Now when we have a reconciliation instruction as a backup, as an insurance policy, now it is somehow against the Constitution. Please. That is not going to stand up against the Senator's own record. The fact is that reconciliation has been used 19 times—13 by the party on the opposite side. I didn't hear and see crocodile tears from them about how it threatened the Constitution. In fact, the Senator described it then as a simple Senate rule that allowed the majority to rule.

I take great offense to the suggestion that this budget is made up. This budget is not made up. It is scored by the CBO, which is nonpartisan. This budget does precisely what I have presented it as doing. It reduces the deficit by two-thirds over 5 years. As a share of GDP, it cuts the deficit by three quarters. The Senator says, you have hidden the doc fix, which is this. We know doctors

who treat Medicare patients are scheduled to take major reductions. We have not hidden a thing. We have said that, after 2 years, fixing the downward spiral on doctors' reimbursement for those who treat Medicare patients will have to be paid for. That is not hidden; that is very clear, direct, and it is what we should be doing here—paying for things.

When we found we were in a circumstance in which we had $2 trillion less than the President had to write a budget, we had to make changes, and we did. We made responsible changes. One of the changes we made was to say that, no, doctors should not be cut. We will provide the money in this budget for the next 2 years so they are not cut. But after that, additional fixes would have to be paid for. That is what we have to start doing around here—paying for things.

And there is the alternative minimum tax. We have said in this resolution that the alternative minimum tax should not be imposed on anybody, and for the next 3 years it can be done without offsets, without paying for it, because we don't want to raise taxes during a time of economic downturn. But after the 3 years, further moves to prevent the AMT from being imposed have to be paid for.

The same is true on TARP funding. The Senator said we excluded TARP funding. Yes, we did because we could not pass $250 billion of TARP funding after the way TARP has been handled in the first round. It would not pass. The President said put it in as an insurance policy. He does not have a specific proposal before us, in any event. But we did not include it here because it could not pass this body.

On health care, the Senator suggests this is going to add $1 trillion to the debt. Not under this budget. Again, he failed to read the document. It makes very clear, if we are going to have health care reform, it has to be paid for. The reserve fund he kind of glossed over is very specific. I can only change the allocations to committees if the issue is paid for. I have no authority to change the allocation to committees unless health care reform is paid for.

On Make Work Pay, the President's middle-class tax cut, in addition to all the 2001 and 2003 tax cuts that are all included in this budget, over $500 billion of tax cuts for the middle class that are in this budget, the President's middle-class tax cuts that are over and above those that were included in 2001 and 2003, the so-called ''make work pay'' provisions, they are already provided for in the stimulus package. That is already the law for the next 2 years. If it is to be extended, this budget says we have to pay for it. That is exactly what we are going to have to do to bring the deficit down. We are going to have to start paying for things.

There are so many things that were said that are in error about this budget, it is breathtaking.

I wish to conclude on this note. If this budget is so bad, why didn't the Senator offer an alternative? In 2001, when I thought the Bush budget was fatally flawed, I offered an alternative on the floor of this body. This year, the Senator has offered no alternative. All he offers is complaints and misrepresentations and a rewriting of history.

The debt is on an unsustainable course. Why? Because the previous administration doubled the debt, tripled foreign holdings of U.S. debt, and put us on a course in which we face the worst recession since the Great Depression. That is why the debt is burgeoning. It is not as a result of this budget document. This budget document moves the deficit down, reduces it by two-thirds over the next 5 years.

We inherited a colossal mess—colossal. To suggest this President is responsible for this colossal mess after he has been in office 100 days does not stand the test of truth and will not stand any scrutiny. We all know how we got to where we are. The previous administration doubled the debt of the country at a time when the economy was relatively good. Unfortunately, when they left office, the economy was in the worst shape in 60 years. History will not treat the previous administration and their supporters on the Hill gently or kindly because they put us in this ditch. The President is seeking to lift us out of it.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Chair lays before the Senate the following message from the House of Representatives, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in today's RECORD in the proceedings of the House.)

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Madam President, I rise to discuss the conference report on the fiscal year 2010 budget. Unfortunately, I will not be able to support this legislation. As a member of the Senate Budget Committee since I have been in the Senate, I spoke on this budget during the committee consideration, and I also spoke on it while it was on the Senate floor. I was unable to support it those two times, and I am disappointed to say I will not be able to support it here either.

Today marks the 100th day of the Obama administration. It is still too early to see most of the effects the different pieces of legislation the President has signed into law will have on America. However, we do know one thing: It sure has cost a lot.

The price tag for the so-called stimulus bill was over $1 trillion, if you include the interest. The cost of the Omnibus appropriations bill was about $410 billion. What does this mean? It means that over these first 100 days, President Obama has spent an average of $12 billion a day. That is a staggering rate of spending. We cannot continue to manage our Nation's finances like this.

The budget proposed by the Obama administration several weeks ago is no more responsible than these other bills. It spends too much, it taxes too much, and it borrows much too much.

I have mentioned these numbers before, but they are worth repeating. The President's proposal will double the publicly held national debt to more than $15 trillion. Annual spending would leap from $24,000 per household to $32,000. This plan would also raise taxes by $1.4 trillion over 10 years.

Those are not my numbers. I didn't make them up. The people hired by the Democrats, the Congressional Budget Office, picked by Senator REID, Speaker PELOSI and one member of the Finance Committee and one member of the Ways and Means Committee, Senator BAUCUS and Congressman RANGEL—those are the people who picked CBO's Director, and those are his numbers.

The increase in debt is also staggering. The President's proposal would double the debt held by the public in 5 years and nearly triple it over 10. In fact, the proposal would create more debt under every previous President from George Washington to include George W. Bush.

I know today we are not voting on the Obama proposal. However, I still think it is completely reasonable to discuss it. This proposal gives us a great insight into how President Obama views Government. We see he wants to greatly expand it. He also no longer is a member of the legislative branch. However, he is the leader of the party that controls the legislative branch. We know he will have influence on how legislation is written.

One of the most troubling aspects of the document before us is the inclusion of reconciliation instructions for health care and education legislation. I don't want to talk about arcane Senate procedure today. However, this is an abuse of the process. Reconciliation is supposed to be used to return money to the taxpayers and the Treasury. It makes legislation that accomplishes this much easier to pass. These instructions require a total savings of $2 billion. This is absurd because we know health care reform and education legislation will cost much more than $2 billion. In fact, as we know from the numbers I mentioned above, the administration has spent $2 billion every 4

hours or so. This will not be any kind of significant deficit reduction.

Another worrying feature of this budget is the assault on small businesses. President Obama admits that 70 percent of job growth will come from small businesses. So why does this budget tax them out of existence?

My colleagues on the other side of the aisle claim they are only raising taxes on a handful of small businesses, but they ignore the fact that they are hurting the businesses that are responsible for two-thirds of small business jobs. Small business jobs are key to our economic recovery. But look at what the failed policies of this Congress have done for small businesses.

The so-called stimulus bill that added over $1 trillion to our national debt spends less than one-half of 1 percent—one-half of 1 percent—on small businesses. Also, after mortgaging our future on the TARP bailout, 70 percent of the large banks have actually decreased their small business lending. Now these small businesses that have been devastated by the economy and cannot get a loan to make payroll are going to be hit with a massive tax increase. How are these small business owners going to be able to hire even one more worker? This budget is an assault on small businesses. It taxes too much, and it should be defeated.

I would like to mention energy policy before I conclude my remarks. Throughout this year's budget debate, we have talked a lot about energy, particularly a proposed cap-and-trade tax proposal. At a time when our Nation's energy needs are continuing to grow, we should turn our focus on how best to meet those needs while creating jobs instead of taxing American families. If we act too rapidly by imposing carbon taxes, all Americans will pay the cost through dramatic increases in utility prices. If enacted, a cap-and-trade revenue program would institute one of the largest tax increases in American history. Every American will pay a sales tax whenever they turn the light switch on or start their car. This tax will be untargeted and regressive. Even our poorest citizens will be hit by this tax. This is a dangerous policy, and I am startled by how much support it has received from this current administration.

So much for the President's promise not to tax anyone making less than $250,000 per year. Maybe that is because he knows he needs more money than he can raise by taxing just the rich to pay for all of his plans to make Government even a bigger part of ordinary Americans' lives.

As I have outlined above, this budget has some problems. It spends too much, it taxes too much, and it borrows too much. I urge my colleagues to join me in support of fiscal responsibility by voting against this piece of legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Madam President, I rise today to express my extreme disappointment in the outcome of the conference report, specifically the blatant disregard of the will of a bipartisan majority of this Senate. Madam President, 67 Members—67 of us—spoke with one voice in opposition to allowing cap-and-trade legislation to be slipped into the law in a way that stifles amendments and debate.

Almost 70 of us spoke, again in a very bipartisan voice, to instruct the budget conferees to include our amendment in their report to ensure that the bright light of transparency shines on cap-and-trade legislation. Yet that very amendment, supported by 67 Senators, is nowhere to be found in the conference report. So the door has been reopened to pass sweeping cap-and-trade legislation with a simple majority.

The Budget Committee leadership did include report language about climate change, but it really has no meaning. The sentence in the conference report states:

> It is assumed that reconciliation will not be used for changes in legislation related to global climate change.

In reality, this statement is not worth the paper on which it is written. This assumption is made by people who don't have any control over the process. Frankly, the Budget Committee can assume whatever it wants, but the truth is that the majority leadership can roll them at any time.

And then what is our recourse? Well, there is none. This Budget Committee assumption has no teeth whatsoever. It is simply a nice platitude to try to lull us to sleep.

Certainly you can understand my skepticism. Sixty-seven Senators supported an amendment that had real enforcement teeth to shield the American people from being railroaded in the dead of night. It would have ensured open debate and the opportunity to offer amendments on the Senate floor. Yet when the conference agreement returned, the amendment had been stripped from the budget resolution to ensure it appears nowhere—nowhere in black and white.

So today we must be on our guard again. Some might suggest we relax because there are no reconciliation instructions entitled ''cap and trade.'' In fact, some will argue that because there are no instructions from the Senate for the Committee on Environment and Public Works at all, so there is no need to worry; case closed.

Don't fall for it. Remember, the House Energy and Commerce Committee has reconciliation instructions in the final resolution. So the House could easily use these instructions to enact cap and trade. They could generate over $1 trillion for nationalized health care or really for any other initiative. They could go to the conference, and then, presto, cap and trade emerges from the conference with not a single Senate amendment offered and only 10 hours of debate on the Senate floor.

Consider this: A hard-working American on the night shift could literally go to bed after a long night's work and wake up to find cap and trade is the law of the land. What a rude awakening that would be: his family facing a new $3,000 tax and his job in jeopardy of moving overseas where no carbon tax exists. And let's not be fooled. There will be tremendous pressure on the committee to follow this exact path.

Many will want to avoid such inconveniences as consultation with the American people. After all, these discussions would be very uncomfortable. Who would want the very unpleasant job of explaining to the American people that they are going to be taxed every time they turn on a light switch or start the washing machine or throw clothes into the dryer? I can see why some think it would be easier just to slip the legislation through with no transparency.

It is not just cap and trade that could become the law of the land without a robust debate. Budget reconciliation could be used to pass universal health care. Some describe this as an insurance policy. Insurance policy for what? Don't the American people, through their elected representatives, have a right to use Senate procedure to examine this very important change?

My point is this: Many have risen over the years to speak against reconciliation to pass complex legislation. Budget reconciliation is simply ill-suited to pass difficult, comprehensive legislation such as cap and trade or health care.

Well, what has happened is this: By mixing complex policy questions with budget reconciliation instructions and the Byrd rule, you get a witch's brew. The result is a bizarre set of rules. You could literally have a situation where a high bar would be set—a 60-vote requirement—to pass very noncontroversial, budget-neutral health care provisions, and yet—listen to this odd result—major overhaul provisions which cost hundreds of billions of dollars would need just a simple majority. We have reduced the Senate to not the deliberative body but a body where literally we get around the rules.

And that is where we will be. Some simple sections of the health care bill will require 60 votes, while the tax increases and the extravagant spending provisions within the same bill will require a simple majority. I challenge any Member to come to the floor and explain to me why that makes any sense. How unfortunate. It certainly is no way to legislate. It is not what I planned on when I came to the Senate. This situation will make a mockery of the work we do on this floor.

Allowing only 20 hours of debate on this extremely complex issue will result in very piecemeal policies with glaring weaknesses. Eventually, the American people will catch up with this and say: What were you thinking?

I am not interested in a band-aid solution. I am not interested in playing politics with such an important issue. It is a game changer. I am interested in

being thoughtful and careful about our approach to such important policy—legislation that will affect the lives of virtually every single American.

The budget rules were never intended to expand Government programs or to be the catalyst for major policy implementation. The American people deserve better than the course this budget resolution is charting.

I will also say that I don't believe I was elected to come here and assign blame. Let's just follow our rules, starting today, and bring transparency to these complex issues. Debate them, amend them, then cast our vote.

I urge all Americans to pay close attention because I think we are on a dangerous course. There is troubling potential for health care reform and climate legislation to constitute the largest tax increase ever witnessed in the history of this country. I ask the American people today, therefore, in view of where we seem to be headed, to be vigilant. They have to demand honesty. They must demand transparency. And demand that those in Washington remember the principles of democracy and remember why we were sent here—to have great debates, to follow our rules, to amend where we can, and then to cast our vote. Unfortunately, this budget resolution takes us on a different course.

Madam President, I yield the floor, and because I don't see anyone else queued up, 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. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, could you inform me when 10 minutes has expired?

The PRESIDING OFFICER. The Chair will do so.

Mr. GRAHAM. I thank the Chair.

I rise today to speak about the budget and the debate we are having in the Senate about the budget. Quite frankly, if you asked me to give a scenario that would best explain what a politician thinks about life and politics, I would say: Let them write a budget. When you give a political leader the opportunity to sit down and spend money coming from the taxpayer, it tells you a lot about their priorities, it tells you a lot about how they view the role of Government. And I am here to say that this budget is not good news for the American taxpayer.

Today marks the anniversary of the President's first 100 days, and I think the biggest accomplishment in the first 100 is a budget that is transformational in terms of how it transforms the country in a way that I don't think is healthy.

The one thing we have had going for us as Americans, from one generation to the next, is the hope and belief that the ones to follow—our kids and grandkids—would have a chance to do better; that we would do what is right and what is necessary on our watch so they would have a chance to do better. If this budget passes, you are going to have a hard time looking the next generation of Americans in the eye and saying: You are going to have a chance to do better than people alive here today.

What this budget does is it doubles the national debt. President Obama's proposal, a 10-year budget—I will give him credit for making it a 10-year window—triples the national debt. This budget creates more debt for America in the first 100 days of the Obama administration than every President since George Washington combined. We have spent, in the first 100 days, $12 billion a day. We are running up the deficit and the debt at an alarming rate, and we are growing the size of the Government in a way that future generations are going to have to pay for.

The question for the country, if this budget passes, is this: Are we creating a government that is sustainable by the next generation? Can the next generation, with this budget in place, have a chance of doing better than we have? I don't think so. I really don't. And I never thought I would hear myself say that.

As we look down the road, we see how the budget explodes the national debt and the deficit—67 percent of the debt held by the public as a percentage of GDP. That is what happens under the Obama budget in 2014. This is a 5-year budget, and we have ignored some of the things we know we are going to do to make the numbers look better because the President's budget was so large and so unnerving in terms of long-term indebtedness.

The worst that Bush did—and we did not do a good job on our watch as Republicans—was to have a $500 billion deficit.

The best this budget does, 10 years from now, is about $600 billion, and we sustain trillion-dollar deficits for several years. But the percentage of publicly held debt relative to GDP, gross domestic product, is going to be 67 percent down the road. That is Third World nation status.

The budget is a 5-year budget. The numbers look better, but we have not done anything to fix the doctor reimbursement problem, the last 2 years of the AMT fix are not included, and we are expanding the Make Work Pay tax credit. What we have done is mask the real cost of what we know is going to be there after 5 years.

The budget that was proposed by the President triples the national debt and increases taxes by $1 trillion on people who make over $250,000 a year. That may sound good because I don't make $250,00 a year. Maybe 2 or 3 years of my entire life I have. I am the first person in my family to go to college. My dad and mom owned a liquor store. We had a middle-class lifestyle at best, but we were happy. I never looked across the street at the person who owned the big business in town and had the nice house as my enemy. They are not.

In a recession and a global economy that is on its knees, if we start raising taxes on American business people, they are going to look to take their business somewhere else. To go from 35 percent to 39.5 percent on people who earn over $250,000 is in theory more money for the Government, but it is less money for the people who have taken a huge risk to create a business. The day we start punishing people and rewarding the Government for the risks they take is the day America gets off track.

Raising the capital gains rates, as this budget does, from 15 to 20 percent, will make it less likely that people will engage in entrepreneurial activity. But one thing John Kennedy understood is, low tax rates generate business activities that actually generate more money for the Government. So what we are doing is raising taxes, and we are playing class warfare.

The defense spending in President Obama's budget over a 10-year period went to 3 percent of gross domestic product. It is about 4.5 or 4.6 percent now. That would put us on the low end, in the Nation's history, for defense spending. So liberals raise taxes, and they cut defense at a time when I think we can't afford to do either.

The world, to me, in the next 10 years is not going to be safer unless we act. Iran and North Korea are pursuing nuclear programs that could jeopardize our lives as we know it. The one thing I can tell you about Iraq and Afghanistan, we made plenty of mistakes, but we have the best trained, best equipped military in the world, and that really does matter. We are going to win in Iraq if we continue the course we are on, and we are going to turn Afghanistan around, but it is going to take blood and treasure.

The one thing I am not looking for from an American perspective is a fair fight. When we go to war—and sometimes that is required to protect the national interest—we need to go to win, and we need to overwhelm the enemy. We need to have technology they do not. We need to have more troops than they do. We need to have equipment that can destroy their equipment without destroying our people. That requires investment. The whole world is reducing their defense budgets.

Our NATO allies spend less on defense combined than we do. Like it or not, we are the arsenal of democracy, and now is not the time to reduce the arsenal and to be cheap on defense and grow the domestic side of Government. We need butter and we need guns, but let me tell you right now we need a lot of guns in the world we are about to inherit in the next 10 years.

Finally, the increase in domestic spending puts the country on an

unsustainable path, and the next generation is going to have to pay for this big government. To pay for it we are going to have to raise their taxes. To make it all work we are cutting defense.

There is a better way. Let's keep taxes competitive and as low as possible, realizing we have a government to run. Let's spend wisely. Let's reform health care so the Government doesn't become the one group in the country that decides what doctor we can see and what the doctor makes and what kind of treatment we get.

This climate change issue is real, in my opinion. I think manmade emissions, CO_2 emissions, are heating up the planet. In the President's budget he was going to put a $646 billion cap-and-trade tax on industry and American consumers—$3,100 per family—at a time when we could ill afford it. That was taken out of the budget. That is good news. But what I am trying to say to my Democratic colleagues is, this is your Government now. You run this place. The problems in the past, the mistakes made by Republicans are real. You don't fix those mistakes by spending more money than we did. You don't fix the problems that America faces for the next generation by growing the Government at a pace and a level you can't pay for down the road unless you have to give up some of your hopes and dreams.

There is a role for Government. There is a role for us in health care. There is a role for us to play in the economy of our times: to help business and to be a safety net for those who have lost their jobs. But we are about to pass a budget that will increase the national debt, double what we have today. There will be a day in 2014 when we will spend more money paying the interest on the national debt than the entire Defense Department budget. That is not healthy for this country.

We have done nothing to reform Medicare or Social Security. We are talking about $1 trillion more in spending on health care when we spend more than any nation in the world.

We are going to pass this budget. It is my hope the American people will weigh in. The stimulus package was $787 billion of spending—a lot of growth in Government and very few jobs created. You need to speak out. You need to get involved. You need to tell us all, Republicans and Democrats: I expect you to collect taxes from me. I expect you to offer services to me and my family. But I do not expect you to make it so that my children and my grandchildren cannot have the life I have had. I expect you to do what I am doing, tighten your belt and set priorities.

This is your Government at the end of the day. It is fashionable and appropriate to criticize political leadership. But in a democracy, when you look in the mirror, that is ''we the people.'' So for America to change it is going to require Americans to demand it from both of us, Republicans and Democrats. I believe in you. Your Government is dysfunctional. It will be made better if you want it to be. There are people here listening. Speak out before it is too late.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I would like to pick up where my colleague from South Carolina left off and talk a little bit about the need to have a budget agreement that reflects the will of the American people, to have Republicans and Democrats both engaged, involved in that, not only in Washington in the Senate but Republicans and Democrats around the country. What we saw in this budget was a certain number of amendments that were accepted on the floor of the Senate, Republican amendments, all of which were stripped out in the conference committee with the House—which many of us predicted. But there were lots of good amendments that addressed key, core issues.

We had amendments that addressed the issue of climate change, which the door is left open to in this budget. We had amendments that addressed issues such as the deduction for charitable giving, which was an amendment I offered on the Senate floor. It was adopted by a vote of 94 to 3. That was struck in the conference.

We had amendments that were offered that were designed to protect those with incomes less than $250,000 a year from having tax increases in the budget. That was an Ensign amendment. That was stripped out. So any Republican input or involvement in this budget process was nullified by the work of the conference committee, the Democrats who led the conference between the House and the Senate. So we are left with a budget that has been sanitized of any of those protections against higher costs for energy, against higher taxes, and a whole range of other things—protection against losing the deduction that is available to people, the tax benefit available to people for charitable giving, that being stripped away and used to pay for other things.

The budget essentially now is a Democratic budget. My colleague from North Dakota was here earlier talking about how these problems were all inherited; that the spending all occurred on the past administration's watch and now they are just trying to clean up the mess.

I have to point out to my colleagues in the Senate and to the American people that there are certain givens I think we all would subscribe to, one being the fact that we did have a $5.8 trillion debt at the end of the last administration. Many of us have acknowledged that Republicans didn't do a good enough job when we were in charge of keeping Federal spending under control. But that does not negate the fact that in the next 5 years that $5.8 trillion debt is going to double. In 10 years it is going to triple. In fact, if we go back in the annals of American history, go back starting at the time of the Revolutionary War through the last Presidency, that of President George Bush, from George Washington to George Bush, the accumulated debt over that entire time period will be equaled by the public debt that America will pile up in the next 5 years. It will be tripled in the next 10 years. That is a staggering number.

When you start looking at doubling of the public debt in a 5-year timeframe, tripling in 10 years, when at the end of the 10 years we have $7 trillion in debt or 82 percent of our gross domestic product that is composed of publicly held debt, we have not seen that kind of number since the end of World War II, since 1948.

I would daresay, with all due respect to my colleague from North Dakota who made the point that these are all problems that were passed on by the previous administration, that it was not the Bush administration that put on the table and passed a trillion-dollar stimulus bill. I think it is fair to ask the question, is this trillion dollars in stimulus spending going to be carried on and extended and considered part of the baseline so it will create obligations and liabilities for our Government in the future?

We talked about $1 trillion on the floor of the Senate that actually, according to the CBO, when asked the question, if the spending in this bill is extended and not terminated, how much would it cost, the answer was $3 trillion—with interest, over $3 trillion. That was not a Bush administration policy, nor is the fact that the Omnibus appropriations bill that was passed earlier this year, which had an 8.3-percent increase in spending in it, which was more than double the rate of inflation in this country, nor does this more recently passed budget—is the Bush administration responsible for that? This is the budget that was put forward by the new administration, that was passed in the Senate without a Republican vote. It went to conference where any amendments that were adopted on the floor of the Senate that had been offered by Republicans were subsequently stripped out.

This budget is a statement of priorities and reflects the spending choices that are made by the new administration and by this Congress. So we cannot blame the past administration for the trillion-dollar stimulus which, if those programs are extended in the future, end up being not $1 trillion but $3 trillion. We cannot blame the past administration for the more than double rate of inflation increase in spending in the annual appropriations bills we passed earlier this year, and we cannot blame the past administration for a budget, a $3.6 trillion budget, that increases nondefense discretionary spending by 8.9 percent this year and piles mountains of debt on future generations.

If we look at the deficits—just the 5-year, which we are limited to—earlier, I used some 10-year numbers. But the 5-year numbers on the deficits we are going to accumulate—2009, the current fiscal year, almost $1.7 trillion; 2010, $1.2 trillion; 2013, $916 billion.

Incidentally, this year, 2009, as a percentage of GDP, that deficit is 12 percent—12 percent of our GDP. The benchmark for getting into the European Union is you cannot have a deficit, as a percentage of GDP, that exceeds 3 percent. Some of our European brothers, I assume, with the bad economy, are in excess of that now too, but the point is we are going to have a 12-percent deficit to GDP ratio which is four times the benchmark for entering the European Union.

The debt as a percentage of our GDP, the debt held by the public, starts at 55 percent this year, goes to 61 next year, 64 the year after, 66 the year after that, 67 the year after that—in 2014, 67 percent of public debt as a percentage of GDP, and if you extend it out for 10 years, which we saw in the original budget blueprint, we are talking about a debt that is 82 percent of our gross domestic product. That is not something for which the past administration is responsible. These are decisions that have been made by the present administration and this Congress when it comes to spending the American taxpayers' dollars.

So you have a stimulus bill which is a trillion dollars, and then again, as I said earlier, if those programs are extended in the future, it ends up being in excess of $3 trillion; you have an Omnibus appropriations bill that passed earlier this year that increased at more than twice the rate of inflation and a budget which increases nondefense discretionary spending in front of us today by 8.9 percent and adds, over the next 5 years, about $5 trillion, $5.5 trillion to the Federal debt. Those are decisions that are being made real-time.

A lot of my colleagues on the other side have a sort of Bush administration phobia. They want to talk about everything that has happened before. Well, there comes a point at which you own these decisions. Decisions have consequences, and there are consequences of the decisions that are being made here.

A lot of people believe that if we continue this rate of spending and taxing and borrowing, in the future, if we continue to pile up the interest on the debt—again, incidentally, at the end of the 10th year, we will spend more on interest on the debt than we actually spend on national defense, about $4 trillion over the course of the next 10 years in interest on the debt, or $52,000 for every household in America. That is just the interest on the debt.

A lot of people think the level of borrowing is going to lead inevitably to higher inflation down the road and therefore higher interest rates and all kinds of other bad economic outcomes that will put this Nation's economy in peril and make it more difficult for us to recover.

So if we are going to have a debate here in the Senate about this budget resolution and the conference report that came out, it should be about what is in front of us, not what has happened in the 8 years previous, because this budget is a budget that was presented and submitted by this administration, adopted by this Congress, adopted here in the Senate without a single Republican vote, then went into conference with the House of Representatives where any Republican amendments which were agreed to on the floor of the Senate, many of which got big votes: Well, just let them go ahead, vote for this stuff. We do not want to put out bad votes against these good amendments; we will strip them in the conference with the House. So those amendments, all of them, were stripped out. So we now have in front of us a budget that includes or makes possible the prospect of a climate change or the carbon tax proposal being done through reconciliation.

The Senator from North Dakota put out a statement that says: Assume that reconciliation will not be used for changes in legislation related to global climate change. Well, that is really nice, but it is a statement. The amendment that was offered by the Senator from Nebraska, Mr. JOHANNS, which was adopted here on the floor of the Senate, which got 67 votes, was binding, basically said that reconciliation would not be used for climate change legislation. It got an overwhelming vote here in the Senate. A lot of Democrats voted for it. It got stripped in the conference committee, which opens the door to a cap-and-tax proposal that, by some estimates, could cost the average family in this country over $3,000 a year in higher electricity costs. That is not a previous administration issue. This is a real-time budget. This is a real-time issue. These are decisions that are being made by the current administration and the current Congress, make no mistake about it.

The final point I wish to make is that in the context of this—and they have been coming down and saying: There is really no tax increase in this. Well, there is. Taxes are going to go up on a lot of people. Well, they may say it is high-income people, but there are a lot of small businesses that are going to be captured under that net. This is not just going to hit the high-income people because a lot of small businesses that are organized as LLCs or subchapter S's or in some way that allows the income they derive from their small business to flow through to their individual tax return are going to pay higher income tax rates. Instead of paying at 33 and 35 percent, they are going to pay at 40 and 42 percent. Taxes are going to go up on capital gains. Taxes are going to go up on dividends. There are tax increases in there, there is no question about that, and the American people are going to find that out very soon.

The other thing that did not happen in this budget, in this whole sort of pursuit of new Government spending—and there are reconciliation instructions in here for health care reform which can be very costly to the economy and which there is no way of paying for in the budget. It is just assumed at that point that they will come up with the revenue source for that. But you have a health care reconciliation instruction, a climate tax reconciliation instruction, all of which could cost the economy enormous amounts of money, and yet nothing was done in the budget to deal with the fundamental issue that is driving these deficits and this debt for years and years into the future, and that is entitlement programs: Social Security, Medicare, Medicaid. All of these programs on the mandatory side of the budget that continue to drive Government spending, to drive deficits and drive debts well into the future, there is nothing that is done to reduce the overall cost of these mandatory spending programs, these entitlement programs, or to reform them.

The President said we need to reform these and look at all of these entitlement programs. Well, this budget does nothing of the sort. All it does is increase spending, increase taxes, and add mountains and mountains to the public debt—a debt that we hand off to future generations.

So I hope my colleagues will reject and vote down this conference report. It would have been better, it would have been a much improved product had some of the amendments my colleagues on the Republican side had adopted when it was debated here in the Senate been retained in the conference committee. But they weren't. They have been struck, all of them struck, many of which passed by large margins. As I said, I had a couple of amendments on the floor, one with 89 votes and another was 94 votes. You would think, when the Senate makes that kind of statement in support of a particular amendment or policy, you might want to think about retaining that in the conference. Those were struck. The amendment by my colleague from Nebraska, Senator JOHANNS, which got 67 votes, which directed the conferees not to use reconciliation for climate change legislation, was struck from the conference report.

That is unfortunate. This could have been a better budget. It wouldn't have been a good budget because it still spends too much, taxes too much, and borrows too much, but it certainly would have been improved had some of those amendments been retained.

So I urge my colleagues to vote against this, and I hope, now that this budget is going to pass here and we start doing appropriations bills, that this Congress will get serious about controlling Federal spending, about

doing the serious work that is necessary to get our fiscal house in order. We cannot afford to continue to pass on these mountains and mountains of debt to future generations. It is not fair to them, and it is not fair to the American taxpayer. It is high time we started focusing on this issue and did something about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Madam President.

Let me start by commending Chairman CONRAD for his leadership of our Budget Committee and especially for the hundreds of hours he and his staff have dedicated to getting this budget done and accommodating both the priorities and concerns of so many of us in this body. Putting together a budget is never an easy process, but I believe our chairman has achieved a very good balance that will set us on a course both to reduce our deficits and invest in the areas we know will make us stronger in the future: energy, health care, and education. A budget is a statement of priorities, and ours are very clearly in this budget. We put the middle class first, and we get our country back on track by investing in our future.

There is no doubt that we have inherited great challenges at this time. We now face the worst economic crisis in generations. Since December 2007, we have lost 5.1 million jobs, including 3.3 million of those in just the past 5 months. So before we consider where we are going, I believe it is important today to talk a little bit about where we have been.

Our colleagues on the other side of the aisle have been bemoaning deficits and debt with not a moment of consideration for their own record on this issue. Back in 2001, Republicans controlled the full power of our entire Government. Under the leadership of President Bush and Republicans in Congress, record surpluses that were created under President Clinton became record deficits. Those Republican deficits grew and grew, and now today they add up to trillions of dollars in new debt that is going to be shouldered by future generations of Americans.

So it was with this perspective, which I hope our Republican friends will start to acknowledge and own up to, that we know at this point in time we have two choices: Choice 1 is to continue down the Republican deficit path—no investments in the future, a widening gap between the rich and the middle class, and more massive deficits. Choice 2 is represented by the budget we present today. It improves the economy by investing in energy and education and health care reform so that we are stronger in the future, cutting taxes to the middle class, and addressing deficits so that our children do not continue to bear the burden of bad decisions well into the future.

After 8 years of the Bush administration's very shortsighted budget and misplaced priorities, we are now working with President Obama to invest in our Nation's needs and chart a new course for America. We have chosen a new path with this budget. The American people deserve an economic plan that works for everyone in this country. Our budget makes responsible choices that will help get our economy moving again. I want to talk about a few of them. Let me start with education.

We all know that education and training are the keys to our future strengths. In this new global economy, a good education is no longer just a pathway to opportunity, it is a requirement for success. We will not rebuild our economy and be competitive long term unless we can both create jobs and ensure that our American workers have the education and skills needed to fill those jobs.

This budget before us invests strongly in education and in training. We also place a priority on making sure American students do not fall behind as they make their way into the global marketplace. Our budget helps to retrain American workers for careers in those new high-growth and emergent green industries, such as health care or renewable energy and energy-efficient construction, so that those workers stay in the middle class.

This budget makes strong investments in early childhood education and home visiting programs to make sure that our young students are healthy and that they are ready for school. It also, importantly, invests in making sure college is affordable and accessible for more of our students. We want all of our students to achieve a postsecondary credential, whether it is through a registered apprenticeship, through a community college, or through a university. This budget helps point us in that direction.

As a nation, we have to change the way we think about preparing our young people for careers, starting with making sure education works better.

This current economic crisis has cost us dearly. Every weekend I go home to my home State of Washington, and I hear about another business that has closed or another family who cannot pay the bills. But we know that if we make changes and we make smart investments, we can move our country forward. Investing in education and investing in training is one of those smart investments.

That brings me to our next investment. As we are all aware today, energy issues are some of the most pressing facing our Nation today. Our dependence on foreign oil has left us beholden to other nations, as middle-class families pay the price at the pump. By making renewable energy a priority, we can reduce our dependence on foreign sources of energy in the future and help create green jobs here at home and leave a cleaner environment for future generations. This budget does that.

On an issue that everyone knows is near and dear to my heart, I commend both the committee and President Obama for making veterans a priority in this budget process. Our men and women in uniform and their families have served and sacrificed for our Nation. After years of underfunded budgets and being overshadowed by other priorities, this budget finally does right by them. I commend my Budget chairman and our President and all of us for making sure that happens in this budget.

This budget is honest with the American people about the cost of war, not just by paying for our veterans care but by paying for the wars in Iraq and Afghanistan on budget for the first time since they started over 6 years ago.

I also note that this budget meets our commitment to nuclear waste cleanup in my State and across the country. Workers at Hanford nuclear reservation and people of that community sacrificed to help our Nation win World War II. Hanford and other sites are now still home to millions of gallons of waste, and our Government needs to live up to our promise to clean them up. This budget does that.

As is the case in many States across America, farming and ranching and agricultural production is my home State's largest industry. Protecting our agricultural sector is critical to the economy, the environment, and to our quality of life. We have to make sure our rural communities are strong. We worked to make sure we have a bright future for our farm families. Production agriculture, such as Washington State's wheat farming, is a very volatile business. A workable safety net such as in the farm bill is vital to the security of our family farms. I have also long supported the Market Access Program which provides funds for our producers to promote their products overseas and expand into those important international markets. Especially in these difficult economic times, when our foreign competitors are trying to limit our market access with tariffs, the last thing we should be doing is cutting programs such as MAP that will help growers in a competitive marketplace.

I want my colleagues to know I will continue to work with everyone to make sure we find ways to support one of the staples of our economy, our agricultural community.

We all know our health care system is broken. It needs real reform. Today we have an historic opportunity to finally tackle this challenge. These investments are not luxuries. They are essential to this country's future strength. That is why we have to prioritize the health professions workforce and access to quality care in rural areas. We have to work to ensure that preventive measures are given priority so American families are not left with giant bills for expensive care down the road.

Some critics of this budget are saying now is not the time to tackle health care reform. I believe that is pretty shortsighted reasoning. There is a direct connection between our Nation's long-term prosperity and developing health care policies that stem the chronic bleeding in business and in State and national budgets. A recent editorial in the Everett Herald newspaper in my home State made this point very well. They said:

> Yes, the economy is the most urgent challenge. But our broken health care system and addiction to oil threaten to become our long-term undoing.
>
> They're all intertwined: Failing to find solutions to our long-term problems will likely stunt future economic expansions, creating longer and deeper downturns.

Health care is an important priority in this budget before us.

There has been a lot of talk over the past few weeks about the inclusion of reconciliation in this budget. Some following this debate are probably very surprised that our Republican colleagues, who were so adamant about using this procedural motion when it came to passing huge tax cuts for a very few while paying for it on the backs of many, would now be arguing against its inclusion in this budget. As I said earlier, there is a direct connection between America's long-term prosperity and improving our health care system. Today nearly 46 million Americans do not have health insurance. One in five working adults does not have good coverage today. There was a survey by the Kaiser Family Foundation this month that found 6 in 10 American families put off care because of cost, and 42 percent of those people said they relied on home remedies instead of going to see a doctor.

Of course, just this week the covers of newspapers across the country are filled with photos of people wearing surgical masks. TV screens are filled with commentators talking about the possibility of a new strain of flu crippling the country and our economy. I can't think of a better time to be talking about the need to insure all Americans, to focus on prevention, and to make absolutely certain that when there is the possibility of a public health crisis, no one puts off medical care because they don't have the means to pay for it. But in order to do all that, we have to work together.

Democrats would strongly prefer to address health care in a bipartisan manner and by going through the regular legislative process. It is our full intent to do just that. Democrats believe all Americans deserve high quality health care that reduces our costs, makes care more affordable, and creates jobs in the health care sector. We believe in protecting existing coverage when it is good, improving it when it is not, and guaranteeing health care for the millions of Americans who have none. We know the only way for our economy to fully recover is by making this critical investment in health care today. We are committed to working with Republicans to do that. But they have to demonstrate a sincere interest in legislating, because the stakes are too high and the cost of inaction is too great for us not to move forward. As long as Republicans want to be at the table, they have a seat. We welcome them. This is simply too important an issue not to have their voices. But it is also too important an issue to stall using partisan tactics. We have to address this crisis. We intend to move forward this year.

I urge all colleagues to stop debating the process and, instead, join the conversation about how we move forward on this issue that is so critical to America's families today and to our Nation's future economic strength.

America has paid dearly for the Bush administration's failure to invest in our Nation. We all know that. We don't have to tell the American people. They wake up to it every day: rising health care costs, pink slips, crumbling infrastructure, bills and mortgages they can't afford to pay. We tried it the other way for 8 years. It is time to invest in America again. It is time to give the middle class a break. It is time for honesty, and it is time to make bold decisions. This budget invests in our future and begins to get us back on track.

I thank our chairman who is now in the Chamber and tell him I appreciate the tremendous work he and his staff and so many people did to make sure we now have a budget before us that begins to get America back on track.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I want to especially thank Senator MURRAY. She is next in line on the Budget Committee. When I really want to threaten her, I tell her I am going to leave as chairman of the committee and she can take over.

Mrs. MURRAY. Every day I pray for the health and welfare of the chairman of our committee.

Mr. CONRAD. We could not have a stronger or better ally than the Senator from Washington. Senator MURRAY is exceptional. I have so enjoyed getting to know her over the years and working with her. When there is something you need to get done, you need an assignment that can actually get done, you want Senator MURRAY on the case. She is somebody who is a performer. She gets results. I have such respect for her and the contribution she makes to this committee and to this Chamber. We are fortunate to have Senator MURRAY in the Senate.

I tell my colleagues, they have seen her in vote-arama go around this floor, convincing colleagues that perhaps this is not the time to offer an amendment, perhaps they could wait. They have seen how effective she can be in personal interactions to get results. It goes way beyond the procedural. It goes to the question of policy and getting a good result for the country. I am so blessed to have Senator MURRAY as the top Democrat on the committee. I thank her personally for everything she has done as a conferee to bring us to this point, to have a successful resolution and a budget that is responsible, that does help get America back on track.

I have heard from the other side: We have tax increases here. Let's get to the facts. The fact is, on balance, we have a very substantial tax cut in this budget proposal aimed at the middle class. They are the ones who deserve and need it. We have also heard that this leaves open the possibility of global climate change being used in reconciliation. Nonsense. There is an absolute commitment from everyone who is a party to this discussion. It is in the wording of the resolution that climate change will not come to this body or to the other body through reconciliation. It is not going to happen. It has the absolute commitment of the majority leader, of the Speaker, and of the President himself. He has said it to me directly. So let's not be chasing straw dogs here. Climate change is not going to be done through reconciliation, period.

Again, I thank Senator MURRAY for her constructive work on this budget.

Mrs. MURRAY. Mr. President, if I may respond to the chairman of our committee, I appreciate his thanks and praise. But our colleagues should know, no one has spent more time and energy, not just for a few months but for a very long time, to make sure we have a responsible budget we can all be proud of to vote on today. I again thank him and his staff for their tremendous leadership, in calls late at night, when I am out on the west coast, and I know it is even later for him. I appreciate the tremendous amount of work he does, both policywise and making sure we keep the right fiscal balance. There is no one who is stronger in our caucus talking about how important it is to make sure we look at not just what we do today in terms of this budget but how we to do it in the future. Keeping that balance between spending and deficit is at the forefront of his mind. We would not be here today without him. I thank him.

Mr. CONRAD. I thank the Senator for her kindness. Next we have Senator HUTCHISON. How much time would the Senator require?

Mrs. HUTCHISON. May I have 15 minutes?

Mr. CONRAD. You certainly may.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the committee. I want to say about the chairman that I do believe he made very credible changes in the original budget proposal by saying he would not sign on to many of the even bigger spending items that went over the 10-

year period. This budget has some redeeming value, and I appreciate his leadership. Because it is very difficult when you have the President of your party and Congress also with leaders from your party trying to say: You have to do this. It is hard sometimes to reconcile all of that. I appreciate that effort.

I am speaking against the budget resolution today because the overwhelming parts of the budget that are unacceptable outweigh the few good things that were done. Reconciliation was the subject of conversation. Reconciliation, of course, is the procedure that is used to completely wipe out the minority's opportunities for input. Maybe we will have input, but no Republican amendments will pass. On reconciliation, you do not have the ability to filibuster at all. While reconciliation is not completely allowed on the climate change bill, the report says:

> It is assumed that reconciliation will not be used for changes in legislation related to global climate change.

I am going to take the chairman at his word saying that global climate change will not be subject to reconciliation because it is very important we have amendments. One of the amendments I had on this budget resolution, which was taken out by the conference, relates to the energy portion of the bill. So not having reconciliation and taking away the ability to filibuster in the climate change bills that will come later is a positive.

However, reconciliation is in the health care part of this budget, which means health care reform and the single-payer system that has been proposed by the President and the leaders in Congress is in reconciliation, which means there will be no opportunity to filibuster or possibly have input—certainly no leverage by the minority. That is in the health care section of the resolution, which may be the most important one that affects people's lives.

We know our system of health care in America is the best in the world. There may be a few other countries that have equal access to private choices and doctor choices and the ability to choose what hospital and the type of care you are going to get and the kind of insurance coverage you get. But I think it is best in America. I know the countries that have gone to the single-payer system—which takes the private sector largely out of health care, takes the choice out of health care—end up with a system that allows people to die while they are waiting to have the procedures they need that they would have in the United States of America within a week.

So we have that in this budget in reconciliation, which means it is a 51-vote bill. That in itself is enough for us to vote against this budget. But there are other reasons as well.

We know our Nation is in the middle of an economic crisis the likes of which none of us have ever seen. Yet we are looking at a $3.5 trillion budget resolution that says basically to the American people: We know you are struggling. We know you are trying to make ends meet. We know you cannot get loans from the bank. We know your small businesses are struggling to stay open. But not the American Government. The American Government is growing. It is getting bigger. It is going to be a burden that is going to be beyond what we will be able to bring back or contract if we can get through this economic crisis.

So while the American people are proving their resilience in the face of hardship, we are seeing the American Government grow as if we had all the money in the world to spend, which we do not. We are now looking at an unprecedented growth in Government in this country with a $3.5 trillion budget, on top of a $1 trillion stimulus bill, on top of a $410 billion Omnibus appropriations bill—all of which have been passed in the last 100 days.

The American people know this increase in Government spending is not free and it is not sustainable. The American people will be forced to pay for it. It is a short-term gain for a very long-term cost. It will double the public debt in 5 years. In 10 years, this budget will triple the American debt.

The distinguished chairman, Senator CONRAD, would not allow this budget to go forward for 10 years because he saw that debt and he had the integrity to say no. So it is 5 years. Hopefully, when this budget resolution is adopted—because it is going to despite our objections—hopefully, in the next 2 years, if we can see the economy coming back, the people with integrity in the majority will say it is time to start reversing some of the debt that has been created, get these deficits down, and give our country a chance to recover for the long term and not hand our children this debt. Because if we go on with this budget as it is today, which will presumably be adopted by Congress today—because the House has already adopted it—it will create more debt than every President from George Washington to George W. Bush combined—more debt than all the Presidents of our country combined.

In 10 years, this budget will spend nearly four times more on interest payments than on education, energy, and transportation combined. That is staggering. I would urge my colleagues to think twice before they vote for this resolution because reversing it will be very difficult.

There are some good parts of this budget. One is I want to commend the majority leader, HARRY REID, because he did take the lead in making permanent the State and local sales tax deduction. It is something I have worked on with him and with others in this body, who represent the eight States that do not have a personal income tax, just to get equity. Senator CANTWELL, Senator MURRAY, myself, and the Senators from Tennessee have all worked tirelessly, along with Senator REID and Senator ENSIGN, to rectify the inequity that has plagued the eight States that do not have the State income tax. But they do have sales taxes.

What the majority leader has led the fight to do is to allow those eight States, on a permanent basis, to deduct our sales taxes on our Federal income taxes, just like all the other 42 States in our country are able to deduct their State income taxes on their Federal income taxes.

This all started in 1986, when the sales tax deduction was eliminated, but the income tax deduction was kept. Since 1986, until 2004, we had that inequity. But we corrected it in 2004 with the efforts of many of us. Thank goodness we have had extensions. Now we will make it permanent. That is a fundamental issue of fairness, and I commend Senator REID for his leadership.

However, my amendment to permanently eliminate the marriage penalty, which was adopted by the Senate, was taken out in conference. I think it is the most egregious antifamily tax we have in this country today.

We, in the plan that is before us, did not make that tax relief permanent. We have had it since the tax cuts of 2001 and 2003. I hoped to make it permanent. But we were not able to do that. What is going to happen after 2010 is the marriage penalty is going to come back in full force for those who make over $200,000—many of which are subchapter S corporations. They are the small businesses that create jobs.

We have a common goal: President Obama and the Democrats in Congress and the Republicans in Congress all want to create jobs. The problem is, the policies that are put forward in President Obama's budget and in the one that is getting ready to be adopted will hit, with tax increases, the people who will create jobs, by increasing their tax brackets, by increasing the marriage penalty on them. We should follow our goals with policies that will achieve them. But instead, unfortunately, we are going in the opposite direction.

Here is another example: the Outer Continental Shelf. President Obama said in the campaign, and he has said since: We have a goal of energy independence for America. Sixty percent of our energy needs are imported from foreign countries—countries that do not want us to succeed, countries such as Venezuela, countries in the Middle East. We are importing our energy needs from countries that would like to shut us down.

We have a goal. It is a common goal, once again—Democrats and Republicans—energy independence for America. But we are taxing the only energy source in this country that actually produces enough energy to make us independent.

Drilling on the Outer Continental Shelf would open exploration and give every State that allows that exploration a part of the royalties. We would

encourage environmentally safe drilling off our shores, using our natural resources for our common goal of energy independence for our country.

But, no, the amendment the Senate adopted was taken out of the conference report that would have encouraged the expansion of oil and gas production in the Outer Continental Shelf. It has been shown by the drilling in the Gulf of Mexico, which is today our largest source of oil off our own shores—because we know how to drill in an environmentally safely way, just like we could do in ANWR, where the people of Alaska want to be able to drill in a very small frozen tundra in Alaska, where we would have an even bigger resource than the Gulf of Mexico, and yet that, too, has been shut out.

We have a unique position in the world; that is, we are the only country in the world with abundant natural resources that could reduce our energy dependence in an environmentally safe way. Yet we refuse to use those natural resources. Other countries in the world fight for natural resources that we have in abundance but are unable to use because we have shut those down.

Every one of us in this body believes that wind energy is great, that solar energy is great, that we need to do more research in technology, so that solar and wind energy will be more available on a 24-hour, everyday basis. We want more technology to learn how batteries can increase their capacity so we can have electric cars that could run for a long time. We want those things but not at the expense of environmentally safely using the resources we have—such as nuclear energy, for instance, which is the cheapest source of electricity in this country. There are no carbon emissions from nuclear energy. We have not built a new nuclear powerplant in this country in over 30 years. We must encourage these energy sources that would make us energy independent in an environmentally safe way.

There are so many parts of this budget that are wrong, and I hope that we will say no to it—if only for the reason of having reconciliation in health care and adding an unprecedented amount of money to our debt, giving us deficits that are unable to be stopped as far as the eye can see. Go back to the drawing board and bring us a budget that tells the American people: We get it. We know a big increase in Government is not in a family's best interest, a family that is struggling to make ends meet and stay in their home and either keep their job or produce jobs for others. This budget will not do that. I hope the majority will listen to what we are saying: Defeat this budget and then, in a bipartisan way, we can come up with a plan that will be good for America and that will give Americans confidence that they are going to have an economy once again that will create jobs and good incomes for their families.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, I will talk, as my colleague has, about the Federal budget, the budget resolution that has been prepared for our consideration as a result of the conference that has occurred between the House and Senate. I express my thanks particularly to the chairman of the committee, Senator CONRAD, for the work he and his staff and other members of the committee have done, Democrat and Republican, including Senator GREGG.

I wish to respond a bit to what my colleague from Texas said. This administration didn't inherit a day at the beach. They have inherited a tough situation. We as a country have been around sort of officially since 1787, and if you go from 1787 to 2001, I think that is about 214 years. We ran up in that period of time roughly $5 trillion worth of debt. We essentially doubled that over the last 8 years. We doubled it in only 8 years. We ran up as much new debt in the last 8 years as we did in 214 years as a nation. I didn't hear nearly the kind of bemoaning and railing about the growth in the deficit and the national debt during those 8 years as we hear today from our friends on the other side of the aisle.

I think my colleagues know I am not a real partisan guy, but I think it is important to say this is the hand we have been dealt. The question is what do we do about it. We have a couple of wars we are fighting. We have an economy that is the worst since the Great Depression and we have to do something about it. One of the first things we have decided to do about it is to try to jolt the economy back to life. I remember those old Frankenstein movies where Dr. Frankenstein is in the lab trying to put the electrodes to the monster and jolt that monster back to life. We are trying to jolt not a monster back to life but an economy back to life. Economists on all sides—liberal, conservative, and everything in between—have said, you have to spend a lot of money and hopefully it will be used to produce jobs and add to the value that will be for a good purpose in our country.

That is what we have done with the stimulus package. As we go through this year, and probably the next year or so, the deficit is going to be a whole lot bigger than I am comfortable with. I was elected to the House and served there for 10 years before I became Governor. I was a deficit hawk and in my heart I still am. I wish to talk about some things we can do, ought to do, and in some cases are doing, to bring the deficit down further.

I am encouraged when I hear our new President say the deficit is large this year, but over the next 4 years we will reduce the deficit in half. I think that is fine. The important thing is we don't just stop there, and if we have the same administration or a new one, it is important that we continue to make progress and drive the deficit back to zero. I am one of those people who thinks it is appropriate to spend when we are in a time of economic calamity, when we are in a time of war, and as it turns out right now we are in both. Hopefully, 4 years from now—hopefully sooner than that—we won't be in both and we can turn back our spending. When the economy is sound, when we are not in a national disaster, in war in places around the world, I think it is appropriate to balance our budget. In fact, one of the things I was proudest of as Governor is we not only balanced our budget for 7 years in a row, we reduced taxes and paid down our debt a little bit, and that made me proud, and the legislature too. Hopefully, we will be in a position in the years to come, as we were in 1999 and 2000, when we paid down the debt.

I have suggested to the administration some things we can do, and I have talked about them here on the floor, to reduce the deficit. I wish to talk about one of them and mention one of the others as well. In order to better match revenues and expenditures going forward, we obviously cannot avoid the question of taxes. As far as I am concerned, before we start raising a lot of taxes, the first thing—maybe the better thing—for us to do is to collect the taxes that are owed. Every year we hear about the tax gap. The last one was actually officially done, I think, about 8 or 9 years ago by the IRS and they figured that at the time we had a tax gap—monies owed to the Treasury, not being collected by the Treasury—of about $300 billion a year. By most estimates I hear today, it is almost $400 billion a year. If we can only recover half of it or a third of it, we are talking about real money that would make a real dent in our deficit.

We make a lot of improper payments in this Government of ours. I chair a subcommittee that has jurisdiction over that sort of thing. We know our improper payments that we made into the Federal Government last year were right around $72 billion, mostly overpayments, some underpayments. We need to do a better job. At least we know now for the most part where the improper payments are going, or at least the departments that are making them, but we are not doing a very good job of actually going back, after we have made an overpayment, especially, and recovering the money, recapturing that money. We call it postaudit cost recoveries. We are just beginning to scratch the surface in one of our big entitlement programs, Medicare. Starting about 3 years ago we hired some private firms and said, For monies we have overpaid to providers or medical suppliers, corporate suppliers, let's go back and get the money we have overpaid. We said we were going to do it in three States—California, Texas, and Florida. The first year of this effort we recovered almost nothing. The second year we recovered a little bit. Last year we recovered about

$700 million. That is real money. The idea is not to just do it in 3 States but to do it in all 50 States, and I am encouraged that we are going to do that. If we can recover that kind of money for overpayments in Medicare, my guess is we could recover some money in Medicaid. If we have two of our three big entitlement programs that are sucking up a lot of money, one of the first issues we should face there is reducing the overpayments and going after the money and recovering that money we have overspent or, in some cases, misspent.

The third area we need to focus on is the area of major weapons systems. We have spent a lot of money. Going back to I think it was 2000, we were overspending on major weapons systems cost overruns by about $50 billion in 2000. In 2005 we were up to $200 billion. Last year we were close to $300 billion in major weapons systems cost overruns. Clearly that is an area where we can do better and have to do better. Secretary Gates has come forth with a number of proposals and reforms that deserve our support, and I hope they will enjoy our support as we go forward, to try to better align our weapons systems with buying for the kinds of wars we are likely to fight. We could do a much better job in terms of controlling our costs for those weapons systems as well.

The Federal Government owns a lot of property, not just land, not just military bases, not just buildings, but all of the above, and in some cases we don't use them. We pay security for those properties, we may pay utilities for those properties, but we don't use them. We don't do a very good job of disposing of properties that are not being used. We need to dispose of those properties. Those are only a couple of things we can do and ought to be doing. I hope in the years to come we will do more of each of those.

One other thing I would mention is most Governors have what we call line item veto power—the ability to go and line out a single line item in a budget. They have it by virtue of the Constitution so they can veto bills, they can go through the lines of their bills and veto lines and different pieces of a spending package that they have signed into law. We have something like that in the Federal Government. It is called rescission power. The President can sign an appropriations bill into law, submit that to the Congress, and the Congress can vote it up or down. But if we don't do anything, then it kind of goes away. The President sends rescission messages to us from time to time and we don't do anything, and the rescission of the proposal sort of goes away.

If we go back to 1995, 1996, there was a proposal in the Clinton administration that changed that. The idea was to make the President's rescission powers look more like line item veto powers. I thought it was a flawed effort. I think line item veto powers are oversold in terms of their value of reducing the deficit, but there is some virtue there. They are a good tool to have in the toolbox. But in 1995, 1996, what they came up with, it passed here in the House and Senate and it was signed into law. The President proposes a rescission, the Congress has to vote on it, and unless they vote it down with a two-thirds vote in the House and in the Senate, that proposed rescission is going to become law. Think about that. We are not talking about a bill. We are saying a line or a couple of lines in a bill, the President could propose to rescind those and his recommendations on rescinding spending in an appropriations bill or a tax bill or an entitlement bill, or all of the above, would actually become law unless two-thirds of the House and the Senate said no, we are going to override that. That is a huge shift of power from the legislative branch to the executive branch. I didn't think it was a good idea then. The Supreme Court didn't think it was a good idea either. If not the Supreme Court, one of the top circuit courts of appeal said they didn't think it was a good idea. They threw it out for being unconstitutional.

Having said that, I think the idea of at least compelling us to give a Presidential rescission a day in court, a day on the floor, is a good idea. What a number of us, 21 of us have done, is we have cosponsored legislation that we introduced this week, Democrats and Republicans. The idea behind the legislation is when the President signs a spending bill—not a tax bill, not a revenue bill, not an entitlement measure, but when he or she signs an appropriations bill into law, he or she would have the right to send us a rescission message to propose to reduce or rescind spending in that spending bill. We would constrain how much the President could rescind. He couldn't rescind more than 25 percent. If they are unauthorized, there is no limit. The long and short of it is, though, the President would send a rescission message and we would have to vote on it. We could vote it down with a simple majority; in the Senate, 51 votes, or in the House with 218—not a two-thirds override, not both Houses, just a simple majority in either the House or the Senate. We limit the time for this to occur. In fact, we limit the amount of years that this could be law to 4 years—4 years. I call it a 4-year test drive with enhanced rescission powers for a President. If the President abuses it, if the President should say to the Presiding Officer from New Mexico: Unless you vote for my top priorities, I am going to go after your top priorities, to try to intimidate a Member of the Senate or House—that could happen. As a result, we provide for this 4-year sunset. After that, the law goes away. If Presidents, current or future, continue to abuse this, they will not continue to enjoy this particular balance.

Do I think this will balance the budget? No, I don't. Do I think it might be of some help? Yes, I do.

I will close with a comment on earmarks. Some people think earmarks are the devil's work. The earmarks that we submit in my State—Senator KAUFMAN and myself, Governor Castle before he became Governor—were earmarks that we are proud of. We have three budgets in Delaware State government, and one of the major budgets is the operating budget which basically runs the State. The second is the capital budget—bricks and mortar, schools, roads, prisons, and that sort of thing. The third piece of our budget, the third budget, if you will, is something called a grant and aid budget. The Governor proposes the operating budget. The Governor proposes the capital budget in my State. The Governor doesn't propose the grant and aid budget in my State. That comes from the legislature. We found in the 1990s that the grant and aid budget was growing like Topsy, kind of crowding out spending in the operating budget and the capital budget. What we decided to do was put a constraint on the growth of the grant and aid budget, no more than 2 percent; no more than 2 percent of revenues. That put a halt to the growth and kind of put things back on the right keel.

With respect to earmarks, among the things we have done here—there is nothing inherently wrong with earmarks, directed spending, but when they are growing like Topsy, as they were for a while, that is not a good thing. We have now decided to limit earmarks to 1 percent of revenue which I think is appropriate.

The second thing we didn't know for the longest time is where the earmarks were coming from and who was asking for them. We didn't know necessarily who was going to benefit from the earmark. We have addressed that so we know both.

The other thing I believe we have addressed is called air drops, where you have a conference committee with the House and Senate on appropriations bills, you don't have an earmark in either one, yet out of the conference committee emerges an earmark from somebody and we don't know where it came from and it wasn't in either bill. That shouldn't be allowed.

The last thing I would mention is at the end of the day, you have the ability for the President to look through a bill, whether with earmarks or other forms of spending, and say maybe this is a bad idea. This is an egregious form of spending. It should be addressed, and basically say to us in the Senate or the House: I have signed this bill into law, but I wanted to come back and vote on a couple specific items. If I cannot get 50 colleagues to vote for an earmark that I have made on behalf of Delaware, I should probably not be asking for that earmark in the first place. That is the long and short of it.

There are a lot of things we can do to continue to make progress. We are getting down to 3 percent of GDP in the next 4 years, and I applaud that. There

are other things we want to do. I look forward to working with the chairman. Those are just a few of the ways we can make additional progress.

I applaud the chairman, and I thank him for all his work. I cannot imagine what it is like to bear the burden of this or any budget, but he has done it well and in good humor for a long time.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank the Senator from Delaware, who has been so constructive on many critical issues since he joined the Senate. He is somebody whose career I followed closely when he was in the House of Representatives and as Governor of his State. He is one of the real clear thinkers on fiscal issues before this body. I thank him for all of the contributions he has made.

Next, we have Senator WHITEHOUSE, a very valued member of the Budget Committee. He is one of the people who put a great deal of effort and energy into producing the budget resolution that came from the Senate which really served as the model of what we have before us in terms of the conference report. This is a conference report, as I have said repeatedly, that captures the President's key priorities of reducing our dependence on foreign energy, focusing on excellence in education, and providing for health care reform, which is a special passion of the Senator from Rhode Island. It also contains substantial middle-class tax cuts—in fact, over $750 billion in middle-class tax cuts—all the while reducing the deficit by two-thirds over the next 4 years.

As measured against a share of GDP, it is even better. We reduce the economy on that metric—and the economists say that is the best metric—by three quarters. No member of the committee has made a greater contribution on health care issues than the Senator from Rhode Island, Mr. WHITEHOUSE.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished chairman of the committee for his kind words. I congratulate him on having brought this budget successfully to the floor for a vote at this point. The procedures the budget must go through are very complex. The consequences for this body, if the budget should fail, are dire, and the economic catastrophe the country and our new President have been presented with have made this a particularly challenging budget substantively to work with. Through all that, the distinguished chairman has persevered and succeeded with his customary diligence, grace, and good will; and it is customary on our part to rely on his expertise. He made a remarkable contribution. It would not be right to not acknowledge what a spectacular achievement, under the circumstances, this has been.

What is particularly useful about this budget is the emphasis on the pressing priorities that our country faces—particularly clean energy technology and energy efficiencies, the education of our young people, and I think most important, as the distinguished chairman has suggested, it lays the groundwork for a vitally necessary, far-reaching reform of our health care system in the coming months and years.

This reform cannot come soon enough. Our health care system is a mess. The number of uninsured Americans continues to climb and will soon hit 50 million. The annual cost of the system is over $2 trillion a year, and that will shortly double. We spend 16 percent of our Nation's gross domestic product on health care—more than any other industrialized country in the world, and double the average of our European Union economic competitors. There is more health care than steel in the cost of Ford cars. There is more health care than coffee beans in the cost of Starbucks coffee. Unless we act quickly, the recession we are living through now will seem like nothing compared to what will happen when $35 trillion in unfunded Medicare liability—against which we have set not one nickel—comes due.

Even more important, however, is the extraordinary price that hard-working Americans pay every day for this dysfunctional system. In America, we have the best doctors, the best nurses, the best procedures, the best hospitals, and the best equipment in the world. Yet our broken health care system grinds that up and produces mediocre results.

More than 100,000 Americans are killed every year by unnecessary and avoidable medical errors. Many more are faced with longer health care stays and higher costs. Life expectancy, obesity rates, and child mortality are much worse than they should be in a country such as ours. More families in America experience bankruptcy because of medical expenses for that family than any other cause.

Fundamentally, the system itself doesn't work. Hospitals are going broke, doctors are furious, and paperwork chokes the system. Quarrels between providers and payers drive up the cost, while potential savings in billions of dollars for improved quality and prevention lie there on the table. It is a system in crisis, and it threatens our Nation's fiscal security. It must be repaired, and we have to see this as an urgent task.

Mr. President, a few months ago, I added a new feature to my Web site, which is a Health Care Storyboard, to give Rhode Islanders a chance to share personal experiences in the health care system and their ideas for how to fix it. Since we launched the Storyboard, more than 300 people, from 45 different communities, have sent me their stories. While I was in Rhode Island over the recess, I had the chance to meet with some of the people who sent in stories, so I could talk to them firsthand.

Joyce from Warwick told me she is supposed to take two medications every day, but her insurance will pay for only one. There is no generic for the one she must pay for out of pocket. She would love to retire, but she simply cannot because her medical coverage would cost too much. She is trapped at work by health care.

Judith and Scott from Cranston have been struggling ever since he needed a liver transplant in 2006. Their family incurred $60,000 in medical bills that weren't covered by insurance as a result. Scott has been unable to work since 2004 due to his illness, which meant the family was relying on Judith's insurance. But 18 months ago, Judith lost her job, which meant her family had to go on COBRA. To make matters worse, their COBRA is about to run out, and Judith still cannot find a job.

Like hundreds of thousands of American families, Judith and Scott had to file chapter 7 bankruptcy on February 12, 2008, because of the medical costs of Scott's illness.

Claudia from Providence is self-employed and pays for her own health insurance. She recently did a few precautionary tests at her annual doctor visit when the doctor suggested they were a good idea. However, she found out her health coverage only covers 80 percent of her visit, and she had to pay an extra $176. At the time, she didn't realize how much these tests would cost her. She told me she might have skipped them had she known it was not included in her premium.

She, like so many Americans, would have bypassed necessary health care in order to save money. Claudia told me calling what we have a ''health care system'' is too kind. It is more like a trap that people fall into.

Marie from Wakefield told me she had been healthy her entire life until extreme pelvic pain sent her to the emergency room twice in 2006. She was eventually diagnosed with endometrial cancer, which was treated with a hysterectomy and six sessions of chemotherapy. Fortunately, Marie had excellent coverage and paid very little for the countless doctor visits, blood work, hospitalizations, scans, and specialists. But now her employer will be changing her coverage dramatically. She may not have post-retirement health care options, and her copay may rise considerably. She has no idea what her future health care needs will be. All she knows is she was once promised one thing, when her career began, and now as she looks toward retirement, she is faced with very different options.

Finally Barbara from Exeter, a registered nurse since 1983 and works in hospice care. She told me about her experience ''watching our health care system fall apart at the seams, while insurance giants have gotten out of control.'' Barbara said she had witnessed providers who no longer determine what the best care is for patients based on clinical excellence, but rather

on what the insurance company demands and will pay for. She has seen patients forgoing needed medical care because of costs, and ultimately spending more because when they finally seek treatment, their illnesses have become more severe. ''The whole concept of insurance is not what people expect it to be,'' she said.

These are just stories of six Rhode Islanders. In them we see a loss of dignity, a loss of security, a loss of confidence and comfort, a loss that is shared by millions of Americans. Their stories remind us that health care reform isn't just an abstract Washington problem—that underneath the awful numbers we see coming out of our health care system are even more awful human tragedies.

As we work to reform our health care system, two goals loom large: One, ensuring that health care is available for all, and that it is affordable. But the stories I have heard from these and hundreds of Rhode Islanders remind us it is not just enough to solve the problem of coverage. When the boat is sinking, it is not enough to get everybody out of the water and into the boat. Instead, we must also reform the health care system itself, making it more intelligent, more sensible, more helpful, more efficient, better supported by information technology, and better grounded in quality and prevention. We need an information technology infrastructure so every American can count on his or her own secure electronic health record. We need improvements in the quality of health care so care is both cheaper and more effective. We need to reform our misaligned payment and reimbursement system so the health care we want is the health care we are paying for.

This budget begins the process of making that possible, and I am proud to support it. These delivery system reforms in health care cannot be just flipped on like a light switch. They will require complex workforce, regulatory, and infrastructure changes, and then those changes will have to be implemented and administered. It will take time. It could take years. It is all the more reason we need to start now. This budget launches us on that journey.

We made good progress yesterday by confirming Secretary Kathleen Sebelius, an experienced and determined leader who will be an enormous asset in this fight. I am encouraged by her confirmation, and I look forward to her leadership at the helm of this effort. Reforming our health care system will be more than a financial problem, more than a policy puzzle, and more than a political fight. This is a landscape of human tragedy, and families all across this country are struggling every single day that we fail to act.

This budget does that. It is a good thing. Before I leave the floor, I have to add this because I have been listening across the internal television network to the speeches of my colleagues—in particular, Republican colleagues. From their speeches, you would never know that during the Bush administration the difference between the budget that President Bush inherited and the budget projections he was given the day he took office and the actual budget outcomes that the Bush administration produced, the difference was nearly $9 trillion—$9 trillion of debt. During that time, there was not a peep from our Republican friends about this carnival of debt, this orgy of fair weather debt in which George Bush and the Republican party engaged.

Now something has changed. We have a different President, and suddenly we are hearing a whole different message from the Republicans. Now that we have a serious recession, the one time when families are contracting their budgets, businesses are contracting their budgets, and State and local governments are contracting their budgets, and the Federal Government has an economic obligation to spend counter cyclically to keep the budget from melting down, now at this time we hear the most intense caterwauling about debt and deficit.

I ask my colleagues, where were you when the Bush administration was running up nearly $9 trillion, putting a war in Iraq on the credit card, and giving tax relief to America's billionaires? Where was the economic urgency of putting those things on the American debt tab? This is the one time when it makes sense to countercyclically spend, to deficit spend through a recession. Yet we hear these complaints.

I am a lawyer, as is the Presiding Officer, formerly a distinguished attorney general of New Mexico. We both know that when you are arguing in a court of law, if you intend to make a point, it is usually helpful if the point you are making is consistent with what you have done in the past. It is called the clean hands doctrine. You cannot come into court and argue for a position when you have acted counter to it in the past. You don't have clean hands, and the court will take that into account.

I submit that our friends on the other side, the party of no, is now the party of no consistency and the party of no clean hands on this subject. It is impossible to ignore the Bush debt of nearly $9 trillion and come to the floor and claim that this President, in this emergency he inherited from the previous administration, should not do the one thing economists say makes sense in this timeframe, which is in a recession to have the Government spend countercyclically. It makes no sense. I think we need to do what President Obama does: Look to the future, look to the pressing priorities of our time, look to the urgent demands, such as health care, and support this budget.

I will conclude, again, with my very great appreciation for the extraordinary work my chairman on the Budget Committee has done to bring us to this day. I think we can look forward to this budget passing, although there will be a certain amount of back and forth until we get there. I think we are doing the American people a service by passing this budget and it is thanks to the chairman's leadership.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I, again, thank the Senator from Rhode Island, Mr. WHITEHOUSE, who is such a valuable member of the Senate Budget Committee, as is the occupant of the Chair, who has newly joined us and is already making good contributions to our work. We are delighted to have Senator MERKLEY, the occupant of the Chair and a Member of the Senate Budget Committee, with us and appreciate so much the efforts of Senator WHITEHOUSE and Senator MERKLEY in developing a budget resolution that, by the way, our outline was largely followed in the conference committee. It is very close to what passed the Senate earlier. I think the reasons for that success are, No. 1, we did capture the President's priorities of reducing dependence on foreign energy, a focus on excellence in education, providing for major health care reform that is absolutely critical to the country's future and, at the same time, cutting the deficit by two-thirds over the next 5 years, by three-quarters as measured by the gross domestic product, and also providing very substantial middle-class tax relief, hundreds of billions of dollars—in fact, over $700 billion—of middle-class tax relief that is in this budget. I think we can be proud of that.

We have already seen the budget earlier today pass in the House of Representatives by a very wide margin. I anticipate, when we have our vote, it will also pass with a healthy margin.

I, again, especially thank Senator WHITEHOUSE and Senator MERKLEY, who are key members of the Budget Committee who did so much to help us fashion a document that can command the respect of our colleagues.

For one moment, I would like to, as we are waiting for Senator GRASSLEY to arrive, indicate that earlier there were a number of comments made to which I wish to respond. First, that reconciliation could still be used for global climate change legislation. Technically, that is true, but it is not going to happen. We have the absolute assurance of all those who are in leadership positions in the House and the Senate, the President of the United States—in fact, the President has assured me directly—directly—that he would not allow that. Let's take that off the table.

Second, we have heard concern from our Republican colleagues about the use of reconciliation. I share those concerns. I have opposed the use of reconciliation for these purposes. But my own belief is health care will not use the reconciliation process. I believe health care will move in the regular

order. The committees of jurisdiction have until October 15 to do so.

I see now that Senator DURBIN, who is a member of our leadership, is here. If he is ready to go—how much time does the Senator request? I yield 15 minutes to the Senator from Illinois, Mr. DURBIN.

Mr. DURBIN. Mr. President, I thank the chairman of the Senate Budget Committee, Senator CONRAD of North Dakota, not only for yielding but also for his leadership in the preparation of this important document.

The budget resolution is a blueprint. We pass it and then we go to work with the individual parts of it in the appropriations bills. But we have to get this done first because the budget resolution tells us how much we can spend in total. Once we have that guidance, it is turned over to the Appropriations Committee on which I serve. We then parcel it out among the different appropriations subcommittees and go to work looking at the individual budgets. I have one of those subcommittees for which I am responsible. We cannot start working until this budget resolution is agreed to.

It is not an easy political task. First, it is a highly technical document which few Members understand in detail, the chairman and ranking member being notable exceptions. Second, it is highly political because when you start describing what your budget is going to look like, not only next year but several years down the road, you are doing more than putting figures on paper, you are spelling out your values, what do you want to do.

The budget submitted to us by President Obama is significantly different than the budgets we have seen in years gone by. His priorities differ from previous administrations, particularly of President George Bush. We have to realize that in the last 8 years, there has been a significant change in Government spending. In the entire history of the United States of America, through all the Presidents, including President Clinton, we had accumulated about $5 trillion in debt. That is all the debt of America. That was our mortgage when President George W. Bush took office. When he left office—let me go back.

When he assumed office, he assumed a surplus. In other words, the last budget left to him generated more money than we were spending. What did we do with the surplus? We reduced the debt of the Social Security trust fund, which meant that Social Security could last a few years longer.

President Bush inherited a surplus in the budget and a $5 trillion mortgage that all the Presidents had accumulated.

When he left office, what did he leave behind? Eight years after he was elected President, he left a national mortgage of over $10 trillion. It had doubled in an 8-year period of time, and he left to the new President, President Obama, the largest deficit in the history of the United States. I believe it was in the range of $1.3 trillion—a huge amount of money that we were in red ink facing.

President Obama faced a tough task dealing with an economy that was flat on its back in a recession and how to revive it, how to make sure we create and save jobs, how to get businesses back on their feet, how to give some tax incentives and help particularly to working families, how to fund the things in Government which are essential because, as we know, when we get into a recession, people need more things.

I went to a plant in Chicago with Vice President BIDEN on Monday, a plant which last December laid off 240 employees and now was reopening. We, of course, couldn't be happier that was occurring. I asked one of the workers coming back: How did you get by for the last 4 or 5 months? Senator, unemployment, that is how I got by.

Unemployment compensation is one of the things Government pays out in the midst of recession. With more and more Americans out of work, we have been paying out more for unemployment insurance, for food stamps, the basic things people need to survive until the economy turns around and their lives turn around.

Faced with that, this Budget Committee had to sit down and try to write a budget that moved us toward reducing the deficit in America and also revitalizing the economy. That is a tough job. If your goal is just to reduce spending, that is pretty obvious. We know how to do that. But if your goal is to still spend enough to get the economy moving and yet create a trend that moves us at least closer to a balanced budget, then you have a tough assignment.

Now add in two other elements that make this even more complicated. President Obama said if we are going to spend money in this economy, we need to invest it in what has meaning, long-term investments in America. There is this caricature of WPA, under Franklin Roosevelt, of people leaning on shovels, folks sitting at desks where phones never ring. I am not sure that is any more than caricature.

Today President Obama said: Let's create jobs that we will use to invest in our future. Let's build things that will have value to us in the outyears. He looked at two or three areas in specific terms. One is health care, and the President is right. If you look at the curve line on the increase in costs of health care in America, it continues to rise. It will continue to rise unabated to the point where there is no hope for us to balance this budget. We will start spending more and more on health care for the elderly, for the poor, for those who are disabled to the point where we cannot even consider any kind of balanced budget. The President said: As part of this next budget, let us move toward the day when we have a new health care system in America, one that serves everyone and is reasonably priced. That is a tough assignment, no doubt about it. But in this budget, we address that issue.

Senator CONRAD has talked about reconciliation. That is a term which beyond divorce court most people do not know what you are talking about. For most Americans, it is a term of mystery. For us, it is a procedure on the Senate floor that changes the vote necessary to pass a bill. This is, after all, the Senate, and a majority does not get the job done on a given day. In the Senate, you need 60 votes out of 100 to do anything that is controversial or important. Reconciliation says: On any given issue under reconciliation, a majority is sufficient. But there are strict rules on what you can put in there, strict rules on what you can consider.

Senator CONRAD had to deal with this whole question: What procedure would we use to move toward health care. I think he came up with a reasonable conclusion, and it is one I support. If by October 15 we have not made progress toward health care reform, we can consider it under the reconciliation rules.

My friends on the other side of the aisle, the Republican side of the aisle, have protested this saying it is fundamentally unfair, unconstitutional, and ungodly. But the fact is, it has been used repeatedly, 18 or 19 times in the last few years, and it has been used as frequently, if not more so, on the Republican side of the aisle as the Democratic side. I don't think there is anything inherently evil in it unless you are in the minority and it diminishes your power in the Senate.

Senator CONRAD struck the right balance. He gives us a chance to deal with it in a bipartisan fashion but says, if at the end of the day, October 15, we are not going to have anything to show for our efforts, we can at least consider reconciliation. I think that is a reasonable approach.

This budget resolution also offers a promising vision when it comes to education. The budget will dramatically expand access to quality early childhood education, including Head Start. The budget invests in teachers and innovative programs. This budget will help us build the education system we need to compete in the global economy.

It is almost a cliche in politics for us to talk about education. Every politician, every candidate does. But the American people know intuitively this was their ladder to success. Unless you were born on some crystal staircase, you were lucky enough to get a good education and make your way in life. We want to make sure more kids are reached earlier in their school years, their learning years, and given that chance. This budget does it.

It also takes into account the fact that tuition costs are increasing dramatically. I left a hearing in the other building of a person who is seeking a Federal circuit court judgeship. That is a pretty high-level appointment. I

noted this man, who is roughly 51 years old and has been a lawyer and a judge, at the age of 51 still has over $40,000 in student loans to pay off—51 years old, $40,000 left.

It is no surprise, if you are putting a child through college and they are fortunate enough to be accepted at a great school, they could end up with a great debt. We want to make sure, particularly for those in lower income groups, that there is more Federal money available to help them.

Since 2000, the average cost of tuition at a 4-year college has increased by 29 percent, and financial aid has not kept up. This bill moves us toward more financial aid for students.

Energy is another element the President focused on because if we don't find ourselves more independent when it comes to energy sources, we are not only going to be at the mercy of other countries with these energy resources, our economy cannot thrive the way we want it to. If we are not sensitive to the fact that responsible use of energy would make certain we don't increase global warming and climate change and jeopardize future generations, we will pay an even heavier price.

This budget lays the groundwork for cutting back on energy sources that generate greenhouses gases. The budget proposes we spend less money burning conventional fuels and more money on cleaner energy sources, and it helps us create good-paying jobs in energy pursuit. Some of the most exciting areas of our economy—I think the areas that will grow us out of this recession—relate to new visions on energy.

I tell the story about the Sears Tower—now called the Willis Tower—in Chicago. This magnificent building, built 35 years ago, has 16,000 single-pane windows—totally energy disastrous. They are going to be replaced, hopefully with energy-efficient windows. And I hope they will be made in Chicago. We have a new plant there that can do it.

The point is, at the end of the day, in 3 years, Willis Tower—once Sears Tower—can recapture the cost of those windows in energy cost savings. In the meantime, we can produce this new window, creating jobs for people to make 16,000 windows. It fits together nicely and it reduces the carbon footprint of this building. Buildings are one of the major sources of pollution in America.

Finally, let me say that this conference report provides tax relief for American families when they need it the most, and I hope we can continue on that.

It is sad and disappointing to me that the budget offered in the House of Representatives, the one we will vote on later, didn't receive a single Republican vote, not one, not a single vote. The stimulus bill the President brought forward to try to turn the recession around—the Recovery and Reinvestment Act—didn't receive a single Republican vote in the House of Representatives. Fortunately, three Republican Senators stepped up and said they would join us in passing it over here; otherwise, it wouldn't have happened.

Well, in comes the President's budget—an effort to reduce the deficit by half over 4 or 5 years, an effort to make the right investments—and not a single Republican in the House of Representatives would support it. They have become the party of ''no'' when it comes to this Obama administration. He continues to open the door and invite them in, and too many of them say: No, we are not interested.

Well, the American people are interested. The American people voted for change. They voted for new direction and new leadership. And I commend the Senator from North Dakota for bringing this to the floor, and I hope we pass it with a convincing vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the whip, Senator DURBIN, for all of the leadership he has provided that has helped us get to this point. We had some pretty direct meetings with some of our colleagues. Sometimes voices were raised, and there was a lot of energy in the room, but it is that kind of dialog which is essential to getting agreement. I think we have done that, and we have achieved it in a way that is responsible and fair, and I thank him very much for his leadership and his friendship.

Mr. President, Senator GRASSLEY is next, and I would yield—how much time?

Mr. GRASSLEY. I thought they reserved 15 minutes.

Mr. CONRAD. I yield 15 minutes off Senator GREGG's time to Senator GRASSLEY, who is, by the way, let me just say, a very valuable member of the Senate Budget Committee, the ranking member of the Finance Committee, and somebody who is extremely constructive. We don't always agree. That is the beauty of democracy. But when Senator GRASSLEY speaks, people listen because he has earned their respect.

The PRESIDING OFFICER. Without objection, the Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair, and I thank the distinguished chairman of the committee for those kind remarks, and I hold him in high esteem as well.

First of all, the budget we are voting on had bipartisan opposition in the House of Representatives. Seventeen Democrats voted against this budget. Most of those are what you call conservative Democrats, or whatever title they want. That is what I will call them—fiscally conservative Democrats. They think this budget leaves too much of a legacy to our children and grandchildren in the way of debt. So bipartisan opposition ought to tell this White House and this majority something, and I hope in time that will become very clear.

Today, the Senate begins its debate on the congressional budget resolution, and it will pass shortly, I am sure. The budget process started, of course, with the President's budget coming to the Hill on February 26. That was about 2 months ago. During the committee process—and I participated in that process, and I participated in the floor process—we faced one key question, and that was: Should we apply more or less budget discipline to the record debts and deficits of my President, President Obama, on what he inherited January 20, 2009?

Over the past few weeks, we have heard a lot about revisionist fiscal history or it might best be described as heavy editing of recent budget history. I was pleased to see the distinguished Budget Committee chairman make the record clear: President Obama inherited a $1.3 trillion deficit. I agree with that. I don't take exception to that. Those are quantifiable facts. Republicans don't disagree that President Obama inherited a large deficit.

One point of clarification, though, needs to be made. The deficit and the debt were bequeathed on a bipartisan basis. That was due to the makeup of the Presidency last time and the Congress over the last 2 years. The Democratic leadership obviously controlled the House and Senate during the years those budgets were drawn up—2007 and 2008. The Democratic leadership wrote the tax and spending bills President Bush signed in the last Congress. So congressional Democrats negotiated the bailout bill with the Bush administration. Those fiscal policy decisions, though at times very combative, in the end were jointly made on the one hand by a Congress, controlled by the Democrats, and by the administration, controlled by a Republican President. So it was bipartisan.

The antirecessionary spending, together with the lower tax receipts and the TARP activities, set a fiscal table of a debt of $1.3 trillion. That, in fact, was on the President's desk when he took over the Oval Office on January 20 this year. That is the highest deficit as a percentage of the economy in post-World War II history. Not a very pretty picture, Mr. President.

I have a chart here that shows that part of the story, and that part of the story is the gray there, as you can see.

As predicted a couple of months ago, that picture got a lot uglier with the stimulus bill. So for the folks who saw that bill as an opportunity to ''recover'' America, with Government taking a larger share of the economy over the long term, well, they can say: Mission accomplished. For those who voted for the stimulus bill—and I didn't—you put us on a path to a bigger role for the Government. Over $1 trillion of new deficit spending was hidden in that bill. It caused some of the extra red ink in this chart.

So I point to what is called the inherited aspect of the debt, and those are

the red bars on top of the gray bars—what was inherited.

I think supporters of that bill need to own up to the fiscal course they charted. Again, that is the red line, if you want averages, and it is the red bars for what has been done since this President has come to office.

To be sure, after the other side pushed through the stimulus bill and the second $350 billion of the TARP bill, CBO reestimated the baseline. A portion of this new red ink up front is due to that reestimate. The bottom line, however, is that reestimate occurred several weeks—several weeks—after the President and a more robust Democratic majority took over in January of this year. Decisions were made. And do you know what happens here? Decisions have consequences. So fiscal consequences followed.

The budget before us, for the most part, follows the fiscal trail blazed by President Obama. As the administration's top budget official said: This budget is 98 percent like the President's budget. I want to congratulate the chairman on keeping some of the tax priorities of the Senate, however. One deals with the alternative minimum tax patch. Although shorter than I proposed, it is dealt with over 3 years. The chairman also kept part of the Senate's middle-income tax relief.

But on both the tax and the spending side, we need to take a hard look at what is going on at the end of this budget term—2014. The budget resolution conference report claims to reduce the deficit from $1.7 trillion this year to about $520 billion in 2014. However, the final year of the budget fails to include the revenue loss from the alternative minimum tax patch for that year. It fails to include the revenue loss for fully extending the 2001 and 2003 middle-class tax relief, the President's Making Work Pay tax credit, the Medicare physician fix, and natural disasters, but it does include illusory, unspecified future discretionary spending cuts. When you add it all up, the thing it fails to do—or claims to do but doesn't—the conference report falls hundreds of billions of dollars short of its claimed deficit reduction.

So let's return, then, to the basic question I asked at the very beginning and also asked when we started the budget process several weeks ago. The question, once again, is this: Should we apply more or less budget discipline to record debts and deficits which my President, President Obama, inherited on January 20, 2009? This budget does answer that basic question. It makes the fiscal situation even worse. Inherited debt doesn't stay at its unacceptably high level; it doubles to 82 percent of gross national product.

So we have another chart here, with the red line going up toward the top in the 10-year outlook that the Congressional Budget Office shows to be over 80 percent. Abnormal deficit levels become normal deficit levels. Again, you see here what is normal and what isn't normal. Levels once considered a fiscal vice by most people—at, say, the peak during the Bush years—of 3 to 4 percentage points—here in the years 2007 and 2008, as you can see from the chart—are very dramatically dwarfed during the outyears of the President's budget. Fiscal vices become what? Fiscal habits, under this budget. I would ask anyone whether they define that plan as fiscal discipline.

Everyone in this body wants to help get our economy back on track. If the economy gets back on track, everybody wins. From a fiscal situation, there is no better policy development than growing the economy. More economy to be divided over an increasing population, so more economy for more people to have more. If we do not grow the economy, we have less for more people.

I think everyone in this body would agree that we ought to grow the economy. Likewise, we know small businesses are an extremely important part of our U.S. economy. I like to say that small business is the engine that drives the U.S. economy. President Obama agrees that small businesses have generated 70 percent of the net new jobs over the past decade, and most economists agree with that.

One month ago we debated the budget resolution on the Senate floor. During that debate, the Senate spoke on this point. Senator CORNYN's small business tax relief amendment passed by an overwhelming 82 to 16; in other words, 82 of the people in this body agreed with President Obama.

Senator SNOWE had a similar amendment that was accepted by the managers of the floor bill. Last week the Senate spoke again. This time the question was phrased on a motion to instruct the budget resolution conferees on the importance of keeping taxes on small business low. The vote grew even more: 84 in favor of it, 9 against it. Unfortunately, the conferees did not adopt the Senate budget resolution protecting small businesses from tax increases.

America's small businesses have been suffering during this recession. We will hear it in our events back home—I do. A very good source of answers on the environment for small businesses is found in the monthly survey of small businesses, the survey by the National Federation of Independent Business, NFIB, a spokes-organization for small business. They are well known around here. They have been conducting this survey for 35 years.

The NFIB membership includes hundreds of thousands of small businesses all across America. I encourage every Member to check out this important survey and particularly this month's survey.

This survey shows some extremely disturbing trends. On credit availability, small businesses are getting squeezed very hard. We have a chart that shows this trend. Particularly, look out here at the year 2009 on the right side of this chart. It is way down as far as the percentage change compared to before. This credit crunch and other factors have contributed to a near record low in the NFIB's index of small business optimism.

I have a chart that puts this data in perspective. We have here, over a long period of time, the optimism of small business. What you see is the attitude of decisionmakers in small business America. Those are the decisionmakers for businesses that President Obama and Congress agree are the businesses most likely to grow or contract jobs. The pessimism is at its second lowest point in those 35 years of surveying. The data should concern every policymaker in this town.

As bad as the two sets of data are, it gets even worse. This chart shows the net increase or decrease in small business hiring plans. The survey asks the business owner whether he or she planned to expand or contract employment over the next 3 months. As you can see right here, it is very negative. This chart shows small business activity contracting tremendously. Small business hiring plans are at their most negative level in the 35-year history of this survey.

With this pessimistic environment, we should not be surprised, then, that small businesses are hemorrhaging jobs. The President's recent efforts to increase lending to the small business sector are commendable. The centerpiece of the President's small business plan will allow the Federal Government to spend up to $25 billion to purchase the small business loans that are now hindering small banks and lenders. Unfortunately, very well intentioned as it is, that is a drop in a very empty bucket. Remember, small business accounts for about half of the private sector.

Moreover, the positives that will come to small business from this relatively small package of loans which will ultimately have to be paid back will be heavily outweighed by the negative impact of the President's proposed tax increases on those very same small businesses, the business sector. Helping small businesses get loans just to take the money back in the form of tax hikes is not wise. It would be wise to make those loans possible, but these tax policies that the President is thinking about doing are going to hinder small business.

Don't take my word for it. Just today the National Federation of Independent Business wrote to all of us, all the Members of the Senate, on this point. NFIB's hundreds of thousands of small business owners oppose this conference report. I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, April 29, 2009.

DEAR SENATOR, On behalf of the National Federation of Independent Business (NFIB),

the nation's largest small business advocacy organization, I am writing in opposition to S. Con. Res. 13, the fiscal year 2010 budget conference report.

NFIB is discouraged that the conference report does not contain more relief for small businesses, but instead places more burdens on them. The March small business optimism index hit the second lowest reading in the 35–year history of the NFIB Small Business Economic Trends (SBET) survey, with plans to hire and make capital expenditures at or near an all-time low. Small business is the source of job creation, but economic growth will be stalled if Congress continues unchecked spending while increasing taxes and placing new mandates on America's job creators.

Specifically, NFIB is concerned the conference report assumes the top individual tax rates will expire, which would mean a tax increase for some small business owners. Increasing audits and the tax filing burden as a way to close the tax gap would be a direct hit on small businesses. In addition, despite bipartisan support in the Senate for additional relief from the estate tax, this help for small business was removed in the conference.

We are also concerned that considering healthcare legislation under the reconciliation process will lead to a bill that does not generate bipartisan support. Essential to the long-term economic stability of our nation's small businesses is the need to address the unsustainable, ever-increasing costs of healthcare. However, reforming the healthcare system is a large undertaking impacting all Americans and—as we have stated repeatedly—must be a bipartisan effort.

The budget conference report does not contain the right policy direction for our nation's small businesses, and I encourage you to vote against it.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

Mr. GRASSLEY. Here is what the NFIB says in that letter:

NFIB is concerned the conference report assumes the top individual tax rates will expire, which would mean a tax increase from some small business owners.

Do we really want to raise taxes on these small businesses that create new jobs and employ two-thirds of all small business workers? With these small businesses already suffering from the credit crunch before the entire country, do we really think it is wise to hit small business again with this double-whammy of a 20 percent increase in marginal tax rates?

As we move forward from the budget process, the President and the congressional Democratic leadership have an opportunity to change course. From my 33 town meetings in Iowa during spring break, they want to change that course. There is a lot of concern about the legacy of debt that we are leaving to children and grandchildren. Both budgets would perpetuate the double whammy of constricted credit and high taxes directed at America's job engine, small business.

So as I close, in the coming months we Republicans will try to persuade our Democratic friends who have all the controls of fiscal policy to change course. One way they can change course is to focus like a laser beam on jump-starting the Nation's job engine—the small businesses of America. We need to reverse the direction of the sharply downward-sloping arrow that you have seen on some of these charts. That is where the President and the Congress agree that we need to get more job growth.

I quoted the President: 70 percent of the new jobs—small business. We in this party agree with that. As we move on from the budget, let's recognize the reality and the importance of small business.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, let me take a moment to review what is in the resolution before us with respect to taxes because I think it is important to go over it. The actual tax changes on a net basis in this package are a reduction from current law of $764 billion. We have $512 billion of middle-class tax relief. All of the 2001 and 2003 provisions that provide individuals tax relief to the middle class are provided for for the next 5 years in this budget resolution. The 10 percent bracket, marriage penalty relief, all the other 2001 and 2003 tax cuts, including the child tax credit and the education incentives, all of them are in this budget.

We also have alternative minimum tax reform for 3 years, as the Senator indicated. We have estate tax reform going to $7 million a couple excluded from any estate tax. That means 99.8 percent of estates would pay nothing, zero.

The tax extenders for business are all included for a subtotal of tax relief of $861 billion.

On the other side we have $97 billion of tax raises. That $97 billion is loophole closers aimed primarily at offshore tax havens and abusive tax shelters. Let me just indicate, only 2 percent of taxpayers with business income are affected by the changes in the top rate because, again, all the 2001 and 2003 tax cuts are extended for those earning less than $250,000 a year. Only 2 percent of taxpayers with small business income are affected by the top rate changes. That means 98 percent are not.

Under the definition being used by our colleagues across the aisle, former Vice President Cheney would qualify as a small businessman because what they are describing as small business people is ''anybody who has on their income tax returns small business income.'' There are a lot of people who are very big business people, have big businesses, who show small business income on their returns.

Vice President Cheney, under the definition used by our colleagues on other side of the aisle, like any taxpayer with any small business income, qualifies as a small businessman. Vice President Cheney in 2007 had income of $3 million. He had $180,000 of small business income, small businesses in which he apparently has an interest. Under their definition, he is a small businessman.

I would say that is a tortured definition. There are people with much greater wealth—under their definition, Bill Gates is a small businessman. The richest or second richest man in the world is a small businessman. Under their definition, Warren Buffett is a small businessman. I don't think so.

In the Bush tax cut in 2007, people averaging over $1 million a year in income got on average a tax reduction of almost $120,000 a year. The vast majority of people got next to nothing, as this chart shows. But those with average incomes of more than $1 million got tax reductions averaging $120,000. That is one of the reasons we are in the deep hole we are in.

My assertion is, on the loophole closers we have, we can go after money that is owed that is not now being collected. The tax gap in the most recent year for which there is a calculation, 2006, amounted to $345 billion a year, money that is owed that is not being collected. That is the first place we ought to focus before we talk about a tax increase for anyone.

The second place we ought to look is these offshore tax havens. These offshore tax havens are running amok. Here is the conclusion from our own Homeland Security and Government Affairs Permanent Subcommittee on Investigations. This is from their work in 2007:

Experts have estimated that total loss to the Treasury from offshore tax evasion alone approaches $100 billion per year—

It is $100 billion a year in these offshore tax haven scams—

including $40 to $70 billion from individuals and another $30 billion from corporations engaging in offshore tax evasion. Abusive tax shelters add tens of billions of dollars more.

We do not have to wonder if our own Permanent Subcommittee on Investigations knows what they are talking about. We can just go to the newspaper. Here is February 20 of this year, the New York Times:

The UBS memo was blunt: The ''Swiss solution'' could help affluent Americans.

That message, sent to the bank's executives in July 2004, referred to a UBS plan to help rich customers evade taxes by hiding money in offshore havens like the Bahamas.

The memo, along with dozens of e-mail messages like it, were disclosed on Thursday in a blistering court document filed by the Justice Department, which sought to compel UBS, based in Switzerland, to divulge the identities of 52,000 Americans whom the authorities suspect of using secret offshore accounts at the bank to dodge taxes.

We do not have to use our imaginations very much to figure out what is going on. Here is a little five-story building in the Cayman islands called Ugland House. It claims to be the home of 14,000 companies. Can you see them there in this little five-story building? Do you see them doing their business out of this building, 14,000 companies, supposedly doing business out of this little building down in the Cayman Islands?

They are not doing any business out of that building. They are engaged in

monkey business. What they are doing is an elaborate tax scam, much of it revealed in the UBS court documents; much more revealed in the collapse of Stanford Financial, which has shown that there are loads of companies, loads of individuals, who are engaged in dodging what they legitimately owe the United States by establishing these offshore tax haven locations, where they claim they do business, and all they are doing is dodging taxes.

Let me say, most of the largest U.S. corporations have subsidiaries in tax havens. Eighty-three of the one hundred largest publicly traded U.S. corporations have subsidiaries in tax havens, and 42 of these companies have subsidiaries in 10 or more tax havens—10 or more.

Sixty-three of the one hundred largest U.S. Federal contractors have subsidiaries in tax havens, and 33 of these companies have subsidiaries in 10 or more tax havens. Look, anybody who does not see what is going on is blind.

Here is the picture I hope people will pay attention to. This is a sewer system in Europe. A sewer system in Europe. What has that got to do with the budget of the United States? Well, it turns out to increasingly have a lot to do with the budget here, because this is a sewer system that was bought by a U.S. company that is not in the sewer business. They bought this sewer system in Europe to depreciate it on their books in the United States to suppress taxes they legitimately owe here. Do you know what they did. After they bought it so they could depreciate it, they leased it back to the European city they bought it from and paid for it in the first place.

If we do not cut down and stop this kind of scam, shame on us. Shame on us. And some of our friends over here say that is a tax increase. Well, sign me up if that is a tax increase to shut down this kind of scam. The vast majority of us pay what we owe, but a few get by with establishing these accounts in these offshore tax havens and engaging in these unbelievably abusive tax shelters.

So we need tax reform. We have got a tax system that is out of date and hurting U.S. competitiveness. We are hemorrhaging revenue. Right now we are only collecting about 75 percent of what is actually due under the current code. So without any tax increases, we can completely close the structural gap between spending and revenue in this country if we collect what the current system says is owed.

The fact is, the vast majority of us on tax day pay what we owe. But increasingly we have got big companies, wealthy individuals, who are not. Let's end it. Let's end it.

The AMT is another problem threatening millions of middle-class taxpayers that we have addressed in this proposal. Additionally, we have a long-term imbalance that must be addressed between spending and revenue. Finally, we need simplification and reform to keep rates low for the vast majority of us who are honest.

I have heard the argument on the other side that we have got the highest corporate rate in the world. Well, what is true is we do have one of the highest nominal tax rates, stated tax rates. But our effective tax rate on corporations is among the lowest in the world. That is because, while the statutory rate is 35 percent, the effective rate, what companies actually pay, is only 13 percent. When you take that into account, here is where we stack up. Here are the major industrialized countries in the world. Here is the average. Here is where the United States is. The only countries that have a lower effective corporate tax rate than the United States are Slovakia, Poland, Austria, and Germany. Everybody else has a higher effective corporate tax rate than do we. I make this review for the purposes of establishing this in the RECORD.

Mr. GRASSLEY. Mr. President, I would like to briefly respond to my friend from North Dakota, the chairman of the Budget Committee. The chairman was responding to my remarks on small business and the effects of proposed 20 percent higher marginal rates on small business owners.

The budget brought before us raises taxes on small business owners. There can be no question about it. Here is how it works.

The President's budget proposes to raise the top two marginal rates from 33 percent and 35 percent to 40 percent and 41 percent respectively, when PEP and Pease are fully reinstated. President Obama's marginal rate increase would mean an approximately 20 percent marginal tax rate increase on small business owners in the top two brackets.

Many of my friends on the other side will say that while they agree that successful small businesses are vital to the success of the U.S. economy, the marginal tax increases for the top two brackets will not have a significant negative impact on small businesses. The chairman appears to fall into this camp.

Proponents of these tax increases, like the distinguished chairman, the senior Senator from North Dakota, seek to minimize their impact by referring to Tax Policy Center data that indicate about 2 percent of small business filers pay taxes in the top two brackets. In testimony before the Senate Finance Committee, Dr. Bob Greenstein, director of the liberal think tank, Center on Budget Policy and Priorities, also used that figure. Moreover, Secretary Geithner has testified that this Treasury Department agrees with that figure. They argue that a minimal amount of small business activity is affected.

However, there are two faulty assumptions to this small business filer argument.

The first faulty assumption is that the percentage of small business filers is static. In fact, small businesses move in and out of gain and loss status depending on the nature of the business and business cycle. The nonpartisan Joint Committee on Taxation has indicated that, for 2011, approximately 3 percent of small business filers will be hit by these proposed higher rates. These statistics compare to a 2007 treasury which showed 7 percent of flow-through business owners paying the top rate. In the latest analysis, when the impact of the alternative minimum tax—AMT—is fully included, that percentage may drop some.

Small Business Administration—SBA—data provide evidence of the dynamic nature of small business. You can find that data on the SBA Web site in its frequently asked questions discussion. The website is www.sba.gov/advo. According to SBA, 67 percent of small businesses survive for 2 years; 44 percent of small businesses survive at least 4 years; and 31 percent of small businesses survive at least 7 years.

The second faulty assumption is that the level of small business activity, including employment, is proportionate to the filer percentage.

According to NFIB survey data, 50 percent of owners of small businesses that employ 20–249 workers would fall in the top two brackets. You can see it right here on this chart.

According to the SBA, about two-thirds of the Nation's small business workers are employed by small businesses with 20–500 employees.

Newly developed data from the Joint Committee on Taxation demonstrates that 55 percent of the tax from the higher rates will be borne by small business owners with income over $250,000. This is a conservative number, because it doesn't include flow-through business owners making between $200,000 and $250,000 that will also be hit with the budget's proposed tax hikes.

Now, as is frequently the case in debate, the proponent of an idea seeks to change the nature of the debate by changing the question. We witnessed a bit of that this afternoon.

Notice the distinguished chairman did not dispute the basic thrust of the points I raised. Instead, he said, we, on this side, used an unfair or inappropriate definition of small business. He cited examples of former Vice President Cheney and Microsoft founder Bill Gates, Jr. The point seems to be that the 750,000 flow-through small business owners, again those most likely to expand or contract their workforces, who will be in the bulls-eye of the 20 percent higher marginal rates, should be ignored. We should focus instead on one or two examples. The point seems to be that it is fine to target the large group of small business owners if you can find a Cheney or Gates example.

On this point, I direct the distinguished chairman and the full Senate to the Treasury Conference on Business Taxation and Global Competitiveness Background Paper. It was put out on

July 26, 2007. The current Treasury is spending some time updating this data and will be incorporating the full effect of the alternative minimum tax—AMT—for 2011. If colleagues examine the study at page 20, table 3.3, they will find an insightful analysis. The study sorted Treasury data for flow-through entities. The analysis sorted the data to isolate active manager/owners from the broader pool of all flow-through filers. When so sorted, Treasury found that the lion's share of income and tax was still born by those manager/owners. I ask consent to have printed in the RECORD a copy of the Treasury table.

Even the Tax Policy Center, an institution in accord with President Obama and the congressional Democratic leadership's goal of raising the top rates on small business, shows a large slug of active small business income in taxpayers in the top two brackets. I will ask consent to include a TPC chart printed in the RECORD.

The proponents of a tax increase of up to 20 percent in the marginal rates of small business owners should bear the burden to disprove the concerns those on our side have raised. Perhaps they could work with Senator SNOWE, Senator CORNYN and others to craft an exception that shields the small businesses that employ two-thirds of all small business workers from the tax increase. Pointing to an extreme example, like a Vice-President Cheney or a Bill Gates, Jr., may make great sound bites for politics.

It, however, will not amuse the small business owners who have worked hard to build a business. It won't amuse the workers they need to layoff. It won't amuse the suppliers they have to curtail purchases from. The bottom line is the budget contains a tax increase that is aimed at small businesses most likely to expand or contract. That tax increase is significant and real to those small business owners. They, not the politicians voting in the tax increase, will have to deal with the added tax burden.

Last week, a strong bipartisan group of 84 Senators agreed there is a problem here. We are raising taxes on Small Business America. We ought to be careful.

Throwing out a red herring involving Vice-President Cheney or Bill Gates, Jr. doesn't deal with the problem we have raised.

Mr. President, I ask unanimous consent to have the materials to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLOW-THROUGH INCOME AND INDIVIDUAL INCOME TAXES, 2006

	Taxpayers with Flow-through income/loss		Flow-through income/loss*		Tax on Flow-through income/loss*	
	$millions	%	$billions	%	$billions	%
All Flow-through income						
All taxpayers	27.5	100	938	100	159	100
Top 2 tax brackets	2.1	8	671	72	131	82
Top tax bracket	1	4	573	61	113	71
Active, positive flow-through income						
All taxpayers	18.3	100	762	100	145	100
Top 2 tax brackets	1.4	7	433	57	109	75
Top tax bracket	0.7	4	349	46	92	64
Flow-through income >50% wages						
All taxpayers	11.9	100	880	100	156	100
Top 2 tax brackets	1.1	9	608	69	127	81
Top tax bracket	0.6	5	527	60	110	70

*="Flow-through income/loss" includes net ordinary income from sole proprietorships, S corporations, and partnerships plus net long-term and short-term gains from partnerships, S corporations, estates, and trusts.
Source: U.S. Department of the Treasury, Office of Tax Analysis-analysis of unpublished IRS data.

TABLE T08–0164—DISTRIBUTION OF TAX UNITS WITH BUSINESS INCOME BY STATUTORY MARGINAL TAX RATE—ASSUMING EXTENSION AND INDEXATION OF THE 2007 AMT PATCH, 2009 [1]

Statutory marginal income tax rate	All tax units		Tax Units with business income [2]		Percent of tax units with business income [3]				Business income as percent of AGI [3]
	Number (thousands)	Percent of total	Number (thousands)	Percent of total	Greater than 0	Greater than 10% of AGI	Greater than 25% of AGI	Greater than 50% of AGI	
Non-filers	20,758	13.8	999	2.9	4.8	3.7	3.3	3.0	7.5
0%	23,434	15.6	6,960	20.0	29.7	28.6	26.0	22.8	62.7
10%	22,375	14.9	4,740	13.6	21.2	16.2	12.6	8.9	12.1
15%	49,522	33.0	11,024	31.7	22.3	12.5	7.8	4.5	6.9
25%	25,506	17.0	6,662	19.2	26.1	12.0	7.1	4.2	6.7
26% (AMT)	2,434	1.6	1,160	3.3	47.6	21.0	12.9	7.8	11.4
28% (Regular)	3,137	2.1	1,175	3.4	37.4	20.6	15.4	10.4	13.0
28% (AMT)	2,164	1.4	1,353	3.9	62.5	38.2	29.6	20.5	21.5
33%	335	0.2	206	0.6	61.7	46.3	38.0	29.9	31.6
35%	577	0.4	457	1.3	79.2	57.6	50.3	40.7	38.8
All	150,241	100.0	34,736	100.0	23.1	15.2	11.4	8.4	14.7

Source: Urban-Brookings Tax Policy Center Microsimulation Model (version 0308–5).
(1) Calendar year. Assumes extension and indexation of the 2007 AMT patch. Tax units that are dependents of other tax units are excluded from the analysis.
(2) Includes all tax units reporting a gain or loss on one or more of Schedules C, E, or F.
(3) Business income is defined as the sum of the absolute values of the gains or losses reported on Schedules C, E, and F.

Mr. CONRAD. I note my colleague Senator SANDERS, who is an important member of the Budget Committee, is here. I ask the Senator how much time does he seek?

Mr. SANDERS. I need 5 minutes.

Mr. CONRAD. I would be happy to yield 5 minutes. If the Senator would like more at the end of that time, he only needs to ask.

Mr. SANDERS. I thank the chairman for yielding. I want to congratulate him and his staff for the excellent work they have done on this budget, which I certainly will be voting for.

What I wanted to do is to take a brief moment to highlight a provision in the budget resolution that I introduced, along with Senators FEINGOLD, WEBB, and BUNNING. That deals with the outrage that exists in our country at what happened last year and this year on Wall Street. I think, as most Americans know, as a result of the greed, the recklessness, the illegal behavior we have seen within some of our largest financial institutions, our country and, in fact, much of the world, has been plunged into a very deep recession which has cost millions of Americans their jobs, their homes, their savings, and their ability to get a higher education.

A lot of people are suffering because of the greed and recklessness of Wall Street. In my view, the regulatory efforts of the last several decades, which I strongly opposed as a member of the House Financial Services Committee, have proven to be a grotesque failure.

The bottom line is, when you deregulate Wall Street, they do what we would expect that they do; that is, they do anything and everything they can to make as much profit as they can in as short a period of time as they can, no matter how recklessly they behave in the process.

They create a bubble. When that bubble bursts, as it surely would, the American people are left holding the bag in the midst of a very deep recession. In my view it goes without saying that we must restore regulations on Wall Street.

One part of that process is to bring about substantially increased transparency. It is beyond comprehensive, it is absurd, that trillions of dollars in credit default swaps and other exotic and complicated financial instruments are traded every single day with no public understanding about who owns these instruments or the impact these trades are having on the world's financial system.

I am happy to note that as one small step forward in terms of transparency, this budget resolution incorporates provisions that passed the Senate by a 59-to-39 strongly bipartisan vote. What that amendment does is quite simple: It adds the reality that in the midst of this financial crisis, the Federal Reserve has lent out over $2 trillion to financial institutions. If you were to ask the American people, if you were to ask any Member of this Senate, any Member of the House, who received that money, which financial institutions got it, and what the terms are that they received it are, nobody would be able to tell you. No one in this country understands it, because that has been kept secret.

What the provision that I introduced into the budget resolution does is simply say: We have got to make that public. The American people have a right to know who is getting those loans and what the terms are.

I am delighted that that provision is in the budget resolution. In my view, this is a small step forward in fighting for transparency within the Fed. It is a smaller step forward, overall, in beginning the reform measures that we need to create a new Wall Street, so that never again will we be placed in the position that we have been over the last few months.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, again I thank Senator SANDERS for his kind remarks and for his contributions to the work of the Budget Committee. He has been a very energetic and important member. He has done an outstanding job of questioning witnesses before the committee, and he has also been someone who has worked very hard on community clinics, which I think are going to make a great difference across the country. There is a very significant increase for those clinics in this resolution, and the person responsible and the person who deserves credit is the Senator from Vermont, Mr. SANDERS. We thank him for that contribution.

We are now approaching the 4 o'clock hour. We have Senator COBURN who wishes to come and speak at roughly 4:30; Senator MCCAIN, whom I understand wishes to speak at roughly 4:45; I understand that Senator UDALL from Colorado wishes speak as in morning business. I want to alert his staff, if they are listening, this would be a good time for him to come and speak, because we have some time between now and when we expect Senator COBURN.

I hope we are able to move to a vote soon after Senator MCCAIN concludes his remarks. But we have yet to hear definitively that that will be the case.

I want to very briefly go over what I think is important about this budget. First, it preserves the President's key priorities of reducing our dependence on foreign energy, which is critically important to our national security and our economic security; a focus on excellence in education, because if we are not the best educated, we are not going to be the most powerful country for very long; and, third, fundamental health care reform.

We are on a course that is completely unsustainable in health care. We are spending nearly 18 percent of our gross domestic product on health care. That is $1 of every $6 in this country. But we are on a trend line to spend 37 percent of our gross domestic product on health care. That is more than $1 in every $3. That can not be the outcome. That will put us at a huge disadvantage both in terms of competitiveness in this global economy, and it would have devastating consequences on American patients, American consumers, American families, American business.

We know we need fundamental health care reform. The President has put that front and center before the Congress of the United States, and it is accommodated in this budget resolution. No. 4, we have the extension of middle-class tax cuts, over $700 billion in tax cuts included in this bill, most of it directed at the middle class.

In addition, this budget reduces the deficit by two-thirds over 5 years. Relative to GDP, we are reducing the deficit by more than that, by three-quarters between now and 2014, from 12 percent of GDP in 2010, to 3 percent of GDP in 2014. Those are the fundamentals of this budget.

Is it perfect? There is no document that is prepared by the hand of men and women that is perfect. So we understand this is not a perfect document. This is the product of compromise between 435 Members of the House of Representatives and 100 Members of the Senate. This is purely a congressional document. It does not become law. It is not signed by the President of the United States. It is a document to guide the spending and the revenues of the United States for the next 5 years.

Obviously, since we do another budget next year, the most important thing is what this budget does over the next year.

Remember that this President inherited an extremely difficult situation—massive deficits, an economy that was in the worst shape since the Great Depression, a circumstance in which the United States is having two wars. This President inherited a very tough situation.

We also know we are starting to see the signs of a turn in terms of consumer spending, in terms of housing sales, in terms of automobile sales. For the first time, we are seeing an improvement. Last week we had before us in our caucus Mr. Bernanke, Chairman of the Federal Reserve, who said he sees the economy turning, that the precipitous downturn seems to have stopped or ebbed at least, and he sees the prospect of the beginning of recovery later this year. We all hope that is the case.

This budget is an important part of an overall economic recovery strategy. While we have not adopted precisely the budget the President sent us, there is good reason for that. Because from the time the President's people made their estimates of the revenue available over the next 10 years, the Congressional Budget Office, some months later, did a new estimate which is the basis for our budget. The President's budget had $2 trillion more available to him when he wrote his budget than we have had available to us in writing our budget. That necessitated changes in order to achieve the deficit reduction he had called for and the deficit reduction most economists say is fundamentally necessary.

We wrote a 5-year budget, not a 10-year budget. Of the 34 budgets that have been written under the Congressional Budget Act, 30 of the 34 have been 5-year budgets. Why is that? Because forecasts for 10 years are notoriously unreliable. That is why Congress, 30 of the 34 times it has done a budget, has done 5-year budgets because the forecasts, even then, for the outyears were highly suspect. When we are talking about a 10-year forecast, that is just throwing a dart.

That is where we are. We have worked in a credible way to fashion a budget document that meets the needs of the American people, that puts us in a better position for the future. I freely acknowledge we must do much more, especially in the second 5 years. It is absolutely imperative we do more to get our long-term financial house in order. That is going to require entitlement reform—Medicare, Social Security. That is going to require tax reform because we have a tax system that is only collecting about 75 percent of the money due and owed under the current tax rates. We wouldn't need any tax increase of any kind to balance the books if we would just collect what is due and owed under the current system. Unfortunately, while the vast majority of us pay what we owe, we have an increasing number of people and companies that don't. That has to stop.

With that, I thank the Chair and suggest the absence of a quorum.

We are expecting Senator COBURN at roughly 4:30, Senator MCCAIN at roughly 4:45, and Senator UDALL of Colorado. If he is available and his people are within earshot, this would be a good time for him to come and use the time he has requested.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. CONRAD. I have received information now that Senator UDALL will be with us at roughly 4:15. Senator UDALL at 4:15 for 10 minutes and then Senator COBURN at 4:30 for 10 or 15 minutes and then Senator MCCAIN at 4:45 for roughly 15 minutes. I am not asking unanimous consent because we don't want to be locked in if one of them comes before another. We don't want to be wasting time. I may need time to respond to what other Senators might offer. We are hopeful that if there are any others who wish to speak, they will let their respective cloakrooms know.

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. CONRAD. 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. CONRAD. Mr. President, it is my understanding Senator UDALL of Colorado would like to speak as in morning business.

Mr. UDALL of Colorado. Correct.

Mr. CONRAD. How much time would the Senator like?

Mr. UDALL of Colorado. Ten minutes maximum.

Mr. CONRAD. Mr. President, I yield 10 minutes to the Senator from Colorado as in morning business.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from North Dakota and thank him for his great work on behalf of this important budget we are going to adopt in short order.

LINE-ITEM VETO

Mr. President, I rise in support of the Budget Enforcement Legislative Tool Act my colleague from Delaware, Senator CARPER, is introducing today.

I am also pleased to be a cosponsor of the Congressional and Line-Item Veto Act, introduced recently by Senator FEINGOLD.

Both bills have my support and the support of other Democrats and Republicans who typically fall on opposite sides of the ideological divide. But while we may disagree with each other on many issues, we agree that a constitutionally sound version of the line-item veto will help increase both fiscal responsibility and congressional accountability—both of which have been in short supply in recent years.

Establishing a line-item veto has long been a goal of mine. Three years ago, I introduced legislation in the House—the SLICE Act—to establish a legislative line-item veto, and I worked with Representative PAUL RYAN from Wisconsin, a Republican, in the House to pass similar legislation in June 2006. We reintroduced that legislation in the House again in the last Congress.

As we worked to advance this bill in the House, Senator FEINGOLD and Senator CARPER were each working on similar bills in the Senate, and they have again introduced their bills in the 111th Congress. While their bills differ in the details, they are both intended to employ the legislative line-item veto as a tool to help rein in unnecessary spending and begin the difficult work of reducing budget deficits.

These goals have a greater urgency than ever before. Why? Over the last decade, we have seen a dramatic change in the Federal budget—a change for the worse. We have gone from Federal budget surpluses to enormous deficits and from reducing the national debt to increasing the ''debt tax'' on our children.

We know how this has happened: tax cuts that did not grow the economy, wars that have been financed by borrowing, reckless earmark spending, and a deep recession. We know today's economic crisis has required that we stimulate job creation with public sector spending to prevent another Great Depression.

Our challenge is daunting. In the short term, we must spur the economy back to life, even at the risk of incurring historic deficits, and yet still lay the foundation for dramatic deficit reduction in the long term.

We have heard some say deficits do not matter. But this cannot go on forever. The President's own Budget Director agrees that if recent CBO projections are accurate, we could see a deficit exceeding 5 percent of gross domestic product—clearly, a dangerously high level that many economists across the spectrum believe is not sustainable.

No one wants our country, no one wants America, to suffer from the crippling hyperinflation that plagued Germany after the First World War or the combination of economic decline and inflation—which we called stagnation—some of us remember from the 1970s. Again, this means laying a foundation for entitlement reform and deficit reduction. This means using every tool in our toolbox and creating new ones, if necessary, to attack this problem.

I am a strong supporter of the economic recovery package we passed in February. I say to the Presiding Officer, it will be important for our home State of Colorado. But I am also mindful that we are borrowing from our children and grandchildren to save the economy from collapse. That makes it all the more important that the spending we engage in today is wise and necessary.

A legislative line-item veto will give Congress and the President a tool to keep our spending decisions both wise and necessary.

I say to the Presiding Officer, many Presidents from both parties have asked for the kind of line-item veto that can be used by Governors in our home State of Colorado and several other States. In 1996, Congress actually passed a law intended to give President Clinton that kind of authority. However, in 1998, the Supreme Court ruled that the legislation was unconstitutional—and I think the Court got it right.

By trying to allow the President, in effect, to repeal a part of the law he has already signed and saying it takes a two-thirds vote in both Houses of Congress to restore that part—the Congress of 1996 went too far. I think that kind of line-item veto would undermine the checks and balances between the executive and legislative branches of the Government.

But the SLICE Act I introduced in 2006 and the bills Senator CARPER and Senator FEINGOLD have introduced in this Congress are different. They are practical, effective, and, best of all, constitutional versions of a line-item veto.

Current law says the President can ask Congress to rescind; that is, cancel, spending items. But the Congress can ignore those requests and often has done so. These bills will change that. Under the Carper and Feingold bills, the President could identify specific spending items he thinks should be cut, and Congress would have to vote up or down on whether to cut each of them.

This legislation—don't get me wrong—would give the President a powerful tool, but it would also retain the balance between the executive and legislative branches.

Presidents are elected to lead, and only they represent the entire Nation. These bills recognize that by giving the President the leadership role of identifying specific spending items he thinks should be cut.

But under the Constitution, it is the Congress that is primarily accountable to the American people for how their tax dollars will be spent. The legislation respects and emphasizes that congressional role by requiring a vote on each spending cut proposed by the President.

Of course, without knowing—and I think the Presiding Officer would join me in this sentiment—what the President might propose to rescind, I do not know, in a speculative fashion, if I could support those proposals. But I do know people in Colorado and across the country believe there must be greater transparency in our decisions on taxing and spending. I know they are also demanding we take responsibility for those decisions. That is the purpose of the Carper and Feingold bills.

If there was ever a time in our history when we needed to reassure the American people that Congress understands the need for reform and integrity in the process of spending taxpayer dollars, it is now. Along with reform of the earmark process and other reform measures, I believe the legislative line-item veto is an essential tool in restoring public confidence and trust in the legislative process.

The American people expect Federal spending will reflect critical national priorities and broader public purpose. Most of all, they expect Congress to pass funding bills in ways that ensure wise use of taxpayer dollars. These are the purposes of this legislation. We must reassure the American people that their dollars—and the debt future generations incur as a result of our spending—will be debated in the sunshine of public scrutiny.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Colorado. He has been such a bright addition to this Chamber, and we are delighted he is here. He comes very well respected from the House of Representatives. We count ourselves fortunate to have him participating in this budget discussion, and I look forward to working with him in the future.

Mr. UDALL of Colorado. Mr. President, I thank the Senator from North Dakota for those sentiments. I look forward to working with him on the very important work to balance the needs of this country when it comes to spending but also to make sure we do not pass on unsustainable debt to our children. He has been a leader in this effort, and I look forward to working at his side in the future days and months and years to come.

Mr. CONRAD. Mr. President, I thank the Senator.

Mr. FEINGOLD. Mr. President, I will support this conference report, but I do so with great reluctance. Given the irresponsible and even reckless budget policies of the previous administration, our highest budget priority must be to get back onto a fiscally responsible budget path. This budget resolution does that. It may not go as far as I would like with respect to reducing annual budget deficits, but it is a significant improvement over what we have experienced during the past 8 years.

Moreover, the budget resolution sets this path under the most challenging of conditions. The Bush administration's legacy is one not only of fiscal recklessness, but also of economic recession, crisis in the financial markets, and a housing market in collapse. Even without the cost of cleaning up a set of international security policies that undermined our national security and cost trillions of dollars, this budget has been the most demanding a President has had to write since the Great Depression. And by and large it addresses our national priorities in a responsible manner.

However, there are some features of this resolution with which I take exception, most notably the use of reconciliation as a tool to expedite health care reform. The arguments over the use of reconciliation are familiar to this body. Sadly, a tool intended to streamline the painful process of deficit reduction has been used to clear a path for major policy changes that have, at best, only a passing relationship to reducing the budget deficit. This is not the first budget resolution to abuse the special budget procedures to ease the enactment of significant and potentially controversial policy changes. Perhaps the grossest misuse of reconciliation was to pass sweeping changes to the Tax Code in 2001 and 2003 that far from reducing the deficit actually exploded annual budget deficits and government debt. Indeed, we are still living with the downstream effects of those fiscally reckless measures that have left us less able to meet either the current economic crisis or our long-term fiscal challenges.

I had hoped that with a new President in the White House and Democrats in control of both Chambers we could restore a respect for the proper use of budget procedures. But while the budget we pass today is a huge improvement over those submitted by the previous administration, both with respect to honest budgeting and the fiscal path it embraces, its misuse of reconciliation to advance policy priorities is regrettable.

I opposed using reconciliation when it was abused by the other party to enact fiscally reckless tax cuts and when it was attempted to be used to open up the Arctic National Wildlife Refuge for oil drilling. I opposed it earlier in this debate as a way to expedite climate change legislation, and I oppose it now as a vehicle to fast-track health care reform.

Congressional leadership indicate they may not need to use reconciliation to enact health care reform, that it will be used only as a last option to ensure Congress acts on that vitally important issue. That may be, and I certainly hope this body will pass a health care reform measure under regular procedures. Health care reform is long overdue, and I look forward to the Senate finally acting on an issue that is so important to my constituents. But let's not kid ourselves. It is no more appropriate to use reconciliation as a hammer to push through health care reform under regular procedures than it is to use it directly to enact those reforms. Both are abuses. Both undermine its original intent. Both invite even greater abuses in the future.

Mr. BYRD. Mr. President, I like this budget. I support many of the policies that the President's budget embraces including middle-class tax relief, and badly needed investments in our Nation's infrastructure but I cannot, and I will not, vote to authorize the use of the reconciliation process to expedite passage of health care reform legislation or any other legislative proposal that ought to be debated at length by this body.

Using reconciliation to ram through complicated, far-reaching legislation is an abuse of the budget process. The writers of the Budget Act, and I am one, never intended for its reconciliation's expedited procedures to be used this way. These procedures were narrowly tailored for deficit reduction. They were never intended to be used to pass tax cuts or to create new Federal regimes. Additionally, reconciliation measures must comply with section 313 of the Budget Act, known as the Byrd Rule, which means that whatever health legislation is reported from the Finance Committee or legislation from any other committee that is shoehorned into reconciliation will sunset after 5 years. Additionally, numerous other nonbudgetary provisions of any such legislation will have to be omitted under reconciliation. This is a very messy way to achieve a goal like health care reform, and one that will make crafting the legislation more difficult.

Whatever abuses of the budget reconciliation process which have occurred in the past, or however many times the process has been twisted to achieve partisan ends does not justify the egregious violation done to the Senate's constitutional purpose. The Senate has a unique institutional role.

It is the one place in all of government where the rights of the numerical minority are protected. As long as the Senate preserves the right to debate and the right to amend we hold true to our role as the Framers envisioned. We were to be the cooling off place where proposals could be examined carefully and debated extensively, so that flaws might be discovered and changes might be made. Remember, Democrats will not always control this Chamber, the House of Representatives or the White House. The worm will turn. Some day the other party will again be in the majority, and we will want minority rights to be shielded from the beartrap of the reconciliation process.

Under reconciliation's gag rule there are 20 hours of debate or less if time is yielded back, and little or no opportunity to amend. Those restrictions mean that whatever is nailed into reconciliation by the majority will likely emerge as the final product. With critical matters such as a massive revamping of our health care system which will impact the lives of every citizen of our great land, the Senate has a duty to debate and amend and explain in the full light of day, however long that may take, what it is we propose, and why we propose it. The citizens who sent us here deserve that explanation and they should demand it. We must not run roughshod over minority views. A minority can be right. An amendment can vastly improve legislation. Debate can expose serious flaws. Ramrodding and railroading have no place when it comes to such matters as our people's healthcare. The President came to the White House promising a bipartisan government because he knew how sick and tired the American public is of scorched earth politics. I daresay President Obama should not be in favor of the destruction of the institutional purpose of this Senate in which he served any more than he would bless a rigged psuedo-debate on

healthcare, completely absent minority input.

While I support the admirable budget priorities outlined in this resolution, I cannot and will not condone legislation that puts political expediency ahead of the time-honored purpose of this institution.

• Mr. SESSIONS. Mr. President, I am firmly opposed to this proposed budget conference report. It is, I sadly conclude, the most irresponsible budget in the history of the Republic. This budget will increase nondefense discretionary spending in 2010 9.7 percent over this year's levels.

As a result of this reckless spending, the budget proposal doubles the national debt to $11.5 trillion in only 5 years, and will nearly triple it in 10. The amount of money we spend each year to pay the interest on this debt will also soar because of the conference report. This year alone we will spend $170 billion to service the national debt. In 5 years we are projected to spend $428 billion on interest payments in that year alone, and we will likely spend over $800 billion in 2019 to pay the interest on our national debt alone. By comparison, the Federal Government spends less than $100 billion a year on education, and about $40 billion a year on highways. In 10 years, this budget will spend more on interest payments on our national debt than it spends on education and highway funding combined.

I am also disappointed that the conference report includes reconciliation instructions to expedite sweeping changes to our Nation's health care laws under special rules that limit debate and require only a simple majority for final passage. The purpose of reconciliation is to maintain fiscal control over the Government, not to fundamentally change the government's policies. The American people deserve a robust and full debate on the merits of health care reform. Using the reconciliation process to move health care legislation would preclude the reasoned and informed debate necessary to ensure that the best possible policy is enacted. Therefore, I urge my colleagues to oppose this dangerous budget.•

Mr. DURBIN Mr. President, today the Senate will vote on final passage of the budget resolution conference report for fiscal year 2010.

We will be voting on fundamental decisions about the shape of our economy and the prosperity of our country.

We need to face the facts—we have inherited the worst economic crisis in generations.

We took an important first step in returning our Nation to prosperity earlier this year by passing the economic recovery package.

The Obama administration continues to work hard to repair our financial system so that businesses can make payroll and families can borrow for college.

But there is much more to do to put our economy back on track, and the budget resolution conference report we are considering follows the principles President Obama laid out in his budget proposal.

This budget resolution sets a path to regain the balance our country once enjoyed—careful investments in our future, while creating opportunity for working families who have lost ground over the last decade.

It provides the flexibility the authorizing committees need to tackle our toughest challenges.

And it begins to repair years of neglect by making critical investments to recover economically—particularly in health care, education, and energy.

We need to reform our health care system fundamentally, and we need to do it this year. This budget gives the Congress the flexibility we need to get this job done.

The budget resolution includes a deficit-neutral reserve fund that will allow the Finance and HELP Committees to take on the challenge of fundamental health care reform this year.

We hope to work on a bipartisan basis to reform the system in a way that benefits all Americans—patients, providers, insurers, and the taxpayers.

But if the Republicans decide to try to obstruct these reforms, the reconciliation instructions included in this budget give us the tools we need to pass meaningful reform.

Those instructions don't take effect until October 15, and so we have several months to work together before reconciliation is even an option.

I very much hope that we don't need to use this approach. But reform can no longer wait.

The budget resolution conference report also offers a promising vision for education. First, the budget will dramatically expand access to quality early childhood education programs, including Head Start. And the budget invests in teachers and innovative programs so that all children can succeed in the classroom.

This budget will help us build the education system we need to compete in the global economy, not just today, but in the next generation.

This budget would also help families afford the high cost of tuition by raising the maximum Pell grant award and streamlining student loan programs.

The cost of college is higher than ever before. Since 2000, the average cost of tuition at public 4-year college has increased 29 percent, far outpacing inflation and increases in household income.

Financial aid hasn't kept up these costs. Thirty years ago, a Pell grant could cover 77 percent of public college costs. Now it covers just 35 percent.

The budget would increase Pell grants to $5,550, which will help the 7 million students who rely on these grants pay for college.

We can't transform our education system overnight. But we can start to provide the investments and the programs that will help to get us there soon. This budget would do just that.

This budget also starts the process of reducing our dependence on foreign energy by funding the President's request for energy funding in 2010.

This budget also lays the groundwork for cutting back on energy sources that generate greenhouse gases.

The budget proposes we spend less money burning conventional fuels and more money developing cleaner energy sources.

This budget helps us create good jobs, dramatically improve energy efficiencies, and protect the environment before climate change inflicts permanent damage.

Finally, the conference report provides for tax relief to American families at a time when that relief is much needed.

The budget provides $764 billion in tax cuts, mostly to the middle class.

The conference report provides $512 billion to extend middle-class tax cuts such as the child tax credit, marriage penalty relief, and education incentives.

It includes $214 billion for 3 years of alternative minimum tax reform.

The budget matches the President's estate tax proposal, which would permanently extend the 2009 exemption of $7 million for couples and index that for inflation.

And the resolution provides $63 billion for 2 years of ''tax extenders'' for businesses and individuals.

Preparing a budget is about making choices.

It is a moral document, one that describes what you believe in.

The conference report prepared by the Budget Committee would make critical investments in our Nation's highest priorities, at a time when America needs them most.

This budget would provide a little bit of help to hard-working families that desperately need it.

This budget would bring true, long-lasting change to America that is smart, fair, and responsible.

I urge my colleagues to support it.

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. COBURN. 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. COBURN. Mr. President, I wish to spend a few minutes talking about the budget that is before us and make some simple notes.

In 73 pages, this budget spends $3.5 trillion in 1 year. That is an astounding amount of money. It spends $17.9 trillion, at a minimum, over the next 5 years.

This budget is more than a document full of numbers. It is a statement of priorities. My feeling is it does not address some of the key fundamental challenges we face as a nation. In fact, it is going to make some of the challenges we have worse because we are

going to be spending money we don't have on things we don't need. Every family in this country today, as we know by decreased consumer spending, is making hard choices. They are making priorities. Their priorities are: How do we do the absolute minimum necessary, as well as how do we say we are going to have the largest savings rate we have had in 40, 50 years in this country so we can save for tomorrow? Most of the time, those families are not just thinking about the adult members of those families; most of the time those families are making those decisions because they are thinking into the future about their children.

We are not doing that with this budget. As a matter of fact, the only thing we are thinking about in this budget for our children is how much we are going to put on their backs because we refuse to face the realities of living within our means as every family is trying to do out there today. We are going to transfer a doubling of the publicly held debt. Over the next 5 years, it is going to double, and over the next 10 years it is going to triple.

That is going to have a serious impact on us as a nation, but it is going to have a personal impact on every young child out there today. Let me tell my colleagues what the impact is going to be. We are going to steal opportunity from them because we refused to make the hard choices today. The impact is going to be that a large portion of them aren't going to be able to afford to go to college. We know education is one of the areas that advance our society, that create opportunities for American exceptionalism, that create opportunities for advancement of all through education. Yet the things we are doing today, by stealing the money from them in the future and burdening them with an interest obligation that most of them won't earn the amount we are going to have to pay every year, seem to me to be penny wise and pound foolish.

The other thing this document does is it has go-pay. It doesn't have pay-go in it; it has go and pay. What it says is: We are not going to be responsible, so you—meaning the next two generations—you go and pay for it. We claim pay-go, but, as seen in all of the documents, there is no pay-go application to the biggest expenditures in this bill. We just take it off line and we allow us to create all of these new programs and new items. Yet we don't have to be responsible to make the hard choices about what is important, what is a priority, and what is not a priority.

Last year, families across this country saw less than a 2-percent increase in their incomes. After a 9-percent across-the-board—not counting the stimulus, just the omnibus bill—we are going to then bump up another 7.2 percent. So we are going to grow the Government 4 times faster than the income increase was last year, and now we are going to grow it 3½ times more, faster, than what personal income has risen and 70 times greater than what the net inflation is going to be. That is called real spending, real growing the Federal Government, not making the hard choices. What it results in, in spite of what we call it—whether it is my favorite pet program or somebody else's—what it results in is less liberty, less freedom for the generations that will follow. You tell me a country where you can have real freedom when you have no economic freedom. There isn't freedom when there is no economic freedom. What we are doing with this budget is slashing into the economic liberties of the children and grandchildren who follow us.

During the Senate consideration, I offered numerous amendments that were designed to make us make hard choices, including allowing penalty-free withdrawals from retirement accounts to make some of the mortgage payments people are having trouble with today, to allow us to help. It was accepted unanimously. Not one person voted against it. It is not in this final document.

Ending bogus performance bonuses by Government contractors and executives—not one person expressed an objection to that—it is not in the final budget.

Reviewing the budget line by line for waste, fraud, inappropriateness, and metrics was agreed to. As a matter of fact, the chairman said right before we voted on the final bill that this is one we will try to protect in the conference. It comes out of conference, nothing is there. That is one of President Obama's promises. We won't even help him do the things he said he wanted to do.

To set performance standards to identify failing Government programs, not one person objected on the Senate floor. It was unanimous. Yet when it comes out of the conference, none of it is there.

Ending no-bid contracts—something every American knows this Congress has a problem with because we let the favorite one get no-bid contracts, the well-connected, the well-heeled; requiring competitive bidding on anything above $25,000 outside of national security issues, nobody objected to that. It actually had a vote prior where we had a 97-to-nothing vote. When it comes out of the conference, it is not in there.

Protecting patients and health care providers from health care coercion, it is not in there.

So we are going to pass a budget and say: You go pay, and all the things we really need to do to make the programs we have today efficient and to measure the programs we have today and control some of the waste, fraud, and abuse that is over $300 billion a year—all of the things that needed to be in this budget to make sure that happens got rejected in the conference. What should the American people think about that? They are certainly not going to go out and have their plumbing redone in their bathroom without getting some quotes on it. They are going to make people competitively bid. If they buy a car, they are not just going to go to an automobile showroom and pay the first place they go; they are going to price that because it is a necessity to get good value today. Yet we reject that as a body. The House rejected it. The Senate rejected it in conference. What should the American people think about us? We won't do any of the commonsense things they are having to do right now so we can get rid of some of the $300 billion of waste that we don't want to charge to our children. We won't do it. Why is that? Why is it we won't do that? Is there some other reason? Can somebody explain to me why we would not want to go through the budget in a time when we are going to run close to a $2 trillion budget deficit that is all charged to our kids, that we wouldn't want to go through it and find the waste, fraud, and abuse in the programs that don't work? This conference report rejects doing that. Are we just lazy? Maybe we don't care. Which is it? It certainly can't be that there is a logical reason we wouldn't do that. Yet we didn't do it. Why would we not get rid of some of the waste? We have $80 billion worth of fraud a year in Medicare and Medicaid. Nothing is being done about it.

We are going to have a reconciliation process that is going to totally change the history of the Senate forever in terms of the 1974 Budget Act. We are going to hand to us a redo of all of the health care, and the health care we run today, which accounts for 61 percent if you count everything that the Federal Government is into, is the most wasteful, fraudulent, lame system in the world. Yet we won't address it.

I don't want a legacy of stealing opportunity from my grandchildren or anybody else's. If you vote for this budget without this kind of hard work that we should be required to do, of accountability to the American people to get rid of some of the waste, and do what any other prudent person would do in terms of competitively bidding projects, you are saying that is OK, it is OK to steal. There is no other word for it. It is theft of opportunity from our children and our grandchildren because we don't have the backbone to stand up and do the hard work.

President Obama has asked for this. He has asked for us to go line by line. We have an opportunity with a bill moving through the Senate to do that. What do we do? We say, no, it is our way or the highway, Mr. President. You can do it over there. But we are the ones who control all of these programs. And we have done a terrible job. As a matter of fact, if you look at the oversight hearings that occurred in the Senate and measure them compared to all of the other hearings, they count for about 2 percent of the hearings we had. What do we do when a new problem comes up? We don't look to see how the present program is working

and what we can do to fix it; we just create another one and charge that to our grandkids rather than say: Where are the metrics to measure what this program is doing? Is it accomplishing what we want? Is it efficient? Could we do it a different way? We just ignore it and we create a brandnew program. This budget is full of that.

So I will finish my remarks by again saying that if you vote for this budget, there is a real question in my mind whether you actually can represent to your constituencies that you feel their children are worth the hard work of this body. There is also the question of whether what President Obama ran on in terms of doing a line-by-line, of getting rid of the waste, of actually measuring the effectiveness of programs, whether we are going to help him do that. This document says we are not.

So all the commonsense reforms that would put some burden on us we have taken out, and then in this budget we have said: Children, we are going to be at $17.3 trillion of publicly held debt in 10 years, and you go pay for it. You go pay for it because we don't have the courage and we don't care for you enough to make the hard work and hard decisions now to lessen that burden on you.

That is what this budget is about. It is about growing the Federal Government at a size and a pace that we have never seen before in this country—have never seen—and growing the debt to a level that is going to cripple productivity and opportunity in the future.

There are the votes to pass this budget, but the American people need to know what this budget really is. What it is is an escape from responsibility, an expansion of the Government knowing best, and an elimination of opportunity of generations to come.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to thank my colleague from Oklahoma for his strong statement and his eloquent description of the consequences of the budget resolution we are about to pass. This is a $3.5 trillion budget resolution. Frankly, it amounts to little more than generational theft. It represents a massive growth in Government spending and sets our Nation solidly on a course to bankruptcy. The resolution assumes a deficit of almost $1.7 trillion in fiscal year 2009, which is then supposed to fall to $523 billion in fiscal year 2014. It is only a 5-year budget, not a 10 year; it doesn't show the massive deficit increases that will kick in after 5 years under the President's plan.

I have seen games played with budget resolutions over the years, but I think it is really remarkable that this budget, by being only 5 years, doesn't show that the debt held by the public will rise from $7.7 trillion in fiscal year 2009 to $11.5 trillion in 2014. This represents an increase in the debt as a percentage of gross domestic product from the current 55 percent to 66.7 percent in 2014.

After trillions of dollars for bailouts and huge amounts of spending disguised as stimulus, this budget makes no hard choices and doesn't do anything more to ensure the future fiscal viability of our Nation. It is irresponsible. It is an irresponsible act of generational theft which will mortgage our children's futures and our grandchildren's futures. We cannot have this level of spending because it is totally unsustainable.

Mr. President, we didn't have to do this. We could have made tough choices here. We could have adopted a resolution that required us to embark on a path to a balanced budget.

The conference report contains reconciliation instructions that would allow for a massive overhaul of America's health care system with little or no input from the minority—just as this conference report had little or no input from the minority.

I don't have to tell the American people and my colleagues that the American health care system is too expensive, it is broken, and we have to fix it. We want to be part of that solution. And to include it in a budget resolution, obviously, does a great disservice to the American people who expect a full and complete ventilation of the issues surrounding our health care system in America.

I realize that elections have consequences. However, it doesn't justify the misuse of a process intended to help reduce Federal deficits—and, I might add, the Democratic proposals floating around recently would have the opposite effect.

So, again, we are not changing the climate in Washington; we are continuing it. I want to make it clear that I understand that Republicans have, in the past, used the reconciliation process to further their party's agenda. I wish it had not been done. I hope it will not be done now. But the groundwork was laid, and I think this would be a grave mistake. Apparently, it is also possible that climate change could be addressed in the budget reconciliation process.

I noted during the consideration of the Senate's budget resolution that, unlike the budget submitted by the President, this one only budgets for 5 years. Budgeting for a 5-year period hides the cost of the expansion of Government that is sure to take place after 2014. In a recent Washington Post op ed, entitled ''Hiding a Mountain of Debt,'' probably the most respected columnist in America, David Broder, wrote:

> The Democratic Congress is about to perform a coverup on the most serious threat to America's economic future.
>
> The Congressional Budget Office sketched the dimensions of the problem on March 20, and Congress reacted with shock. The CBO said that over the next 10 years, current policies would add a staggering $9.3 trillion to the national debt—one-third more than President Obama had estimated by using much more optimistic assumptions about future economic growth.
>
> The ever-growing national debt will require ever-larger annual interest payments, with much of that money going overseas to China, Japan and other countries that have been buying our bonds.
>
> Reacting to this scary prospect, the House and Senate budget committees took the paring knife to some of the spending proposals and tax cuts last week. But many of the proposed savings look more like bookkeeping gimmicks than realistic cutbacks.
>
> But the main device the Democratic budgeteers employed was simply to shrink the budget ''window'' from 10 years to 5. Instantly, $5 trillion in debt disappeared from view, along with the worry that long after the recession is past, the structural deficit would continue to blight the future of young working families.

Here are some cold, hard facts. Our current national debt is $11.2 trillion. The projected deficit for 2009 is $1.7 trillion. The total cost of the recently enacted ''stimulus'' bill is over $1.1 trillion. We gave the TARP, Troubled Asset Relief Program, $700 billion—with every expectation being that the administration will request hundreds of billions of dollars more. President Obama recently signed an Omnibus appropriations bill totaling $410 billion. The Federal Reserve pumped another $1.2 trillion into our markets, and we now have before us a budget resolution totaling nearly $3.6 trillion. We bailed out the banks, insurance giants, and automakers—and the list goes on and on.

We are seeing the largest transfer of authority from the private sector to the Government that we have ever seen in the history of our country.

I see the chairman of the Budget Committee on the floor, whom I admire and respect. I asked him on the floor, during the consideration of the budget, whether health care would be considered in the reconciliation. The Senator's response was that he was against it. I note that he voted for it.

We are in the midst of a severe recession. The economy shrank at a rate of 6.1 percent in the first quarter of this year. Times are tough; I don't have to tell any of my colleagues or any fellow Americans.

What we are doing is committing an act of generational theft. We are laying a debt on future generations of Americans that is not sustainable. The chairman of the Budget Committee has been involved in recent years in attempts to reform Social Security. I will—and I hope my colleagues will—join him in that effort. Unless we reform Social Security and Medicare, we will have an unsustainable debt.

In the recent campaign, the President campaigned on a theme of changing the climate in Washington. The climate hasn't changed. Bills have been passed with Democratic majorities voting almost completely for them—whether it be the stimulus, the omnibus, and other major pieces of legislation, and also on this budget—on a totally partisan basis. I understand that. I understand that elections have consequences. But to say you are going to ''change the climate'' in Washington

and then not sit down in serious negotiations, whether it be on a stimulus package or on a budget, is not changing the climate.

Let me tell you what serious negotiations are. I have been involved in them over the last 20-some years. I have sat down across the table in negotiations. What they are is compromise. They are compromise, where you say, OK, I give this and you give that. It is not visits and conversations, and it is not phone calls. It is face-to-face, hard-nosed negotiations based on compromise. That is how we got the gang of 14 and averted a crisis in this Senate that would have required only 51 votes for the confirmation of judges. That is how we got numerous pieces of legislation done on a bipartisan basis.

That is not happening now in the Senate. I understand that. I understand that elections have consequences and the votes are there on the other side of the aisle. But I also say to my colleagues that I have been here quite a while. I have seen the Democrats in the majority and I have seen the Republicans in the majority. I saw abuses over on this side of the aisle. I am now seeing those same abuses repeated, reinforced, and done in a more egregious fashion than I have ever seen it in the years I have been a Member of the Senate.

I believe our economy will recover. I am confident, because, as I said during the recent campaign, I believe with the foundations of our economy—entrepreneurship, productivity, the finest workers in the world, and best technology—we will come out of this malaise and crisis we are in, and our economy will be restored. But I can also tell you that we will have to debase the currency and experience inflation if we pass this kind of budget and we continue on this spending spree.

What was the administration's reaction? It was that we will get together and cut $100 million in spending—after spending trillions and trillions of dollars in the most irresponsible fashion, in my view.

Now we are the owners of the automobile industry and of banks. What is the Government going to own in America as we continue on this incredible takeover of the free enterprise system? The automobile manufacturers should have gone into structured bankruptcy a long time ago, and they could have come out and been viable. Instead, we are spending billions and billions of dollars of American taxpayer dollars to prop up an industry that needed to go into prestructured bankruptcy—which they probably will do after we have spent billions of dollars propping them up.

I vigorously, strongly condemn and will vote against and oppose this budget resolution. It is laying the path to a crisis in America that may be as severe as this one if we experience the hyperinflation and debasement of the currency that can only be the result of deficits as far as the eye can see.

With great respect for the chairman of the Budget Committee and those who worked hard on this issue, this is a product that the American people will pay a very heavy price for in the years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, there are a couple of things I wish to respond to. I have respect for the Senator from Arizona, Senator MCCAIN. We came to this Chamber at the same time. First, he said, on reconciliation I told him I was against it. In fact, I did not include it in the budget resolution out of the Senate. He said in conference committee I voted for it. I say this. I voted for the final agreement. I did not vote specifically for reconciliation. I opposed it every step of the way publicly and privately. I think it is a mistake. I have said so publicly and privately. I believe reconciliation will not be used for health care, even though it is authorized under the conference report. I believe that as people examine what would actually happen using reconciliation, they will be convinced it is not the appropriate way to do health care. I believe that, at the end of the day, the reconciliation approach will not be used for health care reform.

With that said, I want to make very clear—and you can ask any of the participants—I argued strenuously against reconciliation every step of the way. It was not included in the resolution here, over which I had direct control. It is included in the final conference agreement because the President wanted it as an insurance policy, the majority leader wanted it as an insurance policy, and the Speaker of the House wanted it as an insurance policy. And, frankly, although I have some influence, I don't have the ability to overcome the President, the majority leader, and the Speaker of the House.

The Senator also questioned a 10-year budget versus 5-year budget. Let me repeat what I said before. We have had 34 budgets under the Budget Act; 30 of the 34 have been 5-year budgets. The basic reason for that is not hiding things, as was asserted here; it is because forecasts beyond 5 years are notoriously unreliable. That is why Congress in 30 of the 34 times has written the budget on a 5-year basis. Frankly, the outyears of a 5-year forecast are not very credible, but years 6 through 10 are throwing a dart. I used to forecast revenue for my State. I know something about forecasting revenue and expenses. When you get beyond 5 years, you are in kind of a world that doesn't exist. That is total guesswork.

Beyond that, I didn't accept the trajectory the country was on in the 10-year budget that the President proposed. I believe we have to do far better. That is why the ranking Republican and I have proposed a task force of Democrats and Republicans, with the responsibility to come up with a plan, and if 12 of the 16 members of the task force could agree, that plan would come to Congress for a vote—not another study to sit on a dusty shelf somewhere, but a vote.

The Senator made a number of other assertions with respect to this budget. He termed it ''generational theft.'' Let me say that the trajectory we are on has nothing to do with this budget but has everything to do with the reality of the fiscal circumstance of this country. Our spending is above our revenue. There is a structural gap; and the Senator is absolutely right, if we allow that to play out uninterrupted, it will constitute generational theft. But this budget makes the first steps toward turning that around. It reduces the deficit by two-thirds, in dollar terms, over the next 5 years, and, in terms of a share of GDP, which the economists say is the better measure, it reduces the deficit by three-quarters, 75 percent, from 12 percent of GDP to 3 percent. Additionally, at 3 percent of GDP you basically stabilize the growth of the debt relative to our national income.

Why are we in this circumstance? It is because the previous administration doubled the debt, put this economy in the worst recession since the Great Depression, and now we have to dig out. The first thing we have to do is give lift to the economy. The stimulus was passed to provide liquidity to the American economy, because the only place it could come from was the Government. We have learned in past economic downturns that if the Government fails to acts, you could have a deflationary spiral that would suck the economy down as we saw in the Great Depression.

In the short term, I make no apologies. I am known as a deficit hawk, somebody who believes in balanced budgets, somebody who has fought for them my whole career. But when you have a severe economic downturn, that is not the time to turn away from the Government being the last resort, the Government providing the liquidity to the system to prevent a collapse.

This budget is responsible. As I have said at every step: in the second 5 years, we must do much more. The President has said that. The President is committed to it. So am I. If our colleagues are serious about entering into a long-term negotiation about entitlement reform and tax reform, count me in. Count me in. It has to be done. It is in the interest of the country. That is where we agree.

Mr. President, I see Senator ALEXANDER is here, a very valued member of the Budget Committee, someone for whom I have high regard. We may not agree on every detail, but I certainly have great respect for the contribution he has made to the Budget Committee.

How much time does the Senator desire?

Mr. ALEXANDER. Mr. President, not more than 10 minutes.

Mr. CONRAD. I yield 10 minutes off Senator GREGG's time and say to the

Senator, if he requests more, we will absolutely be happy to extend it.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the chairman of the Budget Committee. I am here to speak on a personal matter more than the budget. I made my comments on the budget this morning. I was listening, though, to the Senator from Arizona and the Senator from North Dakota. I have heard the Senator from North Dakota say he is opposed to using reconciliation to run the health care bill through the Senate with 51 votes. I have heard him say that. I agree with him. I know he stood up against some in his party for doing that.

But if I am not mistaken, there were three Senate conferees, and if the Senator from North Dakota voted no, we would not have reconciliation instructions included in this conference report. I think I am correct about that.

Mr. CONRAD. Will the Senator yield?

Mr. ALEXANDER. Of course.

Mr. CONRAD. Let me say, if I had not agreed, I probably would not have been a conferee. There are certain things such as higher powers around here.

Mr. ALEXANDER. That is a very honest response, and I accept that. But the point is there are three conferees from the Senate, including Senator GREGG who was opposed to including reconciliation. So if the Senator from North Dakota had said no, maybe he would not have been a conferee, but there would not be reconciliation in this Budget Resolution.

Let me move to something more bipartisan than that.

TRIBUTE TO TOM INGRAM

Mr. President, on May 1, Tom Ingram is leaving his post as chief of staff for the Alexander office and as staff director of the Senate Republican Conference. I know what it is to be a staff member of the Senate, having come here in 1967 as Senator Howard Baker's legislative assistant. That is back when each Senator only had one. I know that staff members are the lifeblood of this institution, that they regularly come and go, and that we Senators are grateful for their service.

But Tom Ingram's service for the Senate and for me personally is a good deal more than the usual coming and going. Tom and I first met in 1966 when I was a young volunteer on Howard Baker's Senate campaign and Tom was an even younger reporter for the Nashville Tennessean. The Tennessean was then such a Democratic newspaper that it was said that Tom was the first reporter ever assigned by that newspaper to cover a Republican candidate on a regular basis. In fairness to the Tennessean, there had not been much to cover. Senator Baker in 1966 became the first Republican Senator in Tennessee history. We had not elected a Republican Governor since the Harding sweep in 1920.

In 1974, Tom served as press secretary for what could only be described as my upstart campaign for Governor of Tennessee. We did pretty well for some young guys, winning the primary over more established figures, but losing the general election. That was the Watergate year. There were only 12 Republican Governors left in America after that debacle, and I figured my political career was over at a very young age.

But in 1978, as things tend to do in politics, times changed, and I was elected Governor, walking a thousand miles across Tennessee in a red and black plaid shirt. Tom this time was my successful campaign manager. He then managed my transition into the Governor's office, served as chief of staff and deputy to the Governor for 5 years. Then he left to form a very successful business in Nashville.

During his business career, he found time to help establish my office when I became president of the University of Tennessee. He did the same when I became the first President Bush's Education Secretary.

The long and short of it is, when Tom Ingram has been around, I have done my best work, and perhaps so has he. We know each other so well that we operate independently toward the same goal and get twice as much done than either of us could do working alone.

One of Tom's gifts is team building. An Ingram-led staff is fun to be a part of, and it is a purposeful group. He has made sure that each of us, Senator included, remember who hired us. For example, the entire Washington staff and State staff spent 3 days in Memphis a couple of weeks ago making sure that we understand as much as we can about the people and the needs of our State's biggest city and biggest county. As Tom leaves to reenter the private sector, he has taken time to make sure that the new staff is well led and well organized, and for that I am especially grateful.

Tom's greater contribution may have been to the Senate as a whole. He has helped our Republican conference develop a clearer message. And working with Bob Russell, Senator MARK PRYOR's chief of staff, he created a bipartisan chiefs of staff group that has been more successful at working across party lines than their bosses have been. The Senator from Illinois and I are part of a group of Senators from both parties that meets on Tuesday mornings. There are 8, 10, 15, 20 of us sometimes. But more than half the chiefs of staff get together on a regular basis as part of this bipartisan alliance, which is a remarkable number in this already over-organized and busy place.

Tom Ingram came to the Senate expecting to stay a few months. He is leaving after 6 years. I am grateful to him for that, and the Senate is a better place.

Mr. President, I ask unanimous consent to have printed in the RECORD an article about the bipartisan chiefs of staff organization from Roll Call which appeared on March 10, 2009, and an article about Tom's work that appeared in the Knoxville News Sentinel last year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Knoxville News Sentinel, Apr. 20, 2008]

SIDE BY SIDE: INGRAM-ALEXANDER PARTNERSHIP PERSEVERES

(By Michael Collins)

WASHINGTON—Tom Ingram used to have the same jaded view of the nation's capital as many other Americans.

But working as U.S. Sen. Lamar Alexander's chief of staff has opened his eyes in ways he didn't expect.

''I've become less cynical and more optimistic as I get to know the city and the people and what we're all about,'' Ingram said.

Is Washington perfect? Of course not. Are there things that should be done differently? Absolutely, Ingram said.

But, ''this is still the greatest country in the world, and this is the capital of the greatest country in the world,'' he said. ''I believe most people are here because they want to be part of that in a positive, constructive way.''

Call it a revelation or an epiphany or whatever noun you choose. But you can't call it a political novice's naivete.

Ingram has been active in politics—Tennessee politics, in particular—for more than three decades. He has been at Alexander's side as a political strategist, trusted aide and personal confidante during campaigns for governor, president and the Senate. Theirs is one of the most powerful political partnerships in the state.

Now, their influence is growing in Washington.

Alexander moved into the upper echelon of power last December when his GOP colleagues chose him as chairman of the Senate Republican Conference. The position makes him the Senate's third-highest-ranking Republican.

Ingram's stock has risen, too. He now holds dual roles as Alexander's chief of staff and as staff director for the Republican conference, a job that allows him to help craft the GOP's message in the Senate.

His clout hasn't gone unnoticed.

Two Washington publications that closely follow politics recently named Ingram one of the top movers and shakers on Capitol Hill. Roll Call lauded his knack for ''spin, know-how and access.'' The Politico called him ''an old hand in a new job'' and noted, ''Now he's gotten to the inner circle of the Republican leadership.''

Ingram, who lives in Knoxville, has spent most of his career working behind the scenes. He seems uncomfortable and even a little embarrassed by all the adulation.

''I don't get too juiced up about these lists,'' he said recently, seated behind a table in Alexander's suite of offices near the Capitol. ''If you look at the names on those lists, most people are associated with (Congress) members who have done well. There are very few of us who make those lists without our members going ahead of us.''

Alexander, however, said Ingram's skill and instincts are invaluable.

''I do my best work when I'm working with Tom,'' the senator said. ''It's because we're complementary. . . . He fits what I'm doing like a glove.''

ON THE RISE, SIDE BY SIDE

The two first met on the campaign trail in 1966. Ingram was a skinny young newspaper reporter working his way through college, and Alexander was fresh out of law school and a volunteer in Howard Baker Jr.'s Senate campaign.

They clicked immediately. Alexander hired Ingram to be his press secretary when he ran

for governor in 1974. They lost that race. But four years later, with Ingram as his campaign manager, Alexander ran again. This time they won. Ingram would go on to work as Alexander's chief of staff and deputy during his first term in the governor's office.

Later, when Alexander ran for president, Ingram helped put together his statewide organization in Iowa. When Alexander ran for U.S. Senate in 2002, he again called on Ingram to help with the campaign and, after he won, asked Ingram to help set up his Senate staff.

Ingram arrived in Washington for what he thought would be a six- or eight-week assignment. He never left

''I have great respect for Lamar,'' Ingram said. ''I think he embodies what we want in a public servant. He's here for all of the right reasons. And we're buddies. We have a good time working together.''

Alexander said Ingram is a good manager who hires talented people, assigns them to jobs that fit and then creates an environment in which they like to work. ''That leaves me free to focus on being a good governor or senator,'' he said.

Ingram has never tried to act like he's the one who was elected, Alexander said, but ''we work side by side. I don't consider him in a subordinate role. And I think people who work with us understand that, and it makes us much more effective in what we do.''

TENNESSEE TIES

When not working for Alexander, Ingram has held a number of jobs in the private sector, including a sometimes-controversial stint as president and chief executive officer of the Knoxville Area Chamber Partnership.

Several business and civic groups had formed the partnership to unify economic development efforts and to increase their influence.

Yet under Ingram's leadership, the partnership often took positions at odds with the city. Some organizations resented being under the partnership's umbrella and at times continued to work independently. Ingram also was criticized for making personnel changes and for continuing to work as a political consultant to Alexander.

''That was a tough job,'' Ingram said. ''Knoxville is a great city with so many assets. The partnership was a bold venture, and there was a lot of resistance at the time. But I think some of the suggestions we had about working together as a region and stimulating local government and focusing on downtown redevelopment, I hope some of those ideas are still perking and contributing to some of the success that we are seeing in Knoxville now.''

Alexander isn't the only politician who has benefited from Ingram's expertise over the years.

Fred Thompson sought his advice when he was considering a run for the U.S. Senate in 1994. U.S. Sen. Bob Corker of Chattanooga credits Ingram with helping turn around his campaign in 2006.

Before Ingram came on board, ''there were many things I personally was involved in that were a distraction to me as candidate,'' Corker said. ''Tom really allowed me to focus on being a candidate. . . . It was just a really hand-in-glove fit at a time when we really needed it''

WASHINGTON WEEKDAYS, EAST TENNESSEE WEEKENDS

Ingram figures he was probably in the first or second grade when he saw his first living, breathing politician. Some of the details have been erased by the passing of time, but he remembers stopping with his grandfather alongside a road—at a gas station, perhaps—when they came across Big Jim Folsom, the colorful, populist Alabama governor who liked to dress in cream suits and a matching western hat.

''He was just this huge, bigger-than-life guy who kind of moved into this small group of people and took over,'' Ingram said. ''It was very impressive to a small young person at the time.''

Ironically, Ingram's family wasn't all that interested in politics. He was born in Ozark, Ala. His father was a Church of Christ preacher. His paternal grandmother thought it was wrong to vote. The family moved frequently and lived in Alabama, Florida and Georgia before eventually settling in Nashville.

Politics may be Ingram's lifeblood now. But when he was younger, newspaper ink was in his veins.

When he was in the fifth grade, Ingram started his own newspaper with a buddy. They would write about events like the circus coming to town, and his friend's mother would type up their articles and run off copies. Then, they'd circulate the paper in the neighborhood and sell it to relatives.

Later, he spent years as a reporter and editor in Nashville before making the move into politics. To this day, he genuinely likes reporters, he said, but he's not a fan of the 24/7 news cycle, which he dismisses as ''mostly 24/7 entertainment.''

In Washington, Ingram works around the clock Monday through Thursday and catches the last flight out Thursday night so he can be with his family back in Knoxville on the weekends. He and the senator have an agreement that he'll stay in the job as long as it's fun and he can make it work at home, he said.

''If you get up every day and think maybe I can make a little difference in something, that's a pretty good feeling,'' Ingram said. ''And I feel like over the years, working with Lamar and others, that I've taken part in things that do make a difference.''

[From the Roll Call, Mar. 10, 2009]

CHIEFS ESCHEW PARTISANSHIP

(By David M. Drucker)

In an institution that has seen the rise of many a bipartisan ''gang'' in recent years, the monthly meeting of Senate chiefs of staff now in its seventh year might be the best-kept secret on Capitol Hill.

Launched almost by accident in 2002 by Sen. Lamar Alexander's (R–Tenn.) chief of staff, Tom Ingram, and Sen. Mark Pryor's (D–Ark.) chief of staff, Bob Russell, the group of top Senate aides has grown from a family of two to about 60 regulars. Known informally as the bipartisan chiefs of staff group, the bloc has no leadership structure, just a 12–member advisory board of six Democrats and six Republicans.

In addition to their monthly breakfasts at Capitol Hill's Monocle restaurant, the chiefs meet in the evening bimonthly usually welcoming a special guest. They span the political spectrum, with aides to Sens. Tom Coburn (R–Okla.) and Barbara Boxer (D–Calif.) participating.

''We started doing breakfast in the Senate dining room once a month,'' Russell said of the group's early gatherings. Ingram interrupted, ''And we ended up taking up about four to six tables and being a little rowdy. And so the Senators—some of the Senators—suggested that maybe we should . . .''

''They ran us out of the Senate dining room,'' said Russell, jumping back into the conversation to finish Ingram's sentence.

In a joint interview with Roll Call, Ingram and Russell discussed how the group blossomed amid what many longtime Senate observers believe were some of the chamber's most partisan years. The two aides arrived on Capitol Hill following the 2002 elections. Alexander won an open seat; Pryor was the only Democrat to defeat a GOP incumbent that year.

Neither newly minted chief of staff was a Washington, D.C., veteran. But they had much in common. Both were close personal friends with their bosses; both worked for Senators with an interest in working across the aisle; both had an extensive private-sector background; and neither intended to stay in town very long. Ingram was in private business in Tennessee, and Russell was an attorney in Little Rock, Ark.

What began as a way for Ingram and Russell to discuss the nonpolitical, managerial aspects of their new jobs and reach across the aisle for some political and policy insight quickly mushroomed. The pair initially invited some of their fellow GOP and Democratic chiefs to join them at their breakfasts, but as word of the gatherings spread, more top Senate aides wanted in.

''Tom and Bob are natural leaders, and they understand the best way to get things done in this town is by keeping the lines of communication open,'' said Susan McCue, a charter member of the group and Senate Majority Leader Harry Reid's (D-Nev.) former chief of staff.

'''During some of the most divisive [President George W.] Bush years, we kept those lines of communication open,'' continued McCue, who now runs the firm Message Global. ''The group might have been the only functioning and productive group of bipartisan operatives working throughout those years.''

Indeed, the bipartisan chiefs flourished during some of the Senate's most partisan hours. And while they won't claim any involvement, they watched closely as a bipartisan group of Senators came together in 2005 to form the ''Gang of 14.'' That Senate gang, the first of several, helped cut a deal and avert a showdown over Bush's then-stalled judicial nominees.

The upcoming Senate battle over President Barack Obama's fiscal 2010 budget proposal is not likely to be resolved via the bipartisan chiefs. Nor are the Democratic and Republican chiefs likely to forge a bipartisan deal on health care anytime soon.

Resolving political differences between their Senate bosses is not the group's goal, nor has it ever functioned that way. In fact, Ingram and Russell describe the meetings as a haven from politics that has maintained its character even as the Senate became more Republican in 2004, flipped to Democratic control in 2006 and became further Democratic last November.

The gatherings offer a forum for top Senate aides to develop bipartisan relationships—the kinds that would be difficult to come by otherwise. The group also provides a vehicle for chiefs to discuss the more mundane but still very important aspects of their jobs such as personnel and office managers.

The group recently concluded its inaugural retreat, a weekend in Philadelphia featuring a lecture by historian David McCullough.

The evening events have been held at locations such as the Newseum, George Washington's historic home at Mount Vernon and the National Archives, with noted special guests over the years such as Supreme Court Justices Stephen Breyer and Antonin Scalia, ex-White House officials Mike McCurry and Karl Rove, and ex-Senate Majority Leaders Howard Baker (R–Tenn.) and Tom Daschle (D–S.D.).

''The real purpose of it all is building relationships. So a large part of it is getting to know each other and getting comfortable with each other,'' Ingram said.

''I now know most of the chiefs of staff and am very familiar with them,'' Russell said. ''So no matter what the issue is, whether its coming from the staff or coming to me from

the Senator, I can pick up the phone and call a chief of staff. . . . Before, without knowing who was on the other side, you just didn't know how anybody might respond or even where to start.''

The chiefs' primary purpose has always been relationship building, but the organization has also spawned splinter groups with more specific goals.

One such group is a policy study roundtable on issues relating to China. Another deals with conflict resolution and how to address the various problems faced by chiefs of staff on a daily basis.

The group has served as a unique forum for the chiefs to share with each other their thoughts and stories that would be difficult for others to understand, such as when Shawn Whitman, then chief of staff to Sen. Craig Thomas (R–Wyo.), recounted for his colleagues what it felt like when his boss died. Thomas lost his battle with cancer in June 2007; Whitman is now chief of staff for Thomas's successor, Sen. JOHN BARRASSO (R).

Jackie Cottrell, chief of staff to Sen. PAT ROBERTS (R–Kan.), recalled the aftermath of the tornado that wiped out Greensburg, Kan. and the help and support her office received from several of her counterparts. Cottrell said there were offers to provide extra staff, including to handle the phones, which were ringing off the hook, as well as words of support.

Cottrell credited the bipartisan chiefs group almost solely for the help Roberts' office received as it dealt with the tragedy and worked to help Kansas and the residents of Greensburg recover. Additionally, Cottrell said the group has improved the ability to communicate with other Senate offices on policy matters, which she said has had a direct benefit not only on the Senate, but on Kansas.

''I think it's probably one of the best stories on the Hill for bipartisanship that no one knows about,'' Cottrell said. ''There are 100 offices up here, and we all have the same challenges, no matter what our boss's party affiliation is.''

Mr. ALEXANDER. Mr. President, I thank the chairman of the Budget Committee for the time. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator ALEXANDER. I am serious when I say he is a very valuable member of the Budget Committee. He has made a real contribution there, and we thank him for it.

We now have exhausted all of the speakers who have given us notice on both sides. We are awaiting word on whether we can go to a vote. I am hopeful we can go to a vote soon, but we will need to hear from the leadership on both sides as to when that might be possible.

We have had a spirited, healthy debate today on the question of the budget. I feel strongly that this is a responsible approach. Adopting the President's clear priorities of reducing our dependence on foreign energy, focusing on excellence in education, providing for major health care reform, all the while providing more than $750 billion of additional tax relief to the American people, focused on middle-class taxpayers, and reducing the deficit dramatically, reducing it by more than two-thirds in dollar terms, by more than three-quarters as a percentage of the gross domestic product, getting to a deficit level which will stabilize growth of the debt.

Again, I am swift to say much more needs to be done in terms of long-term deficit and debt reduction. I believe deeply we ought to have a special process for entitlement and tax reform. As I have noted throughout this debate, for the long term, we are on an unsustainable course in this country. That is a situation that is not the creation of President Obama. That is a situation that was the creation of the previous administration that inherited massive surpluses and turned them into massive debts. That is a fact, and there is no way to change that fact.

The previous administration left this country in the deepest recession since the Great Depression. Of course, the deficit has skyrocketed as a result. That is not the fault of the President who has been in office for 100 days. He inherited this mess. He is expected to clean it up, and he has taken aggressive, vigorous action to move us in the right direction, and the American people are responding. The latest polls show that now there has been a tripling of the percentage of people in this country who believe we are now on the right track—a tripling in the 100 days of this Presidency.

I was the second Senator to endorse Senator Obama. The first Senator to endorse him was his colleague from Illinois, Senator DURBIN. I was the second Senator to endorse him. I had never endorsed in a Presidential primary before. I did it because I saw something exceptional in Senator Obama. I saw in him somebody who is not only very smart, but extraordinarily calm, somebody who has the right temperament to deal with the crises that any President confronts.

I must say, I have been so proud to have been an early supporter of this President because I believe he is keeping the promise that he made to the American people to turn us in a new and better direction. He adopted the motto of ''Yes We Can.'' That is the motto I had when I first ran for the Senate in 1986. When he found out, he said maybe he owes me royalties. I said: No, you don't owe me a thing.

I am so pleased that he is the President of the United States at this moment in time. He has the right background, the right temperament, the right intelligence, the right character to be our leader at this extraordinary time of challenge.

While our budget is quite different than his because we had $2 trillion less in revenue to write the budget because of the changing forecast, because of the nature of the economic downturn, nonetheless we were able to preserve his key priorities, and I am proud of it.

Mr. President, I see the ranking member, Senator GREGG, is here. Perhaps he can enlighten us as to whether there are additional speakers or when we might be prepared to vote.

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. CONRAD. 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. CONRAD. Mr. President, I ask the Senator, would he like additional time for debate or should we call the vote for 5:30 p.m. and yield back all time?

Mr. GREGG. Mr. President, I would like a few minutes. First, I know that one of the senior staff members on the chairman's side, Joel Friedman, is going through some very difficult health situations. I know he wanted to talk a little bit about that. We wish him the best. I know my staff, who works closely with him, feels great concern. The concern goes out to him and his family. We certainly wish him the best during this very difficult period dealing with this very difficult health issue.

Mr. CONRAD. First, I thank Senator GREGG for that sentiment. Let me say that Joel Friedman of my staff, who is a very senior member of the Budget Committee staff, one of my deputy staff directors, is in the hospital, has been there for about a week. We are very concerned about his recovery. I care deeply about Joel, his wife Debbie, his family, his children. He is someone who has labored extraordinarily hard in the months leading up to consideration of the budget. I know he is frustrated not to be able to be here, and I want him and his family to know we are thinking of them, we love them, we miss him very much, and we are praying for his swift recovery.

We have a circumstance in which we have intense debates, as we have had today, but on both sides there is a respect for the professionalism of the other side, and we certainly appreciate Senator GREGG's professional staff. They are outstanding. Their word is good, they are people of character, and they wish nothing but the best for this country. Senator GREGG is an outstanding leader; someone whom I actually share many views with about our long-term budget circumstance. Sometimes that is not altogether clear as we have this debate about short-term budget situations, but I believe he is absolutely right about our long-term budget condition and the need to do much more.

I appreciate very much the way he approaches his job. He takes on his position with knowledge, he does it in good faith, and I appreciate very much the way he conducts our Members on the other side and the work of the committee. We have a very smooth-functioning committee because of the good professional relationship we enjoy.

Again, I wish to applaud his staff, certainly my staff as well, especially Mary Naylor, my staff director, my

other professional staff, John Righter, Steve Bailey, Sarah Egge Kuehl, Jim Esquea, Josh Evenson, Michael Feldman, Brodi Fontenot, Joel Friedman, John Fuher, Joe Gaeta, Robyn Hiestand, Cliff Isenberg, Mike Jones, Jackie Keaveny, Matt Mohning, Jamie Morin, Stu Nagurka, Kobye Noel, Anne Page, Steve Posner, Purva Rawal, Josh Ryan, Matt Salomon, and Ben Soskin. Let me say they have worked weekends for months and months and months, late into the night for months and months and months, as has Senator GREGG's staff, and we all owe them a great debt of gratitude.

Mr. GREGG. Mr. President, let me, again, express the concern of my staff and myself for Joel and his family and wish him the best in this very difficult time and wish his family the best. We certainly hope he returns to good health soon.

Let me second the words of the chairman. This committee has contention. Even when the chairman produces a bill which is utterly incorrect and takes us totally in the wrong direction, I totally respect his efforts. I say that with some humor. The strength of this committee, besides the fact that it is a very influential committee in the Senate, is that we approach the issues in a forthright, professional manner. There is, on both sides of the aisle, a genuine and sincere and very successful effort to make sure the committee does its business in an orderly, professional, and cooperative way, which we hope brings credit to the Senate and the way the Senate should function. I believe it does.

It is, in large part, because the chairman sets that tone, as does his staff—Mary Naylor and the excellent people she has working for her; and on my side, Cheri Reidy, Jim Hearn, Allison Parent, and all the other folks who spend hundreds of hours, especially during this very intense period as we run up to the final passage of this extremely important piece of legislation. Their commitment, their professionalism is what allows this Congress to function well, and we very much appreciate it.

I could go on at some length on the issue of the budget, but I think people have probably heard enough of myself on this issue—although I wouldn't want to say that—and I know I would love to hear the chairman further discuss this, and he would love to hear myself further discuss it, but it is probably time to move it along and allow the chips to fall where they may. I would suggest we yield back all time and we vote at 5:30.

Mr. CONRAD. Mr. President, we would be agreeable on our side. Again, I wish to thank the ranking member for his graciousness throughout this process and for organizing the work of the committee and the work on the floor in a way that I think does reflect well on this body and certainly well on the committee. This is the way the Senate should function. We debate vigorously, but at the end of the day, we get the job done in a way that assures that the American people can feel both sides have been represented with vigor. That has certainly been the case today.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, I ask unanimous consent that at 5:30 p.m. today, the Senate proceed to a vote on adoption of the conference report to accompany S. Con. Res. 13, the concurrent budget resolution, with all statutory time yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, it is in order to ask for the yeas, I understand. I do ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the question is on the adoption of the conference report to accompany S. Con. Res. 13.

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).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted: ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—53

Akaka	Gillibrand	Mikulski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	

NAYS—43

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Shelby
Burr	Hatch	Snowe
Byrd	Hutchison	Specter
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Voinovich
Collins	Kyl	Wicker
Corker	Lugar	
Cornyn	Martinez	

NOT VOTING—3

Kennedy	Rockefeller	Sessions

The conference report was agreed to.

Mr. CONRAD. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I thank all of my colleagues for the way the debate was conducted. I especially thank those who voted for the conference report. We are missing a number of Senators, and we hope for their speedy recovery, Senator KENNEDY and Senator ROCKEFELLER. We also very much appreciate the extraordinary work of staffs on both sides. I again thank the ranking member of the committee for his continuing courtesy and professionalism.

MORNING BUSINESS

Mr. CONRAD. I ask unanimous consent there now be a time for morning business with Senators able to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FACING FORECLOSURE

Mr. DURBIN. Mr. President, tomorrow we will consider a measure that will change the Bankruptcy Code. Currently, the Bankruptcy Code says if someone is facing foreclosure on their home and they go into the bankruptcy court, the bankruptcy court cannot rewrite their mortgage under section 13 of the Bankruptcy Code. The problem is, if someone happens to own a piece of property that is a vacation home, such as a condo in Florida, or if they own a ranch or a farm, the bankruptcy judge seeing this foreclosure can rewrite the mortgage, but not for their home.

What difference does it make? It means that the millions of people who

are facing foreclosure today do not have the protection of a bankruptcy court that can ultimately give them a chance to stay in their homes.

This is not the first time the Senate will consider this measure. A year ago I offered virtually the same amendment, with some changes to it, and it was rejected by the Senate. It was opposed by the banking industry. They argued that it was unnecessary. They said at the time that we were likely to only see about 2 million homes facing foreclosure. That was a year ago. I said at the time I hoped they were right, but some people thought it could get worse.

Today it is projected by Moody's that 8.1 million homes in America will go into foreclosure. Put that in perspective. One out of every six home mortgages in America will go into foreclosure. That means on your block, on your street, it is likely somebody's home will go into foreclosure.

What does it mean to you? A foreclosed home on your street diminishes the value of your home. Even if you have made every mortgage payment, that is what happens. And if you happen to be in a neighborhood where other bad things occur, that foreclosed home can deteriorate quickly, can be an eyesore, could even be a criminal haven where drug gangs can hang out. If you think I am exaggerating, I can take you to neighborhoods in Chicago where that has occurred. The boarded-up home has become the hangout for the gangs. What was otherwise a very nice family neighborhood is being threatened because of a foreclosed home.

Mr. President, 99 percent of the homes that go into foreclosure go back to the banks. Do the banks turn around and sell them or rent them? Usually not. They sit vacant waiting for the market to turn around. I am afraid it is going to be a long wait because, sadly, too many of these homes are headed toward foreclosure and the banks that hold the mortgages are not sitting down with people to work out the differences.

I have met people who are facing this situation. Some of them go to work every day with good jobs—people who bought their homes in good faith and then saw a mortgage reset or a set of circumstances where the value of their home started to plummet and become lower and the value became lower than the principal owed on the mortgage. They say they are underwater. It destroys their credit just because the home has less value than the principal they owe on the mortgage.

So they cannot refinance the home. They are stuck with an interest rate that is too high. They cannot take advantage of the lower interest rate because the bank says: You have bad credit. And they say: My bad credit is my home. If you will refinance it, I can stay there. No. They will not do it. So people end up facing default, delinquency, and foreclosure.

We have sat down with the banks for months to try to work out some agreement with them, some compromise, and we have come up with an approach which I think is reasonable. What we say is, the homeowner facing foreclosure has to go to the bank at least 45 days before they go into bankruptcy court and present all their legal documents to prove their income and their net worth—everything you would have to present to ask for a mortgage. Then, if the bank offers them a mortgage—a mortgage for which the homeowner would pay at least 31 percent of their gross income in mortgage payments—if the bank offers them a mortgage, and they do not take it, then they cannot go to bankruptcy court and ask the judge to rewrite the mortgage. The bank has, in good faith, offered them a renegotiation of their mortgage, and if they turn it down, then the bank has met its obligation.

I do not think that is unreasonable. We put a limit so you could not have mansions and multimillion-dollar homes affected by it. The maximum value of any home under this amendment is $729,000. It only applies to mortgage loans that were originated before January 1 of this year, and only loans that are at least 60 days delinquent are eligible for bankruptcy modification. What we are trying to do is to create a circumstance where people can go in and renegotiate a mortgage before they lose their home.

I think this is reasonable. It puts a burden on the bank to do something positive, puts a burden on the borrower to go back into the bank and sit down at the desk and see if they can work it out, and, frankly, says if it cannot be worked out—if the offer is made and the mortgage cannot go through—that is the end of the story and it is going to be a bad outcome. The person is going to face ultimate foreclosure and loss of their home.

I tried now for months to get the banks to agree to this. We have sat down with the American Banking Association, with the community bankers, with the major banks in America. Only one banking interest, Citigroup, has been supportive. Virtually every other banking operation has refused to meet with us, refused to negotiate with us, refused to come up with any kind of a compromise.

How many people will be affected if we adopt this Durbin amendment tomorrow? It is 1.7 million families. That is the number of families who will either be helped in them being able to save their home or be allowed to be thrown out on the street if this amendment fails.

Later this week, the Senate will have an opportunity to vote—tomorrow—on this Helping Families Save Their Homes Act, which would help 1.7 million families avoid foreclosure. My amendment would make a small change in the Bankruptcy Code, but it would create a new environment for people facing foreclosure.

When a foreclosure is avoided and people can stay in their homes, everybody wins. The family gets to keep their home. The neighborhood is not assaulted by foreclosure. The banks, which can be out of pocket $50,000 in a foreclosure, will not have to put that money into it. The banks do not end up owning this home and worrying about the safety and security and maintenance of the property. The lenders do fine and the Government as well.

I have come to the floor each week to talk about this issue because I know many of my colleagues have been quoted in local newspapers and have not sat down to take a look at what we are going to vote on tomorrow. I understand. We are busy. We had a budget resolution, a lot of things people need to take a close look at.

This amendment is different than what I offered last year. It is an amendment which I think is reasonable and allows banks the last word, basically a veto, as to whether this issue can be raised in bankruptcy court.

Our objective is to help more Americans stay in their homes, to help them renegotiate mortgages that will work for them and their families. Mortgage servicers are given a full veto regarding which of their borrowers can go into bankruptcy court. They have the keys to the courthouse door. You would think that was enough—that if you say to the bankers: You have the final word as to whether this person goes to bankruptcy court, you would think that was enough, but it is not. The American Bankers Association walked away from the table and said they were not interested in negotiating. They are in a situation where they have basically said they do not believe they have any obligation to these people facing foreclosure.

There is a movie I have seen probably 100 times called ''It's a Wonderful Life,'' with Jimmy Stewart. Remember that? You can't miss it at Christmas. It comes up over and over. Jimmy Stewart, in a little town—Bedford Falls, I think, was the name of it—had a building and loan just trying to help people build and own their homes. He was up against the big banker, Henry F. Potter, played by Lionel Barrymore. They had some great lines in that movie.

They had a little exchange there where George Bailey had met with this Henry F. Potter, and Mr. Potter had said George Bailey's father, who started this whole building and loan, was a failure in life. Jimmy Stewart—through the character of George Bailey—was speaking to this banker, Henry F. Potter. He was talking about the average people who bought homes through the building and loan, which he ran. He said to Henry F. Potter:

> Do you know how long it takes a working man to save five thousand dollars? Just remember this, Mr. Potter, that this rabble you're talking about . . . they do most of the working and paying and living and dying in this community. Well, is it too much to have them work and pay and live and die in a couple of decent rooms and a bath?

Well, you know how the story ends. The people in the community who have been helped by the building and loan end up rallying to save George Bailey's business, and it is a great, wonderful movie: ''It's a Wonderful Life.''

I will tell you what, dealing with the banks on this issue, I am afraid they are more inspired by Henry F. Potter than George Bailey.

The banks that are too big to fail are saying that 8 million Americans facing foreclosure are too little to count in this economy.

The banks that are fighting for their multimillion-dollar executive bonuses will not consider giving a struggling homeowner a chance to save the most important asset in their life.

The banks that are opening beautiful branch offices on every street corner cannot be troubled by America's Main Streets devastated by foreclosure.

That is the sad reality, as these banking groups have walked away. Do not forget, these are the same banking groups that have collected literally billions of dollars from taxpayers across this country because of their own failures in leadership and management, because of the housing crisis which they created, which they fostered, and which is threatening our economy even today.

They take the money from the Federal Government, from average working taxpayers, because of the mistakes they have made, and they will not turn around and lift their finger, give a helping hand to people who are about to lose their homes.

I know it sounds harsh when I say it this way, but I believe it. I have been at this too long not to understand what is at stake. These banks are unwilling to risk a dollar in profit to allow a family to stay in their home. That is what it boils down to. They are unwilling to risk a dollar in profit.

Well, I do not think that is good for America. I hope a majority of my colleagues in the Senate agree. I sincerely hope that those who are having second thoughts about this measure will take the time to read it. We have worked long and hard to make this a reasonable approach, one that will help the 8 million people who are facing foreclosure and save 1.7 million homes and do it in a manner that I think most people would agree is reasonable.

It has been a long battle. I lost it a year ago. People said: Well, you know this housing crisis is not going to get any worse, Durbin. You are just telling us things that are not going to happen.

Well, I wish they were right and I was wrong. But, sadly, history shows that this foreclosure crisis continues. Do you want to see an end to this recession? Put an end to this housing crisis. Let people stay in their homes if they can possibly put it together. Create a market for new homes to be built. And put Americans back to work building those homes and remodeling and renovating them. That is what is going to breathe life into this economy.

But this Senator wants to put the banking interests on notice, I am not going to be a party to shoveling billions more in taxpayer dollars your way if you will not lift a finger to help these people who are facing foreclosure across America today.

100 DAYS OF THE OBAMA ADMINISTRATION

Mr. DURBIN. Mr. President, we have come to the day that many pundits solemnly mark as the day for taking the measure of a president: his 100th day in office.

In reality, there is little real difference between the 99th day of Barack Obama's term and the 100th day, but there is value in taking stock, in assessing whether we are on track and whether adequate progress is being made.

From the moment our new President was sworn in, he faced enormous economic problems, rising unemployment, and a financial system nearly in meltdown. He was inaugurated as the Commander in Chief of two wars, with trouble brewing in other nations around the world. And he faced daunting challenges in the areas of health care reform, education, and energy policy.

There are many ways he could have begun. Calvin Coolidge once said:

> Perhaps one of the most important accomplishments of my administration has been minding my own business.

Teddy Roosevelt had a different view:

> Far better it is to dare mighty things, to win glorious triumphs, even though checkered by failure, than to take rank with those poor spirits who . . . live in the gray twilight that knows not victory nor defeat.

There is no question which view our new President embraced. Barack Obama took the view that we must ''dare mighty things.'' He hit the ground running, and our Nation is better off for it.

In the midst of a recession that many compared to the beginnings of the Great Depression, perhaps these lines from Franklin Roosevelt's first inaugural address seemed appropriate:

> There are many ways [the Depression] can be helped, but it can never be helped by merely talking about it. We must act, and we must act quickly.

That is what Barack Obama and this new Congress did.

We took action and we acted quickly.

So what have we accomplished in 100 days?

We passed the most ambitious economic recovery package in history, to create millions of jobs over the next 2 years, provide tax relief to 95 percent of all workers, and take steps to address our longer term challenges.

The legislation made a wide range of investments to restore our economic strength: It is putting people to work rebuilding roads, bridges, rail and waterways. It is developing alternative energy sources that will lessen our dependence on foreign oil. It is helping States keep police officers, teachers, and firefighters at work serving their communities. It is funding health care coverage for the least fortunate among us and helping families keep their insurance coverage if they lose a job. It combines tax cuts for working families with incentives to businesses to hire. It is improving our schools and making college more affordable. It includes longer term steps to reduce health care costs by expanding medical research and jumpstarting health information technology, which will improve efficiencies in our health care system and reduce medical errors. And it extends unemployment insurance to people who have lost their job.

This President and Congress have also extended health care coverage to millions more uninsured children of working families; preserved the principle of equal pay for equal work for America's working women; addressed the crisis in our credit markets so that small businesses, homeowners, and students could have greater access to the loans they need to move forward; and expanded our Nation's national service programs, so that more people can give back to our nation's communities and help meet local needs.

What does all of this mean for us in Illinois? We are facing tough economic times.

The Illinois unemployment rate has jumped to 9.1 percent, significantly higher than the national average of 8.5 percent.

The administration has already announced $6.5 billion in funding for Illinois from the stimulus and economic recovery legislation we passed.

That measure will create or save 157,700 jobs in Illinois over the next 2 years. Over 90 percent of the jobs will be in the private sector, in industries ranging from clean energy to health care to transportation.

Two weeks ago I travelled throughout Illinois to see first-hand how the Recovery Act is affecting workers in my State. One of my first visits was to the Rockford area, where the unemployment rate is 13.5 percent—the highest of any metropolitan area in Illinois. Many workers there have been hard hit by the state of the automobile industry.

Production at the Chrysler plant in nearby Belvidere has slowed to a crawl and hundreds of workers have been laid off.

I met some of those workers in nearby Rockford, where I visited the Eiger Lab—a manufacturing research and educational institution that works with the local community college.

The local workforce investment board used some of the $5 million in stimulus funding it received to boost enrollment of the training and education programs offered at the facility.

This funding was able to help some of the recently displaced workers begin acquiring new skills to help them find work.

The Recovery Act included $45 billion for transportation investments throughout the country.

This funding has been critical for Illinois. Illinois has already seen more than a billion dollars of this funding and may receive upwards of $2 billion for our airports, highways, mass transit and rail systems.

The Federal Aviation Administration has already announced $40 million for 10 airport improvement projects in Illinois.

One of those projects included $6 million to help build a new terminal facility at the Peoria airport. Construction is underway now and the project is moving forward thanks to the stimulus funding. The terminal project in Peoria will create between 250 and 300 jobs by the time the work is completed in October of next year. The stimulus funding for this project will not just add temporary construction jobs—it will help keep Peoria competitive in the global economy.

Airports have a major impact on a local area's economy—a modern airport and the service it provides directly affects a community's ability to create and attract new businesses to the area. Thanks to the Recovery Act, Peoria Airport will soon have a 125,000 square-foot terminal facility that will provide the airport with the additional capacity for more commercial operations and allow the airport to handle 2 million passengers per year.

This is exactly the type of investment we should be making during a downturn in the economy—targeted infrastructure investments that will make our economy stronger in the future.

And we are making this kind of investment not only in Peoria but also at other airports around the state. For example, we have provided $12 million to rehabilitate Chicago O'Hare runways; $5 million for the Rockford International Airport; $2.4 million for ramp reconstruction at the Abraham Lincoln Airport in Springfield; and $3.7 million for runway construction at the Quad Cities Airport.

The Recovery Act also included $7.5 billion for mass transit across the country. In Illinois, that funding is having an impact now. The CTA, the Nation's second largest transit agency, just announced an $88 million project to rehabilitate the subway track on Chicago's Blue Line. The Blue Line subway track was in dire need of repair. Without a massive overhaul of the track, trains would have been forced to crawl at 15 miles per hour or less through the subway.

The delays would cause transit users to leave the trains and return to their cars—multiplying the gridlock on our highways and adding to the pollution in our air.

The CTA could not find the funds to overhaul the track and instead has been spending millions in maintaining track that is many years beyond its useful life.

The funding in the Recovery Act allowed the CTA to start replacing the track last week and the CTA expects to create or save 400 jobs by doing so.

The renewed subway track will also save the CTA millions of dollars in maintenance costs, allowing the transit agency to making badly needed improvements in other parts of the system.

The Recovery Act is also saving jobs and improving lives with an $84 billion investment in education and training. The funding has helped schools avoid layoffs and is providing job training in new and expanding fields.

Investing States face difficult choices in addressing their budget gaps. Education funding provided by the Recovery Act has made those decisions slightly less painful, saving teaching jobs and keeping classrooms smaller.

Last week, Illinois received $1.4 billion in Recovery Act funding through the State Fiscal Stabilization Fund. With that funding, the State will avoid severe cutbacks in education and help prevent layoffs of teachers and staff.

Illinois also has received nearly $500 million so far in increased funding for special education and the title I program for disadvantaged students.

With the Recovery Act, this President and the Congress have helped ensure that Illinois schools and children do not fall victim to the recession.

I want to say an additional word about Pell grants, which are an important component of this education investment.

The recovery package included $13.9 billion to increase the maximum Pell grant by $281 next year and by $400 in the 2010–2011 academic year.

Students will be able to receive assistance up to a maximum of around $5,000 in the 2009–2010 school year and $5,300 the following year.

This will bring us closer to closing the gap between the value of a Pell grant and the cost of higher education.

A Pell grant increase will help 7 million Americans—including 275,000 Pell grant recipients in Illinois—finance their education without going even deeper into student loan debt.

The Recovery Act isn't the only legislation enacted that is strengthening the country. Last week, the President signed the Edward Kennedy Serve America Act into law. This new law will triple the number of national service participants to 250,000 participants within 8 years.

Along with this expansion, the bill will also create new service corps within AmeriCorps focused on areas of national need—education, the environment, health care, economic opportunity, and veterans.

The bill will also increase the education award for the first time since the creation of the national service program and make it transferable, so that older volunteers can transfer the education award to their children or grandchildren.

In my State of Illinois, 2.7 million volunteers provide 300 million hours of service each year. The estimated annual economic contribution of these hours is $5.9 billion.

More than 66,000 of these Illinois volunteers are participating in national service programs through 144 different projects and programs.

Because of the Serve America Act, more volunteers will be able to serve and improve communities across Illinois.

Another legislative accomplishment worth mentioning is the Children's Health Insurance Program Reauthorization Act, which will provide health coverage for an additional 4 million children nationwide. The CHIP program has allowed the State of Illinois to reach more children than ever before by supplementing the state's All Kids Initiative. Today, 1.8 million Illinoisans are without health insurance, including 350,000 children. Currently, the All Kids program covers more than 1.5 million children in the state—170,000 under the CHIP program alone. But the State wants to reach Illinois's remaining 250,000 uninsured children by doing more with the program. With new funds and a formula that takes into consideration the individual needs of the State, Illinois can cover an additional 30,000 kids just with the CHIP program. Mr. President, 30,000 children who are uninsured today will have the ability to see a doctor, get a check-up, and stay healthy—thanks to the work we have accomplished here in the first 100 days of the Obama administration.

Let me return one more time to the Economic Recovery Act, because that package is addressing health care and the health care system in dramatic ways.

The law will help many working families continue to pay for health insurance after the loss of a job through what is known as the COBRA insurance program.

The average monthly unemployment benefit in Illinois is just over $1,300, while the average monthly family COBRA premium is just over $1,100. That means a newly unemployed breadwinner in Illinois would have to spend 84 percent of his or her jobless benefits to pay for family health insurance.

In the Recovery Act, we were able to provide a 65 percent premium subsidy for individuals who lose their jobs, or lost them after September, to help cover the cost of COBRA premiums.

The measure also will help keep the doors open for health care services for millions of people who have been hit hard by this economic downturn.

Rising unemployment and falling State tax revenues have put the States' Medicaid Program in a bind. Just as more people need Medicaid and other publicly funded health programs, States are having increased difficulty meeting the surging need while also balancing their budgets.

The recovery package will provide an additional $2.9 billion for Illinois over the next 2 years allowing the State to pay its providers and meet the increased demand for services as the newly uninsured turn to the State for help.

Nearly 1 million families in Illinois have at least one uninsured family member and 360,000 families making above $50,000 have at least one uninsured family member. More and more Illinoisans are seeking community health centers as their medical home. Since 2000, Illinois community health centers have more than doubled the number of patients they serve—from less than 500,000 then to 1.1 million today. The needs in the community have only increased as the economy struggles—and the recovery package invests $1.5 billion in community health centers. Illinois received more than $20 million for more than 300 clinic sites around the state that are providing quality, affordable health care to anyone in need.

I have only scratched the surface of what we have accomplished in these past 100 days. Among the other steps we taken to address needs, specifically in Illinois: $147 million for Argonne National Laboratory and Fermilab; $49 million for improvements to the EJ&E bridge near Morris, which is currently the biggest safety concern for ship traffic on the 300-mile-long Illinois River; $20 million for the Rock Island Arsenal; more than $6 million for the Great Lakes Naval Station; and more than $6 million for continued work on the barrier project to prevent the spread of invasive species, including Asian Carp, in the Great Lakes.

This President and this Congress will continue to work to address the needs of our nation.

We have made important progress in these first 100 days. We still have a long way to go.

This President is invested in rebuilding this economy, restoring our diplomatic strength around the world, reforming our health care system and taking concrete steps to reduce global warming. We have only just begun.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS RICHARD DEWATER

Mr. MERKLEY. Mr. President, I rise today in remembrance of one of Oregon's finest young men, PFC Richard Dewater. A former resident of Grants Pass, OR, PFC Richard Dewater tragically lost his life on April 15 while on patrol in Afghanistan. PFC Richard Dewater will be flown back to Oregon and laid to rest in Roseberg National Cemetery.

Private First Class Dewater was assigned to the 1st Battalion, 26th Infantry Regiment, 3rd Brigade Combat Team, 1st Infantry Division based out of Fort Hood, TX. Private First Class Dewater was deployed to Afghanistan in July in support of Operation Enduring Freedom in Afghanistan. Just days before his death, Private First Class Dewater's brigade ambushed a Taliban unit near Korengal Valley.

Joining the U.S. Army was something Private First Class Dewater was extremely passionate about. Ever since Private First Class Dewater was a young child he wanted to become a soldier. Private First Class Dewater loved the work he was doing and was very proud of his service in the military. He also enjoyed fishing and camping and considered Grants Pass, OR, to be his home. Private First Class Dewater was a devoted husband to his wife Valerie, whom he married in Topeka, KS, back in June 2008.

I offer my heartfelt prayers and condolences to Private First Class Dewater's wife Valerie, his family and friends. I am forever grateful for Private First Class Dewater's service and his dedication to our country. Private First Class Dewater was a courageous and selfless man and deserves to be remembered for his valiant service. I ask that my fellow Oregonians and all Americans join me in honoring PFC Richard Dewater and the sacrifice he and his family have made for our country.

SERGEANT LEROY O. WEBSTER

Mr. GRASSLEY. Mr. President, it is with great sorrow that I rise today to honor a fallen soldier. SGT LeRoy Webster, a 28-year-old soldier from Hartley, Iowa, was fatally shot while on patrol on April 25, 2009 in Kirkuk, Iraq. LeRoy was serving with the B Battery, 3rd Battalion, 82nd Field Artillery Regiment, 1st Cavalry Division, out of Fort Hood, TX. My prayers and condolences go out to his wife Jessica, daughters Natasha, Kaydence, and Jadyn, and his parents Donald and Crystal Webster.

LeRoy was deployed to Iraq in January. He had previously served in Afghanistan in 2004 and 2005 and in Baghdad, Iraq from October 2006 to January 2008.

An Iowa native, LeRoy was born in Spencer, IA, and graduated from Hartley-Melvin-Sanborn High School in 1999. His family has deep roots in Hartley, the community where LeRoy grew up and met his wife, who was his high school sweetheart.

LeRoy Webster was a decorated soldier, having earned numerous military awards, and he is remembered by friends as dedicated, good-natured, and an excellent father. His family said he was ''proud to serve in the United States Army.'' LeRoy's sacrifice deserves the gratitude of the entire nation and is a reminder of the high cost of freedom. I express my deepest respect and admiration for this American hero.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

NOMINATION OF GOVERNOR KATHLEEN SEBELIUS

• Mr. KENNEDY. Mr. President, I strongly supported the confirmation of Governor Kathleen Sebelius to the Secretary of Health and Human Services.

America needs strong and effective leadership in public health. That is true at all times but never more so than when the Nation faces a grave threat from a serious disease epidemic. We face such a threat now from swine flu. The world has looked on with growing apprehension as cases of this deadly new illness appeared first in one nation, then in another, and another. Yesterday, Spain reported its first case. Today, New Zealand. Tomorrow, who knows where the epidemic will have spread.

In our own Nation, we have seen cases of swine flu in New York, California, Texas, Kansas, and Ohio. The disease will surely become more widespread before it abates.

That is why we need effective leadership at the helm of our public health agencies with the authority that only Senate approval can confer. To have delayed this vote would make no sense—the epidemic would grow and more cases would be reported. The Nation urgently needs Governor Sebelius' leadership at HHS in the fight against this deadly epidemic.

Governor Sebelius will face other important challenges as well. None of these is more pressing or more urgent than the need to reform America's broken health care system.

Today we stand at a historic crossroads in health care in America. The United States spends more than $2 trillion a year on health care, accounting for roughly one-sixth of our entire economy. We spend more per person on health care than any other country. Yet our health outcomes, as measured by key benchmarks like infant mortality and life expectancy, lag behind other developed countries. Nearly 47 million Americans are uninsured including over 8 million children and a disproportionate share of minorities. 25 million more of our citizens remain underinsured, and even those with insurance often receive substandard or inappropriate care. Our health care system cries out for reform, and now is the time.

Governor Sebelius has the experience, compassion and steady hand to take the helm of the Department of Health and Human Services and help lead our Nation toward high-quality, affordable health care for all. She has served the people in Kansas well for over 20 years as State legislator, as insurance commissioner and as Governor, and she has demonstrated deep knowledge of the problems plaguing our health care system, and the vision and skill to fix them. Time and time again she has reached across the aisle and achieved practical solutions that have resulted in tangible benefits to families and businesses.

She was asked by former Republican Governor Bill Graves to design and lead the Kansas Children's Health Insurance Program in 1998, and she led an expansion of coverage from 15,000 to over 51,000 children. As Governor, her Healthy Kansas Initiative has helped to contain runaway health care costs, streamline the bureaucracy, and make health insurance and prescription drugs more affordable for thousands of children, working parents and small

businesses. To give all children a healthy start on life, she further proposed providing health insurance to every uninsured child from birth to age five.

Governor Sebelius set up counseling programs as well to help senior citizens navigate the complexities of the Medicare prescription drug benefit plan and choose the best plan for their needs. She also established a multistakeholder group of business leaders, consumer groups, health care providers and private insurers to make recommendations on modernizing the health system, promoting coordination and consistency of care and reducing administrative burdens on patients and providers alike.

Through this broad consultative process, Governor Sebelius created a public-private partnership to build and install nationally-recognized health information technology systems, and she pioneered the Kansas ''smart card'' the first health insurance ID card to implement state-wide standards.

Achievements such as these have brought wide accolades. Governor magazine named her as one of its Public Officials of the Year when she served as Kansas insurance commissioner in 2001. Time magazine named her one of the Nation's top five Governors in 2005. Her nomination is supported by the American Medical Association, the AFL–CIO, and scores of other stakeholders. As Warren Buffet said, ''With this appointment, the President just hit one out of the park.''

I thank my Senate colleagues for confirming Governor Sebelius' nomination as Secretary of the Department of Health and Human Services, and I look forward to working with her in the months ahead to achieve real health reform for the American people this year at long last.●

AMERICAN LEGION POST 27

Mr. GRASSLEY. Mr. President, I would like to take a moment to recognize the achievements of American Legion Post 27 out of Muscatine, IA. This group hosted its first World War II Honor Tour in Washington, DC, in October 2008, sponsoring 30 World War II veterans from the Muscatine area. The local community raised funds by holding yard sales, dances, and tournaments, and also by asking help from local businesses and friends. The veterans attending the tour were accompanied by family members and volunteers who donated their time and money to come along on the trip. While in DC, the group visited several historical sites including the World War II Memorial and Arlington National Cemetery. I am very proud to represent these honorable veterans and ask unanimous consent that an article written about their time in Washington by Melissa Regennitter of the Muscatine Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Muscatine Journal]

(By Melissa Regennitter)

MUSCATINE, IOWA.—A trip to Washington D.C. became a memorable experience for 30 World War II veterans who had the chance to share memories and make new ones with old friends. Many people made new friends along the journey as well.

Muscatine hosted its first WWII Honor Tour in October after much hard work and dedication from area volunteers who raised more than $35,000 to give the vets an all-inclusive tour of D.C. and Virginia memorials. That trip included a visit to their memorial, the World War II Memorial in D.C.—situated between Lincoln Memorial and the Washington Memorial. The trip came about after Pam Ramer, former president of the American Legion Post 27 Auxiliary heard a heartwarming story about an Honor Tour her uncle Jim Marshall, 82, a former Navy radio operator from Mount Pleasant, had done. His wife Pauline helped him out and their tour took place in April.

Marshall had already taken the trip, complete with meals, bus tour, hotel and flight, so Ramer looked to him to get things in order. He had told her of the emotional journey it had been, how the vets were treated with dignity, cheers and handshakes, and how much it seemed to mean to them to go on a trip they otherwise may never have taken. By June Ramer had set her mind to the goal and knew it would be about $1,100 per person. Though it felt like an impossible target, fundraising and a town with a love for its veterans made the elaborate scheme possible.

Fundraisers galore! Post 27 held a yard sale, 1950s–60s dance, car show, volleyball and golf tournaments, dinners and silent auctions. Business in town took part, offering a place to hold the events, donations and prizes. Senators, corporations and school kids who collected change donated money and were recognized on the ''flag of honor'' wall at the Legion. A woman even gave a house full of furniture to auction off and a local auctioneer volunteered his time to help sell it.

Everyone involved contacted businesses and business associates to ask for support. The reception from the community was remarkable as the word spread; the goal was met a few weeks before the send-off ceremony was held.

AirTran Airways went out of their way to make scheduling accommodations for the 48 people who went; 30 veterans and 18 family members and helpers. The pilots were as happy to have the vets on the plane as the vets were to be going to D.C. When the plane landed at the Ronald Reagan Washington National Airport, fire trucks sprayed the aircraft down as it taxied in. The captain said it was a high honor and a way to show appreciation for the vets.

Many monuments. The group arrived on Thursday, Oct. 2, to a Tysons Corner Marriot in Northern Virginia. The weekend was packed with visits to historical sites including The World War II, Jefferson, Lincoln, Vietnam, Marine Corps and Korean memorials as well as Air Force and Navy memorials and museums. They also went to Arlington National Cemetery, the Pentagon, Mt. Vernon and the estate of George Washington, the U.S. Capitol, the White House and downtown D.C. where they shopped for souvenirs and saw Ford's Theater where Abe Lincoln was shot and the home he died in.

At Arlington, a visit to the Tomb of the Unknown Soldier brought tears to the eyes of many and honor to all as a group of the Muscatine-area veterans were allowed to participate in a wreath-laying ceremony.

The veterans were treated to fine dining where they enjoyed extravagant meals and desserts which were all a part of the tour package. A helping hand. Along with the 29 men and one woman veteran were 10 family members who paid their own way to take the trip. In addition to those people, eight volunteers paid their own way so they could be there to push wheelchairs, lend a hand to those who might need it, keep things organized and even make the veterans laugh. What ended up happening was a new found sense of honor for those who had served. The helpers were at times more emotional than the veterans and bonds grew that no one really expected. All of the helpers say that they came home with new friends and made memories they'll never forget.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. 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:

Saying that ''The continual increase in the cost of fuel is affecting Idahoans'' is a major understatement. I, my friends, my family, and a large number of my co-workers have already cancelled a number summer activities and vacations here in Idaho due to the price increases. All fuel consumption has been whittled down to just bare necessities such as only driving to work, school, and to purchase groceries. And because of the gas prices, all store products have increased tremendously. My family pays approximately $50 to $60 more each week for our basic routine groceries.

I recently found out that my husband and I did not draw on the hunts we put in for this year. And, instead of being disappointed, we were somewhat relieved because of the money that we would have had to spend in order to hunt. We sold our snowmobiles this spring because of the money it would take us in the future to trailer them and keep them operational. I am considering selling my horse trailer because I cannot afford to trailer my horse anywhere. People are trying to unload their horses and stock because the price of hay has literally doubled and they cannot afford to feed their animals. Finding hay is a chore in itself because the majority of it is being purchased and transferred out of state. All outdoor activities have come to a screeching halt. And not only for my family but for many, many others.

Half of the raise I received at work this past year went to the increase in bus transportation to work; the other half went to the

increase in my benefits. And with the continual increase in fuel prices (which affect the cost of all other things like groceries, and utilities) I cannot even say I ''broke even.'' I am actually behind the economy. The bus services at work are considering raising the cost of the bus passes again because of the fuel cost. People are starting to carpool, and the traffic to work has increased tremendously, and that has increased the danger factor of more accidents. Some of my co-workers have purchased motorcycles because they use less fuel. One employee out here at the site had a near-fatal accident when he collided with an antelope while riding his motorcycle to work.

How sad is it that I had to tell my son that if he made All-Stars in baseball this year, he may not get the chance to play because we cannot afford the trips out of town. We had planned a family trip to Mount Rushmore this summer, and my husband and I told our children that that trip is not likely going to happen. My Power Stroke diesel truck stays parked in the garage and only gets run occasionally to keep in operating well.

Everyone seems to have put the ''living'' in their lives on hold and have been going through the motions of just getting by hoping that there will be a break in this gloom. People keep saying ''something has got to give'', ''something has got to happen'' and the only thing happening is the continual increase in the cost of gas. This week my husband filled two portable gas cans at a local gas station so we can mow and weed-eat our yard. When he returned home, he held up both gas cans and said ''You are looking at over $40 worth of gas here''.

I hear a number of reasons and theories to why fuel has skyrocketed. No one seems to know for sure, but we are all (unhappily) trying to live with the effects of it. Thank you for the opportunity to be heard.

ANDREA.

We are a retired couple. I work to provide the extras, which these days are anything except the absolute necessities for life. We have always been a conserving family, having lived in Phoenix, Arizona, previously for 25+ years. We have compact fluorescent bulbs throughout our 3,200-square foot home, costly energy saving insulation, ceiling fans, we cook and heat with natural gas, and we do have a huge 1,800-square foot garden and orchard but water efficiently and preserve all our produce and fruit. We have central air conditioning but only use it during the hottest part of hot days.

About 2½ years ago, foreseeing that gasoline was going to become a major cost, we traded our gas guzzling 9 mpg Chevrolet Trail Blazer for a vehicle which gets about 17–20 mpg in town. We combine our errands to more efficiently use gasoline. We have not taken a traveling vacation in four or five years as gas costs too much.

We also financially aid an 18-year-old daughter at home struggling to provide transportation for her to a part-time job and college classes. We have a married child we have had to financially help as they acquire more education to increase their earning capacity. We have done all we can on our limited retirement incomes to conserve. We still suffer and financially fall further behind every year.

In the past this was caused by tremendous premium increases in our health insurance premiums combined with increases in the cost of electricity and natural gas. Roughly two years ago when gas rose to $2 per gallon and continued to increase, we started observing and feeling the impact of rising fuel cost as it affects every item we consume or use.

Recently our 32-year-old son came to live with us as he could not support himself any longer living in Phoenix. We felt that big time in the food budget.

We recently had a family meeting and we as a family are doing or not doing the following trying to be proactive so as not to have to sell our home, fall behind in our debt paying or being in a position of bankruptcy.

Conservation of water, limited showers, laundry and running of dishwasher. No more gas money for daughter; she must now limit her trips for anything other than work or school. Computer and accessories are turned off at end of day. No wasting of food, take smaller portions. No extra goodies at the grocery store. (We have always primarily shopped at Winco.) Hardly any entertaining; cannot afford the food cost. No more lights left or TVs running and no one watching. Waiting longer to turn the AC on and turning the thermostat higher. The stimulus check (which is a waste of government money) is in our saving account. Will probably have to use it for gas or food.

I have all but lost my job as no one has the money to spend at the business where I am barely employed. Also I was working full time 40 + hours at the Outer Limits Fun Zone. In January my hours were cut to 16 hours or less per week and June 26 my hours were reduced to a mere 6 hours weekly. Yes, I am going to have to find at least another part-time job to stay afloat.

If this keeps up I do not know if we can survive. It is getting real scary!! Thanks for listening,

BRENDA.

I drive from Middleton to Boise 5 days a week to work. The traffic is heavy and sometimes slow. I wish there was a motorcycle lane on the freeway for those that want to ride our motorcycles to work. It costs a lot less to ride a motorcycle than a car. My husband rides his motorcycle to work every day when weather permits. He spends $7 per week. That is a relief for us, since his truck would cost a lot more to fill up.

Nuclear power—I do not believe we need to pollute the Earth with this poison. During World War II, our government paid scientists to develop the nuclear bomb. These people worked hard, until they were successful in their endeavors. Why then can not we do the same to find other non-pollutes forms of energy?

It is imperative that we do not continue to pollute the Earth. When a natural disaster happens, like floods, earthquakes, etc., the poisons of the Earth hunt mankind. Let us learn from what is happening around the world—disasters, and let us develop forms of energy that will not come back to haunt us later.

TELMA.

You asked Idahoans to share their stories of how high energy prices are affecting us. Many of us in Adams County and surrounding areas face an even greater crisis than the high cost of energy. We are being denied fuel to heat our homes. And it is not the big oil companies or OPEC that are leaving us out in the cold. It is the U.S. Forest Service.

As you know, all of America's national forests are required to develop new Travel Management Plans to designate roads and motorized trails in order to curtail indiscriminate cross-country motorized travel and protect natural resources. Private citizens, our Adams County Commissioners, and the Adams Natural Resource Committee have worked diligently with the Payette National Forest for the past two years to try to craft a reasonable, pragmatic travel plan. After all, the Payette National Forest makes up nearly two-thirds of the land in our county. It is important to us to be good stewards of our public land while maintaining access for work and play. For many residents of Adams County, that access includes the ability to gather firewood to heat our homes.

Throughout the NEPA process for the Travel Management Plan, we submitted hundreds of comments regarding the importance of firewood collection for personal use. Many families in west-central Idaho continue to heat their homes exclusively or primarily with wood. However, the Forest Supervisor has determined that firewood gathering is a ''non-significant issue,'' according to the FEIS. Decisionmakers seem determined to move ahead with the alternative that closes all roads on the forest unless they are designated open. In addition, wood cutters would be limited to traveling no more than 300 feet from a designated road to retrieve firewood. I invite you to come drive the few roads that will remain open to motorized travel and try to find enough firewood that meets all of the current and proposed restrictions. You quickly will see why so many Idahoans are hot about these unnecessarily restrictive regulations.

Firewood is a renewable bio-fuel, not a fossil fuel that is expensive to locate, extract, refine and distribute. Under former firewood guidelines, with careful scouting, we were able to find suitable firewood within 20 to 30 miles of our homes. Under the proposed firewood restrictions, we may have to travel 60 to 80 miles each time we need to bring home a load of wood. And each household will have to make several of those lengthy, fuel-consuming trips each year to lie in enough wood for the winter. In addition, as accessible firewood becomes more and more scarce because of these restrictions, we will see more user conflicts, resource damage, and accidents among woodcutters forced into close proximity.

The solution to this problem is obvious. The Payette National Forest can simply designate all existing forest roads open to motorized travel unless specific resource concerns necessitate closure. Remember, the purpose of the national rule was to control indiscriminate cross-country travel. The directive is to keep motorized vehicles on the roads and trails. Blanket closures of more roads and trails does not accomplish that goal. In fact, such sweeping closures are counterintuitive. Nor has the Forest conducted a thorough analysis of existing roads and trails, despite our repeated requests. Furthermore, these extensive closures create a genuine hardship for Idaho families who are trying to heat their homes efficiently and economically, using renewable biomass that is close to home, rather than scarce fossil fuels from halfway around the world.

Please restore some sanity to this process. Encourage the Payette Forest Supervisor to select the less radical and less onerous alternative for the new Travel Management Plan. By designating all existing forest roads open unless otherwise marked, she will make it possible for rural Idahoans to continue to gather firewood from our National Forest. At the same time, she will help better distribute use across the forest, rather than concentrating users on few roads and condensed areas, which would actually accelerate damage to the resource, increase user conflicts, and raise the risk of accidents when too many woodcutters converge in smaller and smaller confines.

Let us utilize renewable biomass while reducing the wildfire fuel load in our backyard. Thank you for supporting responsible use of our natural resources and our public lands.

WENDY, *Indian Valley*.

I am glad you are willing to listen to the residents of Idaho. Gas prices continue to amaze me and we have cut back on traveling

as much as possible. As a result in increased fuel prices, food prices continue to climb as do electricity costs. Unfortunately, salaries and benefits do not continue to rise as well.

I know that it is hard to know what to do to help the situation, but I have one solution that would benefit us. Get rid of daylight savings. Not only do my children (and I) have a hard time adjusting to the time change every spring and fall, but I honestly feel it causes us to use more energy. We have to stay up until nearly midnight every night just to allow the house to cool down. My children also stay up later because it is still light outside until 10 p.m. so it is easy to lose track of time. I believe one of the states did a study as well and found that daylight savings does indeed cause us to use more energy not less. My son just returned from visiting family in Arizona, and he is ready to do away with daylight savings as well. Please consider this as a potential help to our energy problems.

SHERYL.

I am a 73-year-old senior trying to live on Social Security and a bit of other income. Over 2 years ago, we took guardianship of a great-granddaughter; her mother is incarcerated due to meth addiction. We have a diabetic daughter whose kidneys failed; she is now undergoing treatment three times a week. She nearly bled to death three times in one month, as she was home sleeping and her shunts opened. They had to close them off and use a chest catheter now. She is scheduled for a triple bypass and to correct a heart defect on July 8.

We are so grateful to still have her with us. We have to help her with her many bills (medical, food, gas etc.), as she lives alone in a small house about 3 miles from us. She still is able to enjoy some freedom in her life, as long as we can afford all this. I do not know how long we can do this. She is able to get some assistance, but not nearly enough.

My husband, who will be 77 in August, has gone back to work on a temporary job at the INEL, for as long as he can handle. He is gone 12 hours a day from home.

Yesterday, I went to Wal-Mart, and a 5-pound block of cheddar cheese was $18.97 per cube.

Just how much can this go on? Why was this allowed to go on at all? With an energy bill all these years. As far as I am concerned, everyone who voted against these bills [was not considering the long-term. Now the American public is paying for the short-sightedness of these actions.]

LYDIA, *Idaho Falls*.

I am writing in concerns to the raising gas prices and how it is affecting me. I currently work full-time as a paper delivery person. I have nine routes between two paper companies, the Spokesman Review and the Daily Bee. Last year I was forced to pick up more routes within my area just so I could pay for gas and still support my three little girls. This year as gas continues to climb, I am forced to go to work cleaning houses on the side during the day, on top of my paper routes. I am a mother who was working nights so I could be home with my kids and not pay someone else to raise my kids for me. Last year I started home schooling my two school-age children due to lack of faith in the public school system. My kids love it and are excelling now where one was behind at the beginning of last year.

Now I face trying to juggle two jobs, my own schooling and the schooling of two of my children. I am trying to better myself, and every time things look up financially, the cost of gas or something else goes up, but the cost of living and the going pay rates stay the same. Tell me how a single mother of three is supposed to get out of poverty when the cost of everything, especially gas for those who work in the service industry, is going up faster than the money is coming in. I am not looking for hand-outs; I just want things to be reasonable. When delivering papers, you can have a walk route or motor route. The motor routes get paid twice to three times as much as the walk routes. I have walk routes but so many papers that I have to drive, not to mention the wear and tear of the stop and go of the job. I also have to porch 90 percent of my papers, which has caused wear and tear on my body that cannot be fixed. I feel that a paper route is a paper route, and you should get the same rate per paper, not a different rate for different mileage. What about the miles on my body that is twice as much as someone with a motor route? I would like to see changes in the way we are reimbursed for gas because 40 cents to the gallon, when a gallon is $4 just is not fair for anyone.

ACCALIA, *Sandpoint*.

Our family has cut back on the use of our auto. We have a high mileage Honda Civic that gets 40+ mpg on trips but we only make a trip when we have to. We combine errands and use the car for dual tasks. We will walk or carpool when possible.

Now I have an immediate short-term solution to the high price of gas, jet fuel, and diesel. It involves our government subsidizing the cost of energy to hold the price of gas at around $2.50 a gallon to the consumer. It would not increase the Federal Government's budget. You could simply eliminate all the pork packages added to about every bill that is passed. You could also eliminate the subsidies to the big oil companies and, if necessary, eliminate the agricultural subsidies, especially the ethanol support. What I am saying is that if government would use the taxpayers' money with frugality and common sense, they would have the resources to hold the price of fuel down until a permanent solution surfaces. If we do not get a handle on the rising cost of fuel our economy and the economies of the world will be destroyed.

JERRY, *Boise*.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR GENERAL DANIEL V. WRIGHT

• Mr. GRAHAM. Mr. President, I wish today to recognize and pay tribute to MG Daniel V. Wright, the Deputy Judge Advocate General of the Army, for his many years of exceptionally meritorious service to our country. General Wright will retire from the Army on May 29, 2009, having completed a distinguished 36-year military career. We owe him a debt of gratitude for his many contributions to our Nation and the legal profession, particularly during operations in support of the global war on terror.

Born on the Fourth of July in 1951, in Birmingham, AL, this great patriot grew up in Miami, FL. He graduated in 1973 from the United States Military Academy and was commissioned as an infantry officer. His initial assignment was to the 25th Infantry Division, Schofield Barracks, Hawaii, where he served as an infantry officer until 1977. He was then selected by the Army to attend law school through the Funded Legal Education Program and completed his legal studies at the University of Miami.

His career as a Judge Advocate spanned the globe and included the most challenging assignments. He quickly distinguished himself as an expert in operational law when he served as the first Regimental Judge Advocate for the 75th Ranger Regiment, America's premier rapid-reaction assault force. He later served as the legal adviser for the Joint Special Operations Command at Fort Bragg, NC, where he participated in operations in Somalia and Haiti. As the Staff Judge Advocate for the U.S. Army Southern European Task Force, SETAF, in Vicenza, Italy, he twice deployed to central Africa as the Joint Task Force legal adviser in support of regional stabilization, refugee return, and noncombatant evacuation operations. From 1999 to 2001 he served as the Staff Judge Advocate for XVIII Airborne Corps and Fort Bragg, where he advised the operational commander of over 85,000 soldiers worldwide.

Upon selection and promotion as a general officer in 2001, he assumed responsibilities as the Commander, U.S. Army Legal Services Agency, and Chief Judge, U.S. Army Court of Criminal Appeals. His service included supervision of the Army's considerable litigation program, government and defense appellate programs, and Chief Judge of the Army's criminal appellate court.

In 2003, he was appointed the Assistant Judge Advocate General for Military Law and Operations, where he forged a cohesive team of experts who delivered legal advice across a wide range of disciplines including the establishment of the Office of Military Commissions, the evolving role of the law in judicial reconstruction and stability operations, and the significant growth of contractors as force multipliers.

General Wright was appointed Deputy Judge Advocate General on October 1, 2005, and promoted to the rank of major general. In this position he served as the principal assistant for the largest legal services corps within the Department of Defense, with more than 9,000 uniformed and civilian attorneys, paralegal NCOs, and civilian support staff across 651 offices in 19 countries. General Wright routinely advised the Judge Advocate General, the Vice Chief of Staff of the Army, and other senior military leaders on the most sensitive matters of policy, personnel, ethics, operational law, and military justice. His advice has been invaluable because it was built on decades of perspective, experience, and study, and was delivered with clarity and candor.

General Wright's awards include the Defense Superior Service Medal, the Legion of Merit, Army Meritorious Service Medal, Joint Service Commendation Medal, Army Commendation Medal, Army Achievement Medal, Armed Forces Expeditionary Medal, and Humanitarian Service Medal. He has earned the Expert Infantryman's Badge, the Master Parachutist Badge, and the Ranger Tab.

I know all my colleagues join me in saluting MG Daniel V. Wright and his wife, Jan, his daughter Melissa, also an Army veteran, his daughter Katie, and his son Brian and his son Jeff, for the family's many years of truly outstanding service and support to the Judge Advocate General's Corps, the U.S. Army, and our great Nation.●

TRIBUTE TO JESSE KUHAULUA

● Mr. INOUYE. Mr. President, I would like to recognize Mr. Jesse Kuhaulua, renowned sumo wrestler and stablemaster. June 6, 2009, marks Mr. Kuhaulua's 65th birthday, and official retirement from the sport of sumo. It is with warm aloha that I congratulate Mr. Kuhaulua on these milestones.

The traditions of sumo span centuries. During the 8th century, sumo wrestling matches were integrated into the ceremonies of the Imperial Court. With the support of the Imperial Court, sumo evolved and developed rules and techniques that closely resemble the sumo of today. In the 12th century, under a military dictatorship, intense warfare ensued, and sumo was used to improve fighting skills. When peace was restored in the early 17th century, professional sumo groups were organized to entertain the rapidly expanding mercantile class, and sumo came into its own as the national sport of Japan. The present day Japan Sumo Association has its origins in these groups. An amalgamation of Shinto ritual, skill, and entertainment, sumo is more than a practice of strength and combat. Sumo epitomizes Japanese culture and its affinity for tradition.

Mr. Kuhaulua was born and raised in Hawaii on the Island of Maui, and in 1964 left the islands to pursue the sport of sumo in Japan. Over the course of nearly 45 years, as both a wrestler and stablemaster, Mr. Kuhaulua has been a pioneer and a legend. As an individual athlete, his achievements are outstanding. Mr. Kuhaulua holds almost every all-time individual sumo record of endurance or in the iron-man category. As a trail blazer, he has earned a place in sumo history that will never be forgotten, as the first foreigner to win a tournament championship, and to open a sumo stable. His coaching skills helped develop the skills of Mr. Chad Rowan, the first foreigner to achieve the rank of Yokozuna. The legacy Mr. Kuhaulua leaves the world of sumo wrestling will continue to be an inspiration for generations to come.

I applaud Mr. Kuhaulua for his hard work and perseverance that has led to his great achievements in sumo, and wish him the best in the bright years ahead.●

HONORING LIE-NIELSEN TOOLWORKS INC.

● Ms. SNOWE. Mr. President, American entrepreneurs often make their mark by honing their skills to meet a public demand. Today I wish to recognize Lie-Nielsen Toolworks Inc., a small business in my home State of Maine, that saw a need in specialty toolmaking, and moved quickly to fill it.

As a boy, Thomas Lie-Nielsen spent many hours in his father's workshop as seasoned woodworkers practiced their craft, absorbing their techniques. An English major in college, Mr. Lie-Nielsen always maintained a fondness for woodworking, and later worked for a mail order woodworking tools business. When larger manufacturers began to drop specialty tools from their lines, he moved to the small Maine town of West Rockport, where he opened his shop in 1981 to fill the specialty tool niche. In 1988, as the business grew, Mr. Lie-Nielsen moved the company to the neighboring town of Warren, where he later opened a 13,000-square-foot facility for its day-to-day operations. In 1998, Lie-Nielsen acquired the Independence Tool Company, further growing the company's size.

Starting out producing just two tools in 1981, Lie-Nielsen today manufactures almost 100 different tools, from planes to spokeshaves to special inlay tools. The company now employs more than 60 Mainers, crafting woodworking tools from a variety of native American hardwoods found mostly throughout New England. Lie-Nielsen ships its tools to customers abroad, as far away as Europe, Japan and Australia. The company also teaches the craft of woodworking through its training DVDs which feature how to get the most out of their specialty, hand-crafted Lie-Nielsen tools.

Mr. Lie-Nielsen remains personally committed to the success of his business, particularly through increased production and the development of new and sturdy products. He is particularly responsive to comments and suggestions from his company's customers in designing new tools they would like Lie-Nielsen to make. Additionally, Mr. Lie-Nielsen frequently travels throughout the United States and Canada discussing the woodworking and toolmaking trade at informational talks and presentations. He is also an accomplished author, having written ''Taunton's Complete Illustrated Guide to Sharpening,'' as well as co-authoring ''Taunton's Complete Illustrated Guide to Woodworking.''

On April 17 of this year, Maine Governor John Baldacci presented Lie-Nielsen, along with five other excellent Maine companies, with the 2009 Governor's Award for Business Excellence. Lie-Nielsen was selected for the company's innovative spirit and for its strong record of community service and dedication to investing in its workforce. I extend my congratulations to Lie-Nielsen Toolworks for this outstanding recognition.

Carving out a specialty niche in the woodworking world, Lie-Nielsen has excelled as a leader in the craft of toolmaking. It is the passion, drive, and innovation of entrepreneurs like Thomas Lie-Nielsen that will shape our economic future. I wish Mr. Lie-Nielsen, founder and CEO, and everyone at Lie-Nielsen Toolworks, Inc. a successful year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the resolution (S. Con. Res. 13) entitled ''Concurrent resolution 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.''.

At 3:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1243. An act 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.

H.R. 1595. An act 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 message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 36. 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.

H. Con. Res. 104. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

The message further announced that pursuant to 44 U.S.C. 2501, and the

order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the National Historical Publications and Records Commission: Mr. LARSON of Connecticut.

The message also announced that pursuant to 16 U.S.C. 431 note, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Dwight D. Eisenhower Memorial Commission: Mr. MOORE of Kansas and Mr. BOSWELL of Iowa.

The message further announced that 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 Speaker appoints the following Member of the House of Representatives to the Abraham Lincoln Bicentennial Commission: Mr. JACKSON of Illinois.

The message also announced that pursuant to 20 U.S.C. 2004(b), and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of the Harry S Truman Scholarship Foundation: Mr. SKELTON of Missouri.

The message further announced that 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 Speaker appoints the following Member of the House of Representatives to the Board of Trustees of the Congressional Hunger Fellows Program for a term of four years: Mr. JAMES P. MCGOVERN of Worcester, Massachusetts.

The message also announced that pursuant to 20 U.S.C., 4303, and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of Gallaudet University: Ms. WOOLSEY of California.

The message further announced that pursuant to 10 U.S.C. 4355(a), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. HINCHEY of New York and Mr. HALL of New York.

The message also announced that pursuant to 22 U.S.C. 276h, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. PASTOR of Arizona, Chairman, Ms. GIFFORDS of Arizona, Vice Chairman, Ms. LINDA SÁNCHEZ of California, Mr. FILNER of California, Mr. REYES of Texas, and Mr. GENE GREEN of Texas.

The message further announced that pursuant to 22 U.S.C. 1928a, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives 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 of California, Vice Chairman, Mr. ROSS of Arkansas, Mr. CHANDLER of Kentucky, Mr. LARSON of Connecticut, Mr. MEEK of Florida, Mr. SCOTT of Georgia, and Ms. BEAN of Illinois.

The message also announced that pursuant to 22 U.S.C. 2903, and the order of the House of January 6, 2009, the Speaker appoints the following Member of the House of Representatives to the Japan-United States Friendship Commission: Mr. MCDERMOTT of Washington.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1243. An act 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; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1595. An act 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''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 36. 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; to the Committee on Foreign Relations.

H. Con. Res. 104. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; to the Committee on the Judiciary.

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–1477. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the TRICARE Program for fiscal year 2009; to the Committee on Armed Services.

EC–1478. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Investigation of the Spectrum Requirements for Advanced Medical Technologies'' ((FCC 09–23) (ET Docket No. 06–135)) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1479. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Scranton; Pennsylvania'' (MB Docket No. 08–244) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1480. A communication from the Acting Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf'' (RIN1010–AD30) received in the Office of the President of the Senate on April 27, 2009; to the Committee on Energy and Natural Resources.

EC–1481. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of February 15, 2009, through April 15, 2009; to the Committee on Foreign Relations.

EC–1482. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009–0047–2009–0061); to the Committee on Foreign Relations.

EC–1483. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Low Income Home Energy Assistance Program for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 615. A bill to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction (Rept. No. 111–15).

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 414. A bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Health, Education, Labor, and Pensions.

*Russlynn Ali, of California, to be Assistant Secretary for Civil Rights, Department of Education.

*Carmel Martin, of Maryland, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

*Charles P. Rose, of Illinois, to be General Counsel, Department of Education.

*Peter Cunningham, of Illinois, to be Assistant Secretary for Communications and Outreach, Department of Education.

*Brian Vincent Kennedy, of Virginia, to be an Assistant Secretary of Labor.

*T. Michael Kerr, of the District of Columbia, to be an Assistant Secretary of Labor.

*Gabriella Cecilia Gomez, of California, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

*Thomasina Rogers, of Maryland, to be a Member of the Occupational Safety and

Health Review Commission for a term expiring April 27, 2015.

*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 Ms. MURKOWSKI:

S. 922. A bill to amend the Internal Revenue Code of 1986 to modify the term ''5-year property''; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 923. A bill to promote the development and use of marine renewable energy technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, Mr. LEAHY, Mr. BROWN, Mr. CASEY, Mrs. GILLIBRAND, and Mr. BURRIS):

S. 924. A bill to ensure efficient performance of agency functions; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. GILLIBRAND (for herself, Mrs. FEINSTEIN, and Mr. SCHUMER):

S. 925. A bill to direct the Secretary of Health and Human Services to study the presence of contaminants and impurities in cosmetics and personal care products marketed to and used by children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself, Mr. VOINOVICH, Mr. ENSIGN, Mrs. HUTCHISON, and Mr. CHAMBLISS):

S. 926. A bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purpose of improving oversight and eliminating Government spending; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PRYOR:

S. 927. A bill to amend the Securities Exchange Act of 1934 to enhance oversight of nationally recognized statistical rating organizations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRYOR (for himself and Mr. CORKER):

S. 928. A bill to enhance disclosures regarding the use of funds under the Troubled Asset Relief Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 929. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for the purchase of certain nonroad equipment powered by alternative power sources; to the Committee on Finance.

By Mrs. MURRAY (for herself, Ms. MURKOWSKI, and Ms. CANTWELL):

S. 930. A bill to promote secure ferry transportation and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself, Mr. DURBIN, Mr. KERRY, Mr. WHITEHOUSE, Mr. WYDEN, Mr. UDALL of New Mexico, Mr. MERKLEY, and Mr. KENNEDY):

S. 931. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE (for herself and Mr. MENENDEZ):

S. Res. 117. A resolution commemorating the 80th anniversary of the Daughters of Penelope, a preeminent international women's association and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA); to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. HARKIN, Ms. COLLINS, Mr. LEAHY, Mr. LUGAR, and Mr. FEINGOLD):

S. Res. 118. A resolution to provide Internet access to certain Congressional Research Service publications; to the Committee on Rules and Administration.

By Mr. ISAKSON (for himself and Mr. CHAMBLISS):

S. Res. 119. A resolution commending the University of Georgia gymnastics team for winning the 2009 NCAA national championship; considered and agreed to.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. Res. 120. A resolution congratulating the Trinity College Bantams for their 11th-straight College Squash Association Men's Team Championship; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. DURBIN, Mr. KENNEDY, Mrs. BOXER, Mr. FEINGOLD, and Mr. DODD):

S. Con. Res. 21. A concurrent resolution supporting the goals and ideals of National Early Educator Worthy Wage Day; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 144

At the request of Mr. KERRY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 229

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 266

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 266, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 307

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 318

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 318, a bill to amend title XVIII of the Social Security Act to improve access to health care under the Medicare program for beneficiaries residing in rural areas.

S. 422

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Minnesota (Ms. KLOBUCHAR) 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. 428

At the request of Mr. DORGAN, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 456

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 476

At the request of Mrs. BOXER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care

system for travel for specialty health care.

S. 491

At the request of Mr. WEBB, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 534

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 534, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor 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.

S. 590

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 590, a bill to assist local communities with closed and active military bases, and for other purposes.

S. 592

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 592, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 636

At the request of Mr. THUNE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 636, a bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002.

S. 655

At the request of Mr. JOHNSON, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 655, a bill to amend the Pittman-Robertson Wildlife Restoration Act to ensure adequate funding for conservation and restoration of wildlife, and for other purposes.

S. 696

At the request of Mr. CARDIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 696, a bill to amend the Federal Water Pollution Control Act to include a definition of fill material.

S. 714

At the request of Mr. WEBB, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 717

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor 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. 753

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 753, a bill to prohibit the manufacture, sale, or distribution in commerce of children's food and beverage containers composed of bisphenol A, and for other purposes.

S. 765

At the request of Mr. NELSON of Nebraska, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 765, 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.

S. 816

At the request of Mr. CRAPO, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 816, a bill to preserve the rights granted under second amendment to the Constitution in national parks and national wildlife refuge areas.

S. 832

At the request of Mr. NELSON of Florida, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Virginia (Mr. WEBB) were added as cosponsors 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. 908

At the request of Mr. BAYH, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Kentucky (Mr. BUNNING), the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. MARTINEZ) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of 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.

S. 909

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 922. A bill to amend the Internal Revenue Code of 1986 to modify the term ''5-year property''; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise today to introduce two pieces of legislation S. 922 and S. 923, that I hope will be the next major step that this Congress takes to help an exciting form of renewable energy to become more established as a viable energy technology. I am referring to helping the expansion of the ocean hydrokinetic energy industry.

Today I am introducing the Marine Renewable Energy Promotion Act of 2009 and a companion tax provision. They are companion measures to one that has been introduced in the House of Representatives by Rep. JAY INSLEE of Washington.

For a number of years this Nation has been providing help with research and other assistance to promote the development of energy from our oceans and rivers, using the tides, currents, waves and even the thermal properties of our oceans to generate electricity. With 70 percent of our planet covered with water, and the energy that the sun produces—each day oceans absorb the energy equivalent of 250 billion barrels of oil—and the energy that winds produce and impart to that water, marine hydrokinetic energy has the potential to be a major source of the world's clean, non-carbon emitting power in the future.

The Electric Power Research Institute has estimated that ocean resources in the U.S. could generate 252 million megawatt hours of electricity—6.5 percent of America's entire electricity generation—if ocean energy gained the same financial and research incentives currently enjoyed by other forms of renewable energy.

In 2005 in the Energy Policy Act we started the process of leveling the playing field. Besides authorizing a greater Federal research preference, we granted ocean energy the federal purchase requirement and the federal production incentive. In 2007's Energy Independence and Security Act, we furthered energy research and authorized the funding of research and ocean energy demonstration centers. In 2008, ocean energy finally was qualified to receive a renewable energy Production Tax Credit—unfortunately at a lower rate than some other renewables receive. But the PTC establishes the principle that ocean energy is a valuable future technology to meet electricity generation needs.

Now we are proposing that additional Federal aid be granted to all potential forms of Marine Renewable Energy to allow the industry's growth to advance more rapidly. The bill authorizes the Department of Energy to increase its research and development effort, working to develop new technologies, reduce manufacturing and operating costs of the devices, improve the reliability and survivability of marine energy facilities and make sure that such power can be integrated into the national electricity grid. The bill also encourages efforts to allow marine energy to work in conjunction with other forms of energy, such as offshore wind, and authorizes more federal aid to assess and deal with any environmental impacts. The bill also authorizes establishment of project standards and provides for incentives to help the industry comply with any standards developed.

Allows for the creation of a Federal Marine-Based Energy Device Verification program, so the Government tests and certifies the performance of new marine technologies to reduce market risks for utilities to purchase power from such projects.

Authorizes the Federal Government to set up an adaptive management program, and a fund to help pay for the regulatory permitting and development of new marine technologies.

A separate bill, likely to be referred to the Senate Finance Committee for consideration, authorizes that marine projects benefit from being able to accelerate the depreciation of their project costs over five years—like some other renewable energy technologies currently can do. That should enhance project economic returns for private developers.

The legislation in total authorizes up to $250 million a year of Federal funding for research. It is in keeping with the goals of the Obama administration to markedly increase funding for prospective renewable energy technologies that can help reduce U.S. and global carbon emissions and reduce our dependence on fossil fuels for energy production.

The technology this bill could foster could be of immense benefit to coastal regions and the U.S. power grid overall. In my home State of Alaska, for example, there are nearly 150 communities located along the State's 34,000 miles of coastline plus dozens more on the major river systems, which may benefit from the economies that gaining power from the free fuels of nature's currents and waves provides. In a State where rural electricity is currently averaging 65 cents per kilowatt hour when generated from diesel fuels—ocean energy offers the potential to sharply reduce all costs and vastly improve the local economy and thus the economy of the entire Nation.

There are a number of difficult challenges ahead to realize the potential of marine renewable energy from building reliable devices at economical costs. But these bills are another step toward getting on with the task of identifying and meeting those challenges. The potential is well worth the cost.

I hope this body will quickly include these provisions in comprehensive energy legislation and help this new industry to advance for the benefit of all Americans.

By Mr. CORNYN (for himself, Mr. VOINOVICH, Mr. ENSIGN, Mrs. HUTCHISON, and Mr. CHAMBLISS):

S. 926. A bill to provide for the continuing review of unauthorized Federal programs and agencies and to establish a bipartisan commission for the purpose of improving oversight and eliminating Government spending; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise to introduce the United States Authorization and Sunset Commission Act of 2009. I am very pleased to be joined by my colleagues and good friends, Senators VOINOVICH, CHAMBLISS, ENSIGN and HUTCHISON, who share my commitment that every dime sent by taxpayers to Washington, DC is spent wisely.

The President has said several times that he intends to go through the Federal budget line-by-line—ending programs that we do not need and making the ones we do need work better and cost less. It is in this same spirit that I introduce this legislation.

The United States Authorization and Sunset Commission Act of 2009 creates an 8 member bipartisan Commission, made up of 4 Senators and 4 Representatives. The Commission will look at the effectiveness and efficiency of all federal programs, but will especially focus on unauthorized and ineffective programs. The bill is modeled after the sunset process that the State of Texas instituted in 1977 to identify and eliminate waste, duplication, and inefficiency in government agencies. This process has led to the elimination of dozens of agencies that have outlived their usefulness and has saved Texas taxpayers hundreds of millions of dollars.

The job of the Commission is to ask the fundamental question: ''Is an agency or program still needed?''

The Commission has two major responsibilities. First, the Commission must submit a legislative proposal to Congress at least once every 10 years that includes a review schedule of at least 25 percent of unauthorized Federal programs and at least 25 percent of ineffective federal programs or where effectiveness cannot be shown by the Office of Management and Budget's, OMB, Performance Assessment Rating Tool, PART. The Commission's schedule will abolish each program if Congress fails to either reauthorize the program or consider the Commission's recommendations within 2 years.

Second, the Commission must conduct a review of each program identified in its review schedule and send its recommendations for Congressional review. Congress will then have 2 years to consider and pass the Commission's recommendations or to reauthorize the program before it is abolished.

Congress has two bites of the apple when it comes to evaluating federal spending. First, when it authorizes a program and second when it appropriates the money for it. Yet, the Congressional Budget Office, CBO, annually finds that Congress spends billions of taxpayers' money on agencies and programs despite the fact that their authorization had expired. Many of these expired programs and agencies—perhaps most—deserve reauthorization. Nonetheless, Congress should aggressively determine whether these programs and agencies are working as intended and the Commission will help serve this purpose.

In addition, the Commission will use OMB's PART, which is a tool to assess and improve program performance. PART looks at all factors that affect and reflect program performance including program purpose and design, performance measurement, evaluations and strategic planning, program management, and program results. Using PART, OMB has scored over 1,000 government programs and found that 20 percent were not performing—they were found to be ineffective or their effectiveness could not be determined.

The Commission's work will be guided by 10 criteria, including the program's effectiveness and efficiency, achievement of performance goals, and whether the program has fulfilled its legislative intent.

Unfortunately Congress has a tendency to create commissions and then ignore their work and continue on with business as usual. This bill solves this problem. It requires Congress to consider, debate, and vote on the Commission's report under expedited procedures.

The United States Authorization and Sunset Commission Act of 2009 is an important step to getting our fiscal house in order and to making sure that Congress gets back to the hard work of oversight to determine if programs actually fulfill their stated purpose or yield some unintended or counterproductive results. Periodic assessments are essential to good Government and this is what the Commission will provide to Congress and to taxpayers across the country. For this reason, I ask that my colleagues join me in cosponsoring the United States Authorization and Sunset Commission Act of 2009.

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. 926

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 Authorization and Sunset Commission Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''agency'' means an Executive agency as defined under section 105 of title 5, United States Code;

(2) the term ''Commission'' means the United States Authorization and Sunset Commission established under section 3; and

(3) the term ''Commission Schedule and Review bill'' means the proposed legislation submitted to Congress under section 4(b).

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the United States Authorization and Sunset Commission.

(b) COMPOSITION.—The Commission shall be composed of eight members (in this Act referred to as the ''members''), as follows:

(1) Four members appointed by the majority leader of the Senate, one of whom may include the majority leader of the Senate, with minority members appointed with the consent of the minority leader of the Senate.

(2) Four members appointed by the Speaker of the House of Representatives, one of whom may include the Speaker of the House of Representatives, with minority members appointed with the consent of the minority leader of the House of Representatives.

(3) The Director of the Congressional Budget Office and the Comptroller of the Government Accountability Office shall be non-voting ex officio members of the Commission.

(c) QUALIFICATIONS OF MEMBERS.—

(1) IN GENERAL.—

(A) SENATE MEMBERS.—Of the members appointed under subsection (b)(1), four shall be members of the Senate (not more than two of whom may be of the same political party).

(B) HOUSE OF REPRESENTATIVE MEMBERS.—Of the members appointed under subsection (b)(2), four shall be members of the House of Representatives, not more than two of whom may be of the same political party.

(2) CONTINUATION OF MEMBERSHIP.—

(A) IN GENERAL.—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, that member shall cease to be a member of the Commission.

(B) ACTIONS OF COMMISSION UNAFFECTED.—Any action of the Commission shall not be affected as a result of a member becoming ineligible under subparagraph (A).

(d) INITIAL APPOINTMENTS.—Not later than 90 days after the date of enactment of this Act, all initial appointments to the Commission shall be made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) INITIAL CHAIRPERSON.—An individual shall be designated by the Speaker of the House of Representatives from among the members initially appointed under subsection (b)(2) to serve as chairperson of the Commission for a period of 2 years.

(2) INITIAL VICE CHAIRPERSON.—An individual shall be designated by the majority leader of the Senate from among the individuals initially appointed under subsection (b)(1) to serve as vice-chairperson of the Commission for a period of 2 years.

(3) ALTERNATE APPOINTMENTS OF CHAIRMEN AND VICE CHAIRMEN.—Following the termination of the 2-year period described under paragraphs (1) and (2), the Speaker and the majority leader of the Senate shall alternate every 2 years in appointing the chairperson and vice-chairperson of the Commission.

(f) TERMS OF MEMBERS.—

(1) MEMBERS OF CONGRESS.—Each member appointed to the Commission shall serve for a term of 6 years, except that, of the members first appointed under paragraphs (1) and (2) of subsection (b), two members shall be appointed to serve a term of 3 years.

(2) TERM LIMIT.—A member of the Commission who serves more than 3 years of a term may not be appointed to another term as a member.

(g) INITIAL MEETING.—If, after 90 days after the date of enactment of this Act, five or more members of the Commission have been appointed—

(1) members who have been appointed may—

(A) meet; and

(B) select a chairperson from among the members (if a chairperson has not been appointed) who may serve as chairperson until the appointment of a chairperson; and

(2) the chairperson shall have the authority to begin the operations of the Commission, including the hiring of staff.

(h) MEETING; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(i) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS, TESTIMONY, AND EVIDENCE.—The Commission may, for the purpose of carrying out the provisions of this Act—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, that the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—Subpoenas issued under subparagraph (A)(ii) may be issued to require attendance and testimony of witnesses and the production of evidence relating to any matter under investigation by the Commission.

(C) ENFORCEMENT.—The provisions of 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 authority of this paragraph.

(2) CONTRACTING.—The Commission may contract with and compensate government and private agencies or persons for services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) to enable the Commission to discharge its duties under this Act.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson.

(4) SUPPORT SERVICES.—

(A) GOVERNMENT ACCOUNTABILITY OFFICE.—The Government Accountability Office is authorized on a reimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the functions of the Commission.

(B) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(C) AGENCIES.—In addition to the assistance under subparagraphs (A) and (B), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as the Commission may determine advisable as may be authorized by law.

(5) 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.

(6) IMMUNITY.—The Commission is an agency of the United States for purposes of part V of title 18, United States Code (relating to immunity of witnesses).

(7) DIRECTOR AND STAFF OF THE COMMISSION.—

(A) DIRECTOR.—The chairperson of the Commission may appoint a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level II of the Executive Schedule. 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.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(C) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—With the approval of the majority of the Commission, the chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of

basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(8) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION.—Members shall not be paid by reason of their service as members.

(B) TRAVEL EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703(b) of title 5, United States Code.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for the purposes of carrying out the duties of the Commission.

(k) TERMINATION.—The Commission shall terminate on December 31, 2039.

SEC. 4. DUTIES AND RECOMMENDATIONS OF THE UNITED STATES AUTHORIZATION AND SUNSET COMMISSION.

(a) SCHEDULE AND REVIEW.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act and at least once every 10 years thereafter, the Commission shall submit to Congress a legislative proposal that includes the schedule of review and abolishment of agencies and programs (in this section referred to as the ''Commission Schedule and Review bill'').

(2) SCHEDULE.—The schedule of the Commission shall provide a timeline for the Commission's review and proposed abolishment of—

(A) at least 25 percent of unauthorized agencies or programs as measured in dollars, including those identified by the Congressional Budget Office under section 602(e)(3) of title 2, United States Code; and

(B) if applicable, at least 25 percent of the programs as measured in dollars identified by the Office of Management and Budget through its Program Assessment Rating Tool program or other similar review program established by the Office of Management and Budget as ineffective or results not demonstrated.

(3) REVIEW OF AGENCIES.—In determining the schedule for review and abolishment of agencies under paragraph (1), the Commission shall provide that any agency that performs similar or related functions be reviewed concurrently.

(4) CRITERIA AND REVIEW.—The Commission shall review each agency and program identified under paragraph (1) in accordance with the following criteria as applicable:

(A) The effectiveness and the efficiency of the program or agency.

(B) The achievement of performance goals (as defined under section 1115(g)(4) of title 31, United States Code).

(C) The management of the financial and personnel issues of the program or agency.

(D) Whether the program or agency has fulfilled the legislative intent surrounding its creation, taking into account any change in legislative intent during the existence of the program or agency.

(E) Ways the agency or program could be less burdensome but still efficient in protecting the public.

(F) Whether reorganization, consolidation, abolishment, expansion, or transfer of agencies or programs would better enable the Federal Government to accomplish its missions and goals.

(G) The promptness and effectiveness of an agency in handling complaints and requests made under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

(H) The extent that the agency encourages and uses public participation when making rules and decisions.

(I) The record of the agency in complying with requirements for equal employment opportunity, the rights and privacy of individuals, and purchasing products from historically underutilized businesses.

(J) The extent to which the program or agency duplicates or conflicts with other Federal agencies, State or local government, or the private sector and if consolidation or streamlining into a single agency or program is feasible.

(b) SCHEDULE AND ABOLISHMENT OF AGENCIES AND PROGRAMS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act and at least once every 10 years thereafter, the Commission shall submit to the Congress a Commission Schedule and Review bill that—

(A) includes a schedule for review of agencies and programs; and

(B) abolishes any agency or program 2 years after the date the Commission completes its review of the agency or program, unless the agency or program is reauthorized by Congress.

(2) EXPEDITED CONGRESSIONAL CONSIDERATION PROCEDURES.—In reviewing the Commission Schedule and Review bill, Congress shall follow the expedited procedures under section 6.

(c) RECOMMENDATIONS AND LEGISLATIVE PROPOSALS.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to Congress and the President—

(A) a report that reviews and analyzes according to the criteria established under subsection (a)(4) for each agency and program to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1);

(B) a proposal, if appropriate, to reauthorize, reorganize, consolidate, expand, or transfer the Federal programs and agencies to be reviewed in the year in which the report is submitted under the schedule submitted to Congress under subsection (a)(1); and

(C) legislative provisions necessary to implement the Commission's proposal and recommendations.

(2) ADDITIONAL REPORTS.—The Commission shall submit to Congress and the President additional reports as prescribed under paragraph (1) on or before June 30 of every other year.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the power of the Commission to review any Federal program or agency.

(e) APPROVAL OF REPORTS.—The Commission Schedule and Review bill and all other legislative proposals and reports submitted under this section shall require the approval of not less than five members of the Commission.

SEC. 5. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—If any legislative proposal with provisions is submitted to Congress under section 4(c), a bill with that proposal and provisions shall be introduced in the Senate by the majority leader, and in the House of Representatives, by the Speaker. Upon introduction, the bill shall be referred to the appropriate committees of Congress under paragraph (2). If the bill is not introduced in accordance with the preceding sentence, then any Member of Congress may introduce that bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such proposal with provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the bill, each committee of Congress to which the bill was referred shall report the bill or a committee amendment thereto.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a bill has not reported such bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such bill, and such bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the committee amendment to the bill, and if there is no such amendment, to the bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the bill without intervening motion, order, or other business, and the bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate on the bill is in order and is not debatable. All time used for consideration of the bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 50 hours of debate.

(D) AMENDMENTS.—No amendment that is not germane to the provisions of the bill shall be in order in the Senate. In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the bill, and the disposition of any pending amendments under subparagraph (D), the vote on final passage of the bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the bill, a motion to proceed to the consideration of

other business, or a motion to recommit the bill is not in order. A motion to reconsider the vote by which the bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the bill that was introduced in such House, such House receives from the other House a bill as passed by such other House—

(A) the bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the bill of the other House, with respect to the bill that was introduced in the House in receipt of the bill of the other House, shall be the same as if no bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the bill of the other House.

Upon disposition of a bill that is received by one House from the other House, it shall no longer be in order to consider the bill that was introduced in the receiving House.

(3) CONSIDERATION IN CONFERENCE.—

(A) CONVENING OF CONFERENCE.—Immediately upon final passage of a bill that results in a disagreement between the two Houses of Congress with respect to a bill, conferees shall be appointed and a conference convened.

(B) ACTION ON CONFERENCE REPORTS IN THE SENATE.—

(i) MOTION TO PROCEED.—The motion to proceed to consideration in the Senate of the conference report on a bill may be made even though a previous motion to the same effect has been disagreed to.

(ii) DEBATE.—Consideration in the Senate of the conference report (including a message between Houses) on a bill, and all amendments in disagreement, including all amendments thereto, and debatable motions and appeals in connection therewith, shall be limited to 20 hours, equally divided and controlled by the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report (or a message between Houses) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report (or a message between Houses).

(iii) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferrees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to ½ hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to 20 minutes, to be equally divided between and controlled by the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

(iv) AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

(v) LIMITATION ON MOTION TO RECOMMIT.—A motion to recommit the conference report is not in order.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 6. EXPEDITED CONSIDERATION OF COMMISSION SCHEDULE AND REVIEW BILL.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The Commission Schedule and Review bill submitted under section 4(b) shall be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Commission Schedule and Review bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Commission Schedule and Review bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Commission Schedule and Review bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Commission Schedule and Review bill introduced under paragraph (1) shall be referred to any appropriate committee of jurisdiction in the Senate, any appropriate committee of jurisdiction in the House of Representatives, the Committee on the Budget and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Budget and the Committee on Oversight and Government Reform of the House of Representatives. A committee to which a Commission Schedule and Review bill is referred under this paragraph may review and comment on such bill, may report such bill to the respective House, and may not amend such bill.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Commission Schedule and Review bill, each Committee of Congress to which the Commission Schedule and Review bill was referred shall report the bill.

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Commission Schedule and Review bill has not reported such Commission Schedule and Review bill at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Commission Schedule and Review bill, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Commission Schedule and Review bill, and such Commission Schedule and Review bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 calendar days after the date on which a committee has been discharged from consideration of a Commission Schedule and Review bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Commission Schedule and Review bill. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Commission Schedule and Review bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of a Commission Schedule and Review bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, to a motion to postpone consideration of the Commission Schedule and Review bill, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Commission Schedule and Review bill without intervening motion, order, or other business, and the Commission Schedule and Review bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) LIMITED DEBATE.—Debate on the Commission Schedule and Review bill and on all debatable motions and appeals in connection therewith shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the Commission Schedule and Review bill. A motion further to limit debate on the Commission Schedule and Review bill is in order and is not debatable. All time used for consideration of the Commission Schedule and Review bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall come from the 10 hours of debate.

(D) AMENDMENTS.—No amendment to the Commission Schedule and Review bill shall be in order in the Senate and the House of Representatives.

(E) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on the Commission Schedule and Review bill, the vote on final passage of the Commission Schedule and Review bill shall occur.

(F) OTHER MOTIONS NOT IN ORDER.—A motion to postpone consideration of the Commission Schedule and Review bill, a motion to proceed to the consideration of other business, or a motion to recommit the Commission Schedule and Review bill is not in order. A motion to reconsider the vote by which the Commission Schedule and Review bill is agreed to or not agreed to is not in order.

(2) CONSIDERATION BY OTHER HOUSE.—If, before the passage by one House of the Commission Schedule and Review bill that was introduced in such House, such House receives from the other House a Commission Schedule and Review bill as passed by such other House—

(A) the Commission Schedule and Review bill of the other House shall not be referred to a committee and may only be considered for final passage in the House that receives it under subparagraph (C);

(B) the procedure in the House in receipt of the Commission Schedule and Review bill of the other House, with respect to the Commission Schedule and Review bill that was introduced in the House in receipt of the Commission Schedule and Review bill of the other House, shall be the same as if no Commission Schedule and Review bill had been received from the other House; and

(C) notwithstanding subparagraph (B), the vote on final passage shall be on the Commission Schedule and Review bill of the other House. Upon disposition of a Commission Schedule and Review bill that is received by one House from the other House, it shall no longer be in order to consider the Commission Schedule and Review bill that was introduced in the receiving House.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission Schedule and Review bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 929. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for the purchase of certain nonroad equipment powered by alternative power sources; to the Committee on Finance.

Mr. LEAHY. Mr. President, I rise today with my good friend from Vermont, Senator SANDERS, to introduce legislation that will help our environment and our economy by providing a 25 percent tax credit towards the purchase of environmentally friendly lawn, garden, and forestry power equipment.

There are an estimated 50 million acres of lawns and managed turf grass in the U.S. and the small engines used in power equipment predominantly used today to maintain these lawns emit a variety of pollutants that can be harmful to people and the environment. By promoting the use of alternative fuels, we can reduce the carbon footprint of lawn and garden equipment and reduce air and water pollution.

The Environmental Protection Agency, EPA, recently finalized a new emission control program to reduce hydrocarbon emissions and evaporative emissions from the small, spark-ignition engines that are commonly used in lawn, garden, and forestry equipment. I applaud the EPA for setting these new emissions standards because they eventually will reduce the harmful health effects of ozone and carbon monoxide. I also appreciate the work being done in the State of California to set the stage for these tougher standards and to provide State funds for rebates to consumers who purchase the cleanest types of lawn and garden equipment.

We can do more, though, to advance the use of cleaner, alternative fueled equipment. Currently, the cleanest, alternative powered equipment typically costs dramatically more to produce—in part due to their relatively low volumes—compared to higher volume products powered by traditional technologies. Our bill is designed to help partially close this price differential so that consumers can afford the very cleanest products and help advance the most cutting-edge, new technologies.

That is why the bill we are introducing today would reduce air pollution even further than the EPA or California standards by providing an immediate incentive for people to go beyond the current powered equipment emission standards and purchase cleaner, alternatively powered or alternative fuel engines and equipment that emit half of the emission levels called for by the EPA and that operate on little or no fossil fuels. In line with past tax credits that were successful in advancing new technologies and boosting consumer demand for environmentally friendly products like hybrid vehicles and energy efficient home appliances, our new tax credit would give Americans a powerful incentive to buy clean, alternative energy power equipment.

I want to thank the Outdoor Power Equipment Institute and the National Audubon Society for their early endorsements of this bill. As the Senate prepares to take a thorough look at our energy and environmental policies this year, I look forward to working with my colleagues to find new ways to further reduce the air emissions and fossil fuel consumption of our Nation's lawn, garden, and forestry equipment.

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. 929

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

SECTION 1. CREDIT FOR CERTAIN NONROAD EQUIPMENT.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT FOR CERTAIN NONROAD EQUIPMENT.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 25 percent of the qualified nonroad equipment expenses for the taxable year.

''(b) LIMITATION.—The credit allowed under subsection (a) shall not exceed $1,000.

''(c) QUALIFIED NONROAD EQUIPMENT EXPENSES.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified nonroad equipment expenses' means the cost of any alternative power nonroad equipment the original use of which commences with the taxpayer and which is placed in service by the taxpayer during the taxable year.

''(2) ALTERNATIVE POWER NONROAD EQUIPMENT.—The term 'alternative power nonroad equipment' means any equipment that is primarily used for lawn, garden, or forestry purposes, and that—

''(A) is powered by a motor drawing current from solar power, electricity, or rechargeable or replaceable batteries,

''(B) has a hybrid-electric drive train or cutting system which is powered by a generator or electrical storage device combined with a small engine, or

''(C) is powered by alternative power sources and—

''(i) is regulated by the Environmental Protection Agency as a new, spark-ignition engine under part 1054 of title 40, Code of Federal Regulations (or any successor regulation), and

''(ii) is certified by the Environmental Protection Agency as having an engine family that emits no more than 50 percent of the number of grams per kilowatt hour of regulated pollutants allowable under Phase 3 of the exhaust emissions standards under section 103 of part 1054 of title 40, Code of Federal Regulations (or any successor regulation), relating to handheld engines, or section 105 of such part, relating to nonhandheld engines, whichever is applicable.

''(3) ALTERNATIVE POWER SOURCES.—The term 'alternative power sources' means any alternative fuel as determined by the Secretary, in coordination with the Office of Energy Efficiency and Renewable Energy.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and 25B'' and inserting '', 25B, and 25E''.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''25E,'' after ''25D,''.

(3) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25E''.

(4) Section 904(i) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(5) Section 1400C(d)(2) of such Code is amended by striking ''and 25D'' and inserting ''25D, and 25E''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for certain nonroad equipment.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases made after the date of the enactment of this Act.

By Mr. FEINGOLD (for himself, Mr. DURBIN, Mr. KERRY, Mr. WHITEHOUSE, Mr. WYDEN, Mr. UDALL of New Mexico, Mr. MERKLEY, and Mr. KENNEDY):

S. 931. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will introduce the Arbitration Fairness Act of 2007. Just as its name suggests, the Arbitration Fairness Act is designed to return fairness to the arbitration system. This bill is not an anti-arbitration bill. If anything, it is pro-arbitration. I firmly believe that this bill will strengthen the arbitration system by returning arbitration to a more equitable design that reflects the intent of the original arbitration legislation, the Federal Arbitration Act.

President Calvin Coolidge signed the Federal Arbitration Act, FAA, into law on February 12, 1925. Congress passed the FAA to make arbitration an enforceable alternative to the civil courts. Even as early as the 1920's,

there were concerns about the efficiency of the civil court system and a desire to allow a speedier alternative. The intent of the FAA, as expressed in a 1923 hearing before a Subcommittee of the Senate Judiciary Committee, was ''to enable business men to settle their disputes expeditiously and economically.'' In a later hearing on the FAA, it was clarified that the legislation was not intended to apply to the employment contracts of those businesses. This distinction is important because it illustrates that, while arbitration was something that the FAA's original sponsors wanted to promote, they were also careful to make clear that they didn't intend for arbitration to become a weapon to be wielded by the powerful against those with less financial and negotiating power.

Since the FAA's enactment, the use of arbitration has grown exponentially. Arbitration certainly has advantages. It can be a fair and efficient way to settle disputes. I strongly support voluntary, alternative dispute resolution methods, and I believe we ought to encourage their use. But I also believe that arbitration is a fair way to settle disputes between consumers and lenders only when it is entered into knowingly and voluntarily by both parties to the dispute after the dispute has arisen. Otherwise arbitration can be used as a weapon by the stronger party against the weaker party.

One of the most fundamental principles of our justice system is the constitutional right to take a dispute to court. Indeed, all Americans have the right in civil and criminal cases to a trial by jury. The right to a jury trial in civil cases in Federal court is contained in the Seventh Amendment to the Constitution. Many States provide a similar right to a jury trial in civil matters filed in state court.

I have been concerned for many years that mandatory arbitration clauses are slowly eroding the legal protections that should be available to all Americans. A large and growing number of corporations now require millions of consumers and employees to sign contracts that include mandatory arbitration clauses. Most of these individuals have little or no meaningful opportunity to negotiate the terms of their contracts and so find themselves having to choose either to accept a mandatory arbitration clause or to forgo securing employment or needed goods and services. Incredibly, mandatory arbitration clauses have been used to prevent individuals from trying to vindicate their civil rights under statutes specifically passed by Congress to protect them.

There is a range of ways in which mandatory arbitration can be particularly hostile to individuals attempting to assert their rights. For example, the administrative fees—both to gain access to the arbitration forum and to pay for the ongoing services of the arbitrator or arbitrators—can be so high as to act as a de facto bar for many individuals who have a claim that requires resolution. In addition, arbitration generally lacks discovery proceedings and other civil due process protections.

Furthermore, there is no meaningful judicial review of arbitrators' decisions. Under mandatory, binding arbitration, even if a party believes that the arbitrator did not consider all the facts or follow the law, the party cannot file a suit in court. The only basis for challenging a binding arbitration decision is fairly narrow: if there is reason to believe that the arbitrator committed actual fraud, or was biased, corrupt, or guilty of misconduct, or exceeded his or her powers. Because mandatory, binding arbitration is so conclusive, it is a credible means of dispute resolution only when all parties understand the full ramifications of agreeing to it.

Unfortunately, in a variety of contexts—employment agreements, credit card agreements, HMO contracts, securities broker contracts, and other consumer and franchise agreements—mandatory arbitration is fast becoming the rule, rather than the exception. The practice of forcing employees to use arbitration has been on the rise since the Supreme Court's Circuit City decision in 2001. Unless Congress acts, the protections it has provided through law for American workers, investors, and consumers, will slowly become irrelevant.

The Arbitration Fairness Act of 2009, which I am happy to say has already been introduced in the House by Rep. HANK JOHNSON, reinstates the FAA's original intent by requiring that agreements to arbitrate employment, consumer, franchise, or civil rights disputes be made after the dispute has arisen. The bill does not prohibit arbitration. What it does do is prevent a party with greater bargaining power from forcing individuals into arbitration through a contractual provision. It will ensure that citizens once again have a true choice between arbitration and the traditional civil court system.

I should note that the bill includes two notable changes from versions that have been introduced in previous Congresses. First, the bill creates a new Chapter 4 of Title 9, separating the new provisions concerning arbitration of consumer, employment, franchise, and civil rights disputes from the Federal Arbitration Act. This should give some comfort to those who are concerned that the bill might have an unintended effect on business to business arbitration.

Second, the bill reverses the Supreme Court's April 2009 decision in 14 Park Plaza v. Pyett. In that case, the Court held that arbitration provisions included in collective bargaining agreements can have the effect of preventing employees from pursuing employment discrimination claims in court. Unions have never believed this was the case. The decision once again expands the reach of arbitration, making less effective statutes specifically intended by Congress to protect workers. Therefore, the bill provides that it generally does not apply to arbitration provisions contained in collective bargaining agreements, except that such provisions may not waive employees' rights to take constitutional or statutory claims to court.

In our system of Government, Congress and state legislatures pass laws and the courts are available to citizens to make sure those laws are enforced. But the rule of law means little if the only forum available to those who believe they have been wronged is an alternative, unaccountable system where the law passed by the legislature does not necessarily apply. This legislation both protects Americans from exploitation and strengthens a valuable alternative method of dispute resolution. These are both worthy ends, and I hope that my colleagues in the Senate will join me in working to pass this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 931

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 ''Arbitration Fairness Act of 2009''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Federal Arbitration Act (now enacted as chapter 1 of title 9 of the United States Code) was intended to apply to disputes between commercial entities of generally similar sophistication and bargaining power.

(2) A series of United States Supreme Court decisions have changed the meaning of the Act so that it now extends to disputes between parties of greatly disparate economic power, such as consumer disputes and employment disputes. As a result, a large and rapidly growing number of corporations are forcing millions of consumers and employees to give up their right to have disputes resolved by a judge or jury, and instead submit their claims to binding arbitration.

(3) Most consumers and employees have little or no meaningful option whether to submit their claims to arbitration. Few people realize or understand the importance of the deliberately fine print that strips them of rights, and because entire industries are adopting these clauses, people increasingly have no choice but to accept them. They must often give up their rights as a condition of having a job, getting necessary medical care, buying a car, opening a bank account, getting a credit card, and the like. Often times, they are not even aware that they have given up their rights.

(4) Private arbitration companies are sometimes under great pressure to devise systems that favor the corporate repeat players who decide whether those companies will receive their lucrative business.

(5) Mandatory arbitration undermines the development of public law for civil rights and consumer rights because there is no meaningful judicial review of arbitrators' decisions. With the knowledge that their rulings will not be seriously examined by a

court applying current law, arbitrators enjoy near complete freedom to ignore the law and even their own rules.

(6) Mandatory arbitration is a poor system for protecting civil rights and consumer rights because it is not transparent. While the American civil justice system features publicly accountable decision makers who generally issue public, written decisions, arbitration often offers none of these features.

(7) Many corporations add to arbitration clauses unfair provisions that deliberately tilt the systems against individuals, including provisions that strip individuals of substantive statutory rights, ban class actions, and force people to arbitrate their claims hundreds of miles from their homes. While some courts have been protective of individuals, too many courts have erroneously upheld even egregiously unfair mandatory arbitration clauses in deference to a supposed Federal policy favoring arbitration over the constitutional rights of individuals.

SEC. 3. ARBITRATION OF EMPLOYMENT, CONSUMER, FRANCHISE, AND CIVIL RIGHTS DISPUTES.

(a) IN GENERAL.—Title 9 of the United States Code is amended by adding at the end the following:

"CHAPTER 4—ARBITRATION OF EMPLOYMENT, CONSUMER, FRANCHISE, AND CIVIL RIGHTS DISPUTES

''Sec.
''401. Definitions.
''402. Validity and enforceability.

"§ 401. Definitions

''In this chapter—

''(1) the term 'civil rights dispute' means a dispute—

''(A) arising under—

''(i) the Constitution of the United States or the constitution of a State; or

''(ii) a Federal or State statute that prohibits discrimination on the basis of race, sex, disability, religion, national origin, or any invidious basis in education, employment, credit, housing, public accommodations and facilities, voting, or program funded or conducted by the Federal Government or State government, including any statute enforced by the Civil Rights Division of the Department of Justice and any statute enumerated in section 62(e) of the Internal Revenue Code of 1986 (relating to unlawful discrimination); and

''(B) in which at least 1 party alleging a violation of the Constitution of the United States, a State constitution, or a statute prohibiting discrimination is an individual;

''(2) the term 'consumer dispute' means a dispute between a person other than an organization who seeks or acquires real or personal property, services (including services relating to securities and other investments), money, or credit for personal, family, or household purposes and the seller or provider of such property, services, money, or credit;

''(3) the term 'employment dispute' means a dispute between an employer and employee arising out of the relationship of employer and employee as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203);

''(4) the term 'franchise dispute' means a dispute between a franchisee with a principal place of business in the United States and a franchisor arising out of or relating to contract or agreement by which—

''(A) a franchisee is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan or system prescribed in substantial part by a franchisor;

''(B) the operation of the franchisee's business pursuant to such plan or system is substantially associated with the franchisor's trademark, service mark, trade name, logotype, advertising, or other commercial symbol designating the franchisor or its affiliate; and

''(C) the franchisee is required to pay, directly or indirectly, a franchise fee; and

''(5) the term 'predispute arbitration agreement' means any agreement to arbitrate a dispute that had not yet arisen at the time of the making of the agreement.

"§ 402. Validity and enforceability

''(a) IN GENERAL.—Notwithstanding any other provision of this title, no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of an employment, consumer, franchise, or civil rights dispute.

''(b) APPLICABILITY.—

''(1) IN GENERAL.—An issue as to whether this chapter applies to an arbitration agreement shall be determined under Federal law. The applicability of this chapter to an agreement to arbitrate and the validity and enforceability of an agreement to which this chapter applies shall be determined by the court, rather than the arbitrator, irrespective of whether the party resisting arbitration challenges the arbitration agreement specifically or in conjunction with other terms of the contract containing such agreement.

''(2) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this chapter shall apply to any arbitration provision in a contract between an employer and a labor organization or between labor organizations, except that no such arbitration provision shall have the effect of waiving the right of an employee to seek judicial enforcement of a right arising under a provision of the Constitution of the United States, a State constitution, or a Federal or State statute, or public policy arising therefrom.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Title 9 of the United States Code is amended—

(A) in section 1, by striking ''of seamen,'' and all that follows through ''interstate commerce'';

(B) in section 2, by inserting ''or as otherwise provided in chapter 4'' before the period at the end;

(C) in section 208—

(i) in the section heading, by striking ''**Chapter 1; residual application**'' and inserting ''**Application**''; and

(ii) by adding at the end the following: ''This chapter applies to the extent that this chapter is not in conflict with chapter 4.''; and

(D) in section 307—

(i) in the section heading, by striking ''**Chapter 1; residual application**'' and inserting ''**Application**''; and

(ii) by adding at the end the following: ''This chapter applies to the extent that this chapter is not in conflict with chapter 4.''.

(2) TABLE OF SECTIONS.—

(A) CHAPTER 2.—The table of sections for chapter 2 of title 9, United States Code, is amended by striking the item relating to section 208 and inserting the following:

''208. Application.''.

(B) CHAPTER 3.—The table of sections for chapter 3 of title 9, United States Code, is amended by striking the item relating to section 307 and inserting the following:

''307. Application.''.

(3) TABLE OF CHAPTERS.—The table of chapters for title 9, United States Code, is amended by adding at the end the following:

''4. Arbitration of employment, consumer, franchise, and civil rights disputes ..... 401''.

SEC. 4. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on the date of enactment of this Act and shall apply with respect to any dispute or claim that arises on or after such date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 117—COMMEMORATING THE 80TH ANNIVERSARY OF THE DAUGHTERS OF PENELOPE, A PREEMINENT INTERNATIONAL WOMEN'S ASSOCIATION AND AFFILIATE ORGANIZATION OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION (AHEPA)

Ms. SNOWE (for herself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 117

Whereas the Daughters of Penelope is a leading international organization of women of Hellenic descent and Philhellenes, founded November 16, 1929, in San Francisco, California, to improve the status and well-being of women and their families and to provide women the opportunity to make significant contributions to their community and country;

Whereas the mission of the Daughters of Penelope is to promote the ideals of ancient Greece, philanthropy, education, civic responsibility, good citizenship, and family and individual excellence, through community service and volunteerism;

Whereas the chapters of the Daughters of Penelope sponsor affordable and dignified housing to the Nation's senior citizen population by participating in the Department of Housing and Urban Development's section 202 housing program (12 U.S.C. 1701q);

Whereas Penelope House, a domestic violence shelter for women and their children sponsored by the Daughters of Penelope, is the first of its kind in the State of Alabama and is recognized as a model shelter for others to emulate throughout the United States;

Whereas the Daughters of Penelope Foundation, Inc. supports the educational objectives of the Daughters of Penelope by providing tens of thousands of dollars annually for scholarships, sponsoring educational seminars, and donating children's books to libraries, schools, shelters, and churches through the ''Open Books'' program;

Whereas the Daughters of Penelope is the first ethnic organization to submit oral history tapes to the Library of Congress, providing an oral history of first generation Greek-American women in the United States;

Whereas the Daughters of Penelope promotes awareness of cancer research, such as thalassemia (Cooley's anemia), lymphangioleiomyomatosis (LAM), Alzheimer's disease, muscular dystrophy, and others;

Whereas the Daughters of Penelope provides financial support for many medical research and charitable organizations such as the University of Miami Sylvester Comprehensive Cancer Center (formerly the Papanicolaou Cancer Center), the Alzheimer's Foundation of America, the American Heart Association, the Special Olympics, the Barbara Bush Foundation for Family Literacy, the Children's Wish Foundation International, the United Nations Children's Fund (UNICEF), Habitat for Humanity, St. Basil Academy, and others; and

Whereas the Daughters of Penelope provides support and financial assistance to victims and communities affected by natural disasters such as hurricanes, earthquakes, and forest fires: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significant contributions of people of Greek ancestry, and of Philhellenes, to the United States; and

(2) commemorates the 80th anniversary of the Daughters of Penelope in 2009, applauds its mission, and commends the many charitable contributions of its members to organizations and communities around the world.

Ms. SNOWE. Mr. President, this year marks the 80th anniversary of the founding of the Daughters of Penelope. I rise today to introduce with my colleague, Senator MENENDEZ, a resolution honoring their history of selfless service and achievement during these eight historic decades.

Founded November 16, 1929, in San Francisco, CA, the Daughters of Penelope was established to improve the well-being of women and provide them with the opportunity to make significant contributions to American society. Today its mission is to promote the ideals of ancient Greece—education, philanthropy, civic responsibility, family, and individual excellence through community service and volunteerism.

An affiliate organization of the American Hellenic Educational Progressive Association, AHEPA, a leading association of American citizens of Greek heritage and Philhellenes, the Daughters of Penelope have worked both within and beyond the Greek-American community to achieve remarkable accomplishments. Over its history, its members have tirelessly sought to strengthen the status of women in society, shelter the elderly and the abused, educate our youth, promote Hellenic heritage, and raise funds for medical research.

One project adopted by the Daughters of Penelope is particularly near and dear to my heart—its charitable aid to St. Basil Academy, a Greek Orthodox Archdiocese home for children in need, which I attended for several years. Beginning in 1954, the Daughters of Penelope have been providing charitable aid to St. Basil Academy when it embarked on a Christmas Seal Campaign to raise funds to build the new water works for the Academy. Since then, the Daughters of Penelope contributed to the furnishing of new buildings that have been built on campus, built a heated outdoor swimming pool for the children, and has provided funds for ongoing maintenance and renovations to the Academy for such items as replacing outdated appliances and worn-out roofs.

In matching their own personal achievement with the desire to help others also achieve their goals, the Daughters of Penelope exemplify the very best in American and Hellenic values. As they embark on another 8 decades of service and accomplishment, I ask my colleagues to join me in congratulating them on their distinguished past, and wishing them every success in the future.

SENATE RESOLUTION 118—TO PROVIDE INTERNET ACCESS TO CERTAIN CONGRESSIONAL RESEARCH SERVICE PUBLICATIONS

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. HARKIN, Ms. COLLINS, Mr. LEAHY, Mr. LUGAR, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 118

Resolved,

SECTION 1. PUBLIC AVAILABILITY OF INFORMATION.

The Sergeant-at-Arms of the Senate shall make information available to the public in accordance with the provisions of this resolution.

SEC. 2. AVAILABILITY OF CERTAIN CONGRESSIONAL RESEARCH SERVICE INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make available through a centralized electronic system, for purposes of access and retrieval by the public under section 3 of this resolution—

(A) all information described in paragraph (2) that is available through the Congressional Research Service website; and

(B) an index of all information described in paragraph (2) that is available through the Congressional Research Service website.

(2) INFORMATION TO BE MADE AVAILABLE.—The information to be made available under paragraph (1) is the following:

(A) Congressional Research Service Issue Briefs.

(B) Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service website.

(C) Congressional Research Service Authorization of Appropriations Products and Appropriations Products.

(b) LIMITATIONS.—

(1) CONFIDENTIAL INFORMATION.—Subsection (a) does not apply to—

(A) any information that is confidential, as determined by—

(i) the Director of the Congressional Research Service; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service; or

(B) any documents that are the product of an individual, office, or committee research request (other than a document described in subsection (a)(2)).

(2) REDACTION AND REVISION.—In carrying out this section, the Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, may—

(A) remove from the information required to be made available under subsection (a) the name and phone number of, and any other information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available under subsection (a) any material for which the Director of the Congressional Research Service, determines that making that material available under subsection (a) may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes in the information required to be made available under subsection (a) that the Director of the Congressional Research Service, determines necessary to ensure that the information is accurate and current.

(c) MANNER.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make the information required under this section available in a manner that is practical and reasonable.

SEC. 3. METHOD OF ACCESS.

(a) CRS INFORMATION.—Public access to Congressional Research Service information made available under section 2 shall be provided through the websites maintained by Members and Committees of the Senate. The Sergeant-at-Arms shall ensure that the websites maintained by Members and Committees of the Senate provide the same capability to find information made available under section 2 as the Congressional Research Service website.

(b) EDITORIAL RESPONSIBILITY FOR CRS REPORTS ONLINE.—The Sergeant-at-Arms of the Senate is responsible for maintaining and updating the information made available on the Internet under section 2.

SEC. 4. IMPLEMENTATION.

The Sergeant-at-Arms of the Senate shall establish the database described in section 2(a) within 6 months after the date of adoption of this resolution.

SENATE RESOLUTION 119—COMMENDING THE UNIVERSITY OF GEORGIA GYMNASTICS TEAM FOR WINNING THE 2009 NCAA NATIONAL CHAMPIONSHIP

Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

S. RES. 119

Whereas in 2009, the University of Georgia gymnastics team, the ''Gym Dogs'', won its 10th National Collegiate Athletic Association (NCAA) women's gymnastics championship;

Whereas the University of Georgia gymnastics program has won 16 Southeastern Conference (SEC) championships;

Whereas the University of Georgia gymnastics program has produced 7 Honda Award winners, with Courtney Kupets under consideration as a finalist for the 2009 award;

Whereas the 2009 national title is the Gym Dogs' 5th consecutive national championship;

Whereas the University of Georgia gymnastics team is the most successful gymnastics program in the Nation;

Whereas the Gym Dogs have made 26 consecutive appearances in the NCAA gymnastics championships;

Whereas the 2009 Gym Dogs's overall record was an amazing 32-1;

Whereas the 2009 Gym Dogs also achieved the highest team GPA at the University of Georgia, 3.36;

Whereas the gymnastics team's coach, Suzanne Yoculan, will retire as the most successful collegiate gymnastics coach in NCAA history; and

Whereas Coach Suzanne Yoculan has, in 19 of her 26 years as head coach at the University of Georgia, taken her squad to an SEC title, an NCAA title, or both: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Georgia gymnastics team for winning the 2009 NCAA women's national championship;

(2) recognizes that the Gym Dogs have won more national championships than any other gymnastics program in the Nation; and

(3) congratulates Suzanne Yoculan for a spectacular career as the University of Georgia's gymnastics coach.

SENATE RESOLUTION 120—CONGRATULATING THE TRINITY COLLEGE BANTAMS FOR THEIR 11TH-STRAIGHT COLLEGE SQUASH ASSOCIATION MEN'S TEAM CHAMPIONSHIP

Mr. LIEBERMAN (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas, on February 23, 2009, the Trinity College Bantams defeated the Princeton University Tigers, 5 games to 4, in the final match of the College Squash Association Men's Team Championship tournament;

Whereas the Bantams have won 11 national championships in a row;

Whereas the Bantams have won 202 straight matches, the longest winning streak in collegiate sports history;

Whereas junior Baset Chaudry, down 5-0 in the final game with the match tied 4-4, rallied to score 9 straight points and clinch the title for the Bantams;

Whereas seniors Gustav Detter and Manek Mathur, junior Baset Chaudry, sophomore Parth Sharma, and freshman Vikram Malholtra were named to the College Squash Association All-America First Team, and sophomores Randy Lim and Andre Vargas were named to the Second Team;

Whereas, on March 1, 2009, junior Baset Chaudry won the College Squash Association's Men's Individual Championship;

Whereas the diverse roster of the Bantams, which includes players from the United States, India, Jamaica, Pakistan, Sweden, Columbia, and Malaysia, highlights the diversity of Trinity College and the commitment of Trinity College to fostering cultural understanding;

Whereas Coach Paul Assainte has earned acclaim from his players for his role as coach and mentor and for underscoring the values of humility and respect for one's opponents and teammates; and

Whereas each player, coach, and staff member of the Trinity College Bantams demonstrates a strong commitment to the pursuit and achievement of excellence: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Trinity College Bantams for their historic 11th-straight College Squash Association Men's Team Championship; and

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Bantams' victory.

SENATE CONCURRENT RESOLUTION 21—SUPPORTING THE GOALS AND IDEALS OF NATIONAL EARLY EDUCATOR WORTHY WAGE DAY

Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. DURBIN, Mr. KENNEDY, Mrs. BOXER, Mr. FEINGOLD, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 21

Whereas approximately 60 percent of the children in the United States under the age of 6 are in nonparental care during part or all of the day while their parents work;

Whereas the early childhood industry employs more than 2,300,000 workers;

Whereas the average salary of an early care and education worker is $18,917 per year;

Whereas only ⅓ of early care and education workers have health insurance and even fewer have pension plans;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent each year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to children's development;

Whereas the compensation of early childhood program staff should reflect the importance of the job of helping the young children of the United States develop their social, emotional, physical, and cognitive skills and be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources should be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible for all families;

Whereas additional training and education for the early childhood workforce is critical to ensuring high-quality early learning environments;

Whereas early childhood educators should receive compensation commensurate with their training and experience; and

Whereas the Center for the Child Care Workforce, a project of the American Federation of Teachers Educational Foundation, the National Association for the Education of Young Children, and other early childhood organizations, recognize May 1 as ''National Early Educator Worthy Wage Day'': Now, therefore, be it

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

(1) supports the goals and ideals of National Early Educator Worthy Wage Day; and

(2) urges public officials and the general public—

(A) to honor early childhood care and education staff and programs in their communities; and

(B) to work together to resolve the early childhood education staff compensation crisis.

NOTICES OF HEARINGS

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 9:45 a.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.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 30, 2009, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building to conduct a business meeting to consider the following:

1. Nomination of Dr. Yvette D. Roubideaux to be Director of Indian Health Service, U.S. Department of Health and Human Services;
2. S. 151, the Indian Arts and Crafts Amendments Act of 2009; and
3. S. 443, the Hoh Indian Tribe Safe Homelands Act.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 29, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 29, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, April 29, 2009, at 10 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. CONRAD. 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 ''The Swine Flu Epidemic: The Public Health and Medical Response'' on Wednesday, April 29, 2009. The hearing will commence at 3 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. CONRAD. 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 Wednesday, April 29, 2009, at 10 a.m. to conduct a hearing entitled ''Swine Flu: Coordinating the Federal Response.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. 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 ''Nominations'' on Wednesday, April 29, 2009, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, April 29, 2009. The Committee will meet in room 562 of the Dirksen Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Restoring Fairness to Federal Sentencing: Addressing the Crack-Powder Disparity'' on Wednesday, April 29, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Wednesday, April 29, 2009, at 2:30 p.m. to conduct a hearing entitled, ''The Federal Government's Role in Empowering Americans to Make Informed Financial Decisions.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 29, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CONRAD. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, March 29, 2009 from 2 p.m.–4 p.m. in Dirksen 106 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 896

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, April 30, following a period of morning business, the Senate proceed to the consideration of Calendar No. 52, S. 896, Helping Families Saves Their Homes; that immediately after the bill is reported, Senator DURBIN be recognized to offer an amendment relating to ''cram-down''—that is, bankruptcy; that there be 4 hours for debate with respect to the amendment and the time be equally divided and controlled between the leaders or their designees; that upon the use or yielding back of time, the Senate proceed to vote in relation to that amendment; that adoption of the amendment will require an affirmative 60-vote threshold; that if the threshold is achieved, the amendment be agreed to and the motion to reconsider be laid upon the table; that if the amendment does not achieve that threshold, that it will be withdrawn; provided further that no amendment be in order to the amendment and that no further amendments on the subject of ''cram-down'' be in order during the pendency of S. 896; further, that upon disposition of the Durbin amendment, Senator DODD be recognized to offer a Dodd-Shelby substitute amendment.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REID. Mr. President, before we move on, there are times in the legislative process that you see someone who has invested a great deal of their personal time and passion on an issue. I came to Congress at the same time that Senator DURBIN of Illinois came. He is a man, we all know, who is very articulate. He is a person who can express himself very well. He is a person who believes in the legislative process. He understands that legislation is the art of compromise. But that can be carried a little too far.

Senator DURBIN has done everything within his power to get an issue that he believes in very strongly. I agree with him. It is unbelievable to me that people can have their primary residence in Las Vegas and have a beach house in Laguna, CA, and a ski chalet in Brian Head, UT, or some other ski area in Utah, and they come upon hard times. The resorts they have at the beach and up in the mountains, they can go to bankruptcy court and get that readjusted. Their primary residence, they cannot. But a person who has a home in Las Vegas or some other place in Nevada who comes upon hard times, they cannot do a thing with their home. They cannot go to bankruptcy court. They are stuck with this horrible process, we found.

I do not know how to summarize this other than to say that I hope the banks are proud of themselves. I hope they are proud of themselves, of what they have done—I add in that the financial institutions generally—what they have done to our country. And now they are standing in the way of our trying to help a little bit, trying to help people who have a home and they cannot get any relief. So the banks are going to wind up with a lot of peoples' homes because they are going to foreclosure upon them and the people have no alternative.

On the morning news today, Phoenix, AZ, the price of the homes in the last year—at least the way I heard it on public radio today—the price of homes has dropped 50 percent. A home that was worth $500,000 last year is worth $250,000 now.

Everyone knows that the assistant leader of the Senate is Senator DURBIN. We work very closely together. And I help him whenever I can, as he helps me whenever he can. But I feel badly for the country. I am happy we got this agreement. Maybe we will be able to get very fortunate and pick up some votes. But I am very disappointed in the rope-a-dope that has been used on Senator DURBIN. He has tried everything—everything—to try to get this done. Quite frankly, the amendment he is going to offer, I wish we would have one a little stronger than that.

But I hope that there will be a night's rest and people will come in and say: I guess DURBIN is right. Let's do this. But I want the record spread with the fact that the people of the State of Illinois are very fortunate to have someone of his caliber, his integrity, working to help them and in the process help our country.

I ask unanimous consent that on Thursday, April 30, upon disposition—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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that on Thursday, April 30, upon disposition of the Durbin amendment and after Senator DODD has called up his amendment, that has been previously worked out, the Senate proceed to executive session to consider Calendar No. 56, the nomination of Thomas

Strickland to be Assistant Secretary for Fish and Wildlife; that there be 3 hours of debate with respect to the nomination, with 1 hour under the control of the majority and 2 hours under the control of the Republicans and 30 minutes of the Republican time under the control of Senator BUNNING; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that the confirmation require an affirmative 60-vote threshold; that upon achieving that threshold, the nomination be confirmed, the motion to reconsider be laid on the table, there be no further motions in order, and that the President be immediately notified of the Senate's action and the Senate resume legislative session.

So after we dispose of the Durbin amendment, we will move to the Dodd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I want to express my appreciation to Senator BUNNING who has been very reasonable in this process. There are certain things he wanted. He didn't get what he felt he was entitled to. Looking at his request, I think it was very reasonable. Senator BUNNING has not been unfair in the questions he asked. I appreciate his allowing us to get this consent agreement.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, and all nominations on the Secretary's Desk in the Coast Guard; that the nominations be confirmed en bloc, and the motions to reconsider be laid on the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

April S. Boyd, of the District of Columbia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF TRANSPORTATION

Robert S. Rivkin, of Illinois, to be General Counsel of the Department of Transportation.

Roy W. Kienitz, of Pennsylvania, to be Under Secretary of Transportation for Policy.

Peter H. Appel, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

Dana G. Gresham, of the District of Columbia, to be an Assistant Secretary of Transportation.

Joseph C. Szabo, of Illinois, to be Administrator of the Federal Railroad Administration.

EXECUTIVE OFFICE OF THE PRESIDENT

Sherburne B. Abbott, of Texas, to be an Associate Director of the Office of Science and Technology Policy.

IN THE COAST GUARD

The following named officer for appointment as Vice Commandment of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

To be vice admiral

Vice Adm. David P. Pekoske

The following named officer for appointment as Chief of Staff of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50a:

To be vice admiral

Rear Adm. John P. Currier

The following named officer for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Robert E. Day, Jr.

The following named officer for appointment as Commander, Pacific Area of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

To be vice admiral

Rear Adm. Jody A. Breckenridge

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN190 COAST GUARD nomination of Michael J. McNeil, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

PN191 COAST GUARD nomination of Desarae A. Janszen, which was received by the Senate and appeared in the Congressional Record of March 17, 2009.

NOMINATION OF RONALD H. WEICH TO BE AN ASSISTANT ATTORNEY GENERAL

Mr. REID. I now ask that the Senate proceed to Calendar No. 65.

The PRESIDING OFFICER. The nomination will be stated.

The assistant legislative clerk read the nomination of Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General.

Mr. LEAHY. Mr. President, today the Senate considers another of President Obama's highly-qualified nominees for an important post in the executive branch. Earlier today, the Judiciary Committee reported favorably the nomination of Ron Weich to be Assistant Attorney General for the Office of Legislative Affairs at the Department of Justice. I had hoped that we could expedite this nomination before the recess so that Mr. Weich could begin doing his job for the American people, but lack of cooperation from the Republican side prevented us from confirming the nomination then. I am pleased that with cooperation today, we will confirm Mr. Weich.

In more than a decade on Capitol Hill, Ron Weich has advised three Senators: Senator SPECTER, Senator KENNEDY, and now Majority Leader REID, who introduced Mr. Weich at his hearing 3 weeks ago and strongly recommended his confirmation.

At his hearing, I put into the record a letter from Senator KENNEDY describing Mr. Weich as a ''lawyer of exceptional intelligence, skill, and sound judgment'' and praising his ''remarkable ability . . . to work extremely well with Members and staff on both sides of the aisle and to guide us toward creative solutions to seemingly intractable problems.'' Many of Mr. Weich's former Republican colleagues wrote to this committee to attest to the fact that he is highly regarded among both Republican and Democratic staff, and they spoke of his ''respect for opposing views'' and his ''constructive approach to difficult legal issues.'' They described him as ''honorable and trustworthy.'' And of course, Mr. Weich is equally well-respected outside of this chamber. A letter from the Fraternal Order of Police highlights his ''long and sterling career as a public safety policymaker'' and notes that he is ''a passionate champion for justice.''

In addition, Mr. Weich has a distinguished record of public service as an assistant district attorney in Manhattan, and as a special counsel to the United States Sentencing Commission. He is an experienced Senate hand who has earned the respect of Senators on both sides of the aisle. We know him well as a former member of the staff of the Judiciary Committee. I am confident he will be a welcome addition to the leadership at the Justice Department, and will make the Department more responsive to congressional concerns than we have seen over the last several years.

I congratulate Mr. Weich and his family on his confirmation today and look forward to working with him in his new capacity at the Justice Department.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General?

The nomination was confirmed.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid on the table and there be no further motions in order; that any statements relating to this nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

CONFIRMATION OF RON WEICH

Mr. REID. Mr. President, before I turn this over to Senator DURBIN to close, I want to say a word or two about this nomination we just completed. That is the nomination of Ron Weich.

I know Ron has waited with his family for a long time to get this done, but I have tremendously mixed emotions. A part of me was saying: I wish maybe

he would not get confirmed. But the better part of me and, of course, common sense dictates that the country needs him. For me, to lose him from my staff is really very difficult. He was such an important part of what we have been able to accomplish here in the Senate. He is a really a fine lawyer with a great legal mind. I have worked closely with him for years.

He is going to lead the Justice Department regarding legislative affairs. He has had prosecutorial experience and Government experience. I know and respect all he has done to strengthen our national security, forward the cause of justice, and raise the ethics standards of our Government and in the whole country. In fact, Ron took a lead role in the last Congress, as we passed the most sweeping ethics and lobbying reforms in the history of our Congress and our country.

Those who know and work with Ron value not only his extensive experience but just the person he is. I express my appreciation to Ron Weich for his sound judgment, his collegiality, his honesty, and loyalty to me. Eric Holder will find the same there.

While many of his colleagues from Columbia University and Yale Law School, where he was educated, are out in the private sector making a lot of money, Ron has spent most of his life in public service. He came back to the Senate after having been in a renowned law firm downtown. But he came back because this is what he wants to do. He is able to make enough money to raise his family. He is not interested in how much money he makes. He is interested in what good he can do for our country.

Our Nation benefits immensely when people as good at what they do as Ron is—and as good to others as Ron is—choose to make a difference.

As I have indicated, I am sad to see him leave this Capitol complex. I am comforted by knowing that Ron will play an important role in rebuilding Attorney General Holder's Justice Department to a place where all are once again equal under the law, protected by the law, and no one is above the law.

The PRESIDING OFFICER. The Senator from Illinois.

THANKING THE MAJORITY LEADER

Mr. DURBIN. Mr. President, I thank the majority leader for his kind words. He is a friend of long standing. We came to Washington together in the House of Representatives many years ago, and we certainly never could have dreamed, when we arrived here so many years ago, that today we would be able to work so closely and so well in the leadership of the Senate.

HARRY REID is a terrific leader. He has done an extraordinary job. Today a lot of praise is being given to the President for his first 100 days. I want to add in that chorus of praise HARRY REID, the Senator from Nevada, who has helped the President achieve the goals that he set out to achieve in the first 100 days. He has made an extraordinary commitment to make that happen, not just in time and effort but in patience dealing with Members of the U.S. Senate.

I thank Senator REID for his earlier comments.

CONFIRMATION OF JOSEPH SZABO

Mr. DURBIN. Mr. President, I would like to congratulate Mr. Joseph Szabo on his confirmation as the next Administrator of the Federal Railroad Administration.

Joe Szabo has made a significant contribution to my State of Illinois, and I believe he is going to bring great success to the Department of Transportation. Joe Szabo understands better than most the long days, unpredictable schedules, and sometimes hazardous working conditions that come with employment in the railroad industry.

He has worked for the railroad—both the Illinois Central and Metra—since he was 18 years old, including stints as yard switchman, road trainman, and commuter passenger conductor.

Five generations of his family worked on the railroad. Joe learned firsthand about the railroads from his father, a 40-year switchman for the Illinois Central Railroad. His father instilled in him a passion for rail work that has helped Joe become a trusted and respected voice in rail labor and in the industry.

Joe has a distinguished record of public service and many accomplishments to show for his work in Illinois. As elected mayor of Riverdale, IL, and State legislative director for the United Transportation Union, UTU, Joe has developed a reputation as a passionate and effective advocate for freight and passenger rail and its workers.

During his tenure as UTU State director, Joe's work was integral to the State of Illinois doubling its investment in passenger rail. This additional State investment Joe worked so hard to achieve allowed Illinois to double the frequency of Amtrak trains leaving Chicago for Quincy, Carbondale, and St. Louis, and to lay the groundwork for expanding service to Rockford and the Quad Cities—our next achievements, I hope soon.

Joe's advocacy helped Illinois passenger rail achieve the fastest growth in ridership and revenue in the entire national Amtrak system.

Joe will now bring his passion for the railroad industry and his experience with rail labor to Washington. As all of us know, President Obama, Vice President BIDEN, and this Congress have made the single largest investment in passenger rail in America's history.

The $8 billion we included in the stimulus for high-speed passenger rail represents a commitment to taking the next step in intercity passenger rail for the 21st century.

Implementing this vision will be monumental. It will take a good-faith working relationship between Congress, the White House, the industry, and State and local governments.

Thankfully, Joe Szabo has earned the confidence and full support of President Obama. Joe and the President worked closely together when then-State Senator Obama served in Springfield in the Illinois General Assembly.

Mr. President, I am here today to tell you what President Obama and I already know: When it comes to making high-speed rail a reality in the U.S. and ensuring that millions of Americans have access to safe, reliable passenger and freight rail, there is no one better for this job than Joe Szabo.

Mr. President, in the months and years ahead, I can assure you this country will find Joe Szabo understands the critical role our national rail system plays to the health of our economy, our environment, and our future.

I am proud to have added my voice to the chorus of so many who asked the administration to nominate Joe and give him this chance to serve our Nation. I know he is going to do an exceptional job.

COMMENDING THE UNIVERSITY OF GEORGIA GYMNASTICS TEAM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 119, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 119) commending the University of Georgia gymnastics team for winning the 2009 NCAA national championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 119) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 119

Whereas in 2009, the University of Georgia gymnastics team, the ''Gym Dogs'', won its 10th National Collegiate Athletic Association (NCAA) women's gymnastics championship;

Whereas the University of Georgia gymnastics program has won 16 Southeastern Conference (SEC) championships;

Whereas the University of Georgia gymnastics program has produced 7 Honda Award winners, with Courtney Kupets under consideration as a finalist for the 2009 award;

Whereas the 2009 national title is the Gym Dogs' 5th consecutive national championship;

Whereas the University of Georgia gymnastics team is the most successful gymnastics program in the Nation;

Whereas the Gym Dogs have made 26 consecutive appearances in the NCAA gymnastics championships;

Whereas the 2009 Gym Dogs's overall record was an amazing 32-1;

Whereas the 2009 Gym Dogs also achieved the highest team GPA at the University of Georgia, 3.36;

Whereas the gymnastics team's coach, Suzanne Yoculan, will retire as the most successful collegiate gymnastics coach in NCAA history; and

Whereas Coach Suzanne Yoculan has, in 19 of her 26 years as head coach at the University of Georgia, taken her squad to an SEC title, an NCAA title, or both: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Georgia gymnastics team for winning the 2009 NCAA women's national championship;

(2) recognizes that the Gym Dogs have won more national championships than any other gymnastics program in the Nation; and

(3) congratulates Suzanne Yoculan for a spectacular career as the University of Georgia's gymnastics coach.

CONGRATULATING THE TRINITY COLLEGE BANTAMS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 120 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 120) congratulating the Trinity College Bantams for their 11th-straight College Squash Association Men's Team Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 120) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 120

Whereas, on February 23, 2009, the Trinity College Bantams defeated the Princeton University Tigers, 5 games to 4, in the final match of the College Squash Association Men's Team Championship tournament;

Whereas the Bantams have won 11 national championships in a row;

Whereas the Bantams have won 202 straight matches, the longest winning streak in collegiate sports history;

Whereas junior Baset Chaudry, down 5-0 in the final game with the match tied 4-4, rallied to score 9 straight points and clinch the title for the Bantams;

Whereas seniors Gustav Detter and Manek Mathur, junior Baset Chaudry, sophomore Parth Sharma, and freshman Vikram Malholtra were named to the College Squash Association All-America First Team, and sophomores Randy Lim and Andre Vargas were named to the Second Team;

Whereas, on March 1, 2009, junior Baset Chaudry won the College Squash Association's Men's Individual Championship;

Whereas the diverse roster of the Bantams, which includes players from the United States, India, Jamaica, Pakistan, Sweden, Colombia, and Malaysia, highlights the diversity of Trinity College and the commitment of Trinity College to fostering cultural understanding;

Whereas Coach Paul Assainte has earned acclaim from his players for his role as coach and mentor and for underscoring the values of humility and respect for one's opponents and teammates; and

Whereas each player, coach, and staff member of the Trinity College Bantams demonstrates a strong commitment to the pursuit and achievement of excellence: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Trinity College Bantams for their historic 11th-straight College Squash Association Men's Team Championship; and

(2) recognizes the achievements of the players, coaches, students, and support staff who were instrumental in the Bantams' victory.

DISCHARGE AND REFERRAL

Mr. DURBIN. Mr. President, as in executive session, I ask unanimous consent that the nomination of John Morton, to be Assistant Secretary of Homeland Security, reported by the Committee on Homeland Security and Governmental Affairs on Monday, April 27, now be referred to the Judiciary Committee for a period of 30 calendar days; that at the end of the 30 days, if the Committee on the Judiciary has not reported the nomination, then it be automatically discharged and placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to P.L. 110–229, the appointment of the following to be members of the Commission to Study the Potential Creation of a National Museum of the American Latino: Susan Gonzales of Washington, D.C.; Moctezuma Esparza of California; Carlos Ezeta of Nevada; and Katherine Archuleta of Colorado (non-voting member).

ORDERS FOR THURSDAY, APRIL 30, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, April 30; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders, or their designees, with the majority controlling the first half and the Republicans controlling the second half; further, that following morning business, the Senate consider S. 896, the Helping Families Save Their Homes Act of 2009, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, Senators should expect the first vote to occur at or about 2:30 p.m. That vote would be in relation to an amendment I will offer relating to bankruptcy.

We were also able to reach an agreement to consider the nomination of Thomas Strickland to be Assistant Secretary for Fish and Wildlife, with up to 3 hours for debate prior to a vote.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 7:53 p.m., adjourned until Thursday, April 30, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

ANDREW CHARLES WEBER, OF VIRGINIA, TO BE ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS, VICE FREDERICK S. CELEC.

DEPARTMENT OF TRANSPORTATION

PETER M. ROGOFF, OF VIRGINIA, TO BE FEDERAL TRANSIT ADMINISTRATOR, VICE JAMES S. SIMPSON, RESIGNED.

DEPARTMENT OF STATE

ERIC P. GOOSBY, OF CALIFORNIA, TO BE AMBASSADOR AT LARGE AND COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES TO COMBAT HIV/AIDS GLOBALLY.

DEPARTMENT OF EDUCATION

MARTHA J. KANTER, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION, VICE SARA ALICIA TUCKER, RESIGNED.

DEPARTMENT OF AGRICULTURE

KEVIN W. CONCANNON, OF MAINE, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES, VICE NANCY MONTANEZ-JOHNER, RESIGNED.

DEPARTMENT OF COMMERCE

ROBERT M. GROVES, OF MICHIGAN, TO BE DIRECTOR OF THE CENSUS, VICE STEVEN H. MURDOCK, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, April 29, 2009:

DEPARTMENT OF COMMERCE

APRIL S. BOYD, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF TRANSPORTATION

ROBERT S. RIVKIN, OF ILLINOIS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION.

ROY W. KIENITZ, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.

PETER H. APPEL, OF VIRGINIA, TO BE ADMINISTRATOR OF THE RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

DANA G. GRESHAM, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

JOSEPH C. SZABO, OF ILLINOIS, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION.

EXECUTIVE OFFICE OF THE PRESIDENT

SHERBURNE B. ABBOTT, OF TEXAS, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be Vice Admiral

VICE ADM. DAVID P. PEKOSKE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50A:

To be Vice Admiral

REAR ADM. JOHN P. CURRIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be Rear Admiral (Lower Half)

CAPT. ROBERT E. DAY, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be Vice Admiral

REAR ADM. JODY A. BRECKENRIDGE

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

RONALD H. WEICH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

IN THE COAST GUARD

COAST GUARD NOMINATION OF MICHAEL J. MCNEIL, TO BE LIEUTENANT COMMANDER.

COAST GUARD NOMINATION OF DESARAE A. JANSZEN, TO BE LIEUTENANT COMMANDER.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING CODY CANNON FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Cody Cannon showed hard work and dedication to the sport of basketball; and

Whereas, Cody Cannon was a supportive team player; and

Whereas, Cody 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 Cody 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.

COMMENDING CAPTAIN RICHARD PHILLIPS, U.S. NAVY SEALS, AND THE U.S. NAVY IN SOMALI PIRATE HIJACKING

SPEECH OF

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 22, 2009

Mrs. DAVIS of California. Mr. Speaker, I rise today in support of H. Res. 339.

This resolution honors the incredible work of the United States Navy SEALs, and the crews of the USS *Bainbridge*, USS *Boxer*, USS *Halyburton* and Patrol Squadron (VP) 8. H. Res. 339 also recognizes the crew of the *Maersk Alabama* and the courage of Captain Richard Phillips.

The *Maersk Alabama* and her crew returned safely due to the remarkable service of the men and women of the U.S. Navy. In fact, this event has shown the importance of having a fleet capable of maintaining a global maritime presence that allows the Navy to respond to emergencies around the world.

We must also commend the actions of our remarkable Navy SEAL snipers. The special operations community rarely receives the recognition they deserve, nor do they seek it. While they do not look for notoriety, this resolution honors their service and recognizes their contributions to U.S. national security.

The success of the Navy SEAL snipers who saved Captain Phillips is a prime example of the superior training our SEALs receive; training that begins at Naval Amphibious Base Coronado and reinforced through multiple tours of duty in Iraq, Afghanistan, and now off the coast of Somalia.

Mr. Speaker, I know I join all Americans in welcoming this crew home with both great pride and great relief and in honoring our brave service members for a job well done.

I hope all of my colleagues vote in favor of this important measured.

APRIL 29, 2009: MEDIA SHOW DOUBLE STANDARD IN TEA PARTY COVERAGE

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SMITH of Texas. Madam Speaker, recently, tens of thousands of Americans expressed their opposition to out-of-control government spending by participating in hundreds of TEA party protests around the country on Tax Day.

The national media responded by ignoring, dismissing, or blatantly ridiculing the protests.

There was no mention of the TEA parties the next day on the front pages of the Washington Post or New York Times, even though the Times found space on its front page for a story about protests in Afghanistan.

In contrast, the media covered liberal protests during President Bush's term frequently—and without criticism.

A Washington Times editorial argued that the media's handling of the TEA party protests went a step beyond bias. "Forget media bias," the Times wrote. "The liberal press judges stories before investigating them. That's prejudice."

Whether it's due to bias or prejudice, the national media failed to cover Americans' widespread resistance to big government. And that's the real story.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. KLEIN of Florida. Madam Speaker, Thursday, April 23, 2009 I was unavoidably detained. Had I voted, I would have voted "yes" on rollcall No. 200.

A PROCLAMATION HONORING MICHAEL EVANS FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Michael Evans showed hard work and dedication to the sport of basketball; and

Whereas, Michael Evans was a supportive team player; and

Whereas, Michael Evans 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 Michael Evans 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.

RECOGNIZING DOROTHY CULLEN OF VINELAND, NEW JERSEY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. LoBIONDO. Madam Speaker, it is my honor to recognize Dorothy (Dotty) Cullen of Vineland, New Jersey for being awarded the MetLife Foundation's 2009 Older Volunteers Enrich America Award. Dotty has been involved with the Vineland Boys and Girls club for over 15 years, served on the Vineland Development Center Board for almost two decades, and has been a leader for veterans care throughout her life.

Not one to slow down, Dotty currently serves as the President of the Residents Council at the Baker House, where she herself resides. The Baker House has become known for its patriotism and dedication to the community, participating in Toys for Tots, National Guard packages for soldiers serving abroad, and Read Across America. For her unwavering service to her community and to the country, she was selected for this prestigious national honor.

I have personally known Dotty for more than 40 years and I can attest to the invaluable contributions she has made to her community. Her focus on recognizing the sacrifices of our veterans and providing them with the assistance they need is an inspiration to us all.

I offer my sincere congratulations to my dear friend, Dotty Cullen, for receiving this honor and thank her for her continued dedication to the residents of Vineland, the State of New Jersey, and the United States of America.

RECOGNIZING DAN SALLET ON THE DAY OF HIS RETIREMENT FROM THE AYER SCHOOL COMMITTEE

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. TSONGAS. Madam Speaker, I rise today to recognize and honor Dan Sallet of Ayer, Massachusetts upon his retirement from the Ayer School Committee.

Respected throughout the community for his commitment to public service, Mr. Sallet is leaving the School Committee after 14 years of dedicated service, including serving as Chairman for six years. Sallet was instrumental in leading the schools out of significant financial difficulties in 2006–2007 and was a prime mover in establishing the Ayer Tri-Board, a joint committee of Selectmen, School and Finance Committees, which works cooperatively to develop budgets and resolve financial issues for the town. Mr. Sallet's words are respected as the voice of reason at Ayer Town Meetings.

Mr. Sallet has also represented the community as a member of Devens Education Advisory Committee (DEAC) and on the finance subcommittee for the Devens Disposition Executive Board. Mr. Sallet has also been active in Ayer youth baseball, soccer and basketball programs.

Mr. Sallet and his wife Julie have lived in Ayer since 1994 with their three children, Connor, Patrick and Molly.

I thank Mr. Sallet for his commitment to our community and congratulate him on his many years of service to the Town of Ayer and its children.

A PROCLAMATION HONORING CHRIS FAIRCHILD FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Chris Fairchild showed hard work and dedication to the sport of basketball; and

Whereas, Chris Fairchild was a supportive team player; and

Whereas, Chris Fairchild 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 Chris Fairchild 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 CHIEF JUSTICE ALMA L. LÓPEZ

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. GONZALEZ. Madam Speaker, I rise today to honor Chief Justice Alma L. López, a public servant who has dedicated her professional and personal life to empowering Hispanics in the spheres of law, education and politics. Justice López has been a passionate advocate, a dedicated jurist and kind friend to the San Antonio community.

Born in Laredo, Texas, she moved to San Antonio, Texas, where she was raised and educated. Justice López began her higher education at San Antonio College and then went on to graduate from St. Mary's University with a B.B.A. and from St. Mary's Law School with a J.D. She practiced law for 25 years, twenty of those as a solo practitioner prior to being appointed to the court. She credits her choice of the law as a career to her maternal grandmother, who noticed that even at the age of five she had the skills of a mediator and negotiator.

Justice López made history when she became the first Hispanic woman to serve on the Fourth Court of Appeals. She has been a true leader becoming the first Hispanic woman to serve as Chief Justice in the State of Texas, as well as the first Hispanic woman to serve as a Chief Justice in the United States.

Justice López has been a strong advocate for the Hispanic community serving on a number of local, state, and national boards of directors. She is committed to being a role model not just for Hispanic women, but for the entire community.

Madam Speaker, I ask my colleagues to join me in honoring Chief Justice Alma López as we celebrate and honor her career and outstanding contributions to the community. Her dedication to justice and the City of San Antonio are remarkable and I wish her continued success in all her future endeavors.

INTRODUCTION OF THE PRESERVING THE AMERICAN HISTORICAL RECORD (PAHR) ACT

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. McHUGH. Madam Speaker, I rise today as a proud cosponsor of the Preserving the American Historical Record (PAHR) Act. I appreciate the work my friend, the gentleman from New York (Mr. HINCHEY), has done to develop this important legislation, which would greatly enhance efforts to preserve and disseminate our Nation's rich historical records.

Americans have long recognized the importance of preserving history through the support of such institutions as the Library of Congress, National Archives, and the Smithsonian Institution. However, efforts to preserve records held by State and local historical societies, archives, and libraries are currently hindered due to a lack of resources necessary to ensure adequate preservation.

The PAHR Act, which I also cosponsored during the 110th Congress (H.R. 6056), would authorize $50 million annually for grants to States, local governments, and other entities to preserve these important records. In addition to preservation assistance, the PAHR Act will enhance safe access to those records for public use. Of note, the Act could result in the expanded use of a wide variety of access tools, including archival finding aids, documentary editions, indexes and images of key records online.

This measure will also support initiatives to use records in ways that highlight the importance of state, territorial, and community history. For instance, in New York's 23rd Congressional District, which I am proud to represent, there are some 300 non-profit organizations and more than 650 local governments that hold numerous records documenting both the people and history of central and northern New York. A few examples of these records include:

The Adirondack Museum Library has the largest collection documenting that unique region, with records ranging from architectural drawings of "Great Camps," catalogs for J.H. Rushton canoes, early maps of the Adirondack Park, and recordings of Adirondack folk musicians.

The Essex County Historical Society holds records from Republic Steel that document not only the mining industry but the employment of hundreds of miners from Peru who lived and worked in Port Henry, New York in the 1920s.

The Lewis County Historical Society is home to the papers of Dr. Franklin Hough, the father of American forestry.

The Sackets Harbor Battlefield Historic Site Library houses manuscripts, documents, maps, archeological reports, and records related to the Sackets Harbor Battlefield, the War of 1812, and the Sackets Harbor Naval Station.

St. Lawrence University retains manuscripts which document the economic, social, political, religious, and cultural activities of Adirondack communities; environmental issues; the Lake Placid Winter Olympics; and the development of the St. Lawrence Seaway.

These are just a few citations outlining the wealth of historical records that could benefit through the enactment of the PAHR. Many other worthy examples exist throughout the nation. Accordingly, I look forward to working with the gentleman from New York to enact this legislation and thereby preserve additional aspects of America's rich history.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, April 27, 2009. Had I been present, I would have voted "aye" on rollcall vote No. 207 (Motion to suspend the rules and Agree to H. Res. 329), "nay" on rollcall vote No. 208 (Motion to Suspend the Rules and Agree to H.R. 1746), and "aye" on rollcall vote No. 209 (Motion to Suspend the Rules and Agree to H. Res. 335).

A PROCLAMATION HONORING WESTEN HALE FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Westen Hale showed hard work and dedication to the sport of basketball; and

Whereas, Westen Hale was a supportive team player; and

Whereas, Westen Hale 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 Westen Hale 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.

COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF SOUTHAMPTON HOSPITAL

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BISHOP of New York. Madam Speaker, I rise today to commemorate an important milestone in the history of public health in the community of Southampton, New York. A century ago this year, a group of committed local doctors and philanthropic citizens founded Southampton Hospital, beginning a tradition of quality, compassionate care that continues today.

In 1908, two Southampton doctors received an emergency call from a woman living on the outskirts of the village. The doctors could not risk moving their patient to the nearest hospital, so they conducted a life-saving operation by kerosene lamp in the woman's attic. This incident crystallized the need for a local health care facility where modern emergency procedures could be performed in safety.

In 1909, Southampton Hospital received a charter from the State of New York and a modest home was acquired to house a dispensary and nurse. Since that time, the hospital facility at Meeting House Lane and Lewis Street has been expanded and augmented with the latest in medical technologies. Its mission to provide the highest standard of health care continues to be sustained by the generous and grateful community.

Today, Southampton Hospital offers a full range of inpatient and outpatient services and is staffed by more than 240 physicians, dentists, and other health professionals. Board-certified emergency physicians staff the hospital every hour of every day. In addition, satellite facilities have been established throughout the South Fork of Long Island to provide services in primary care, radiology, physical therapy and rehabilitation to the broader area.

Madam Speaker, as a native of Southampton, the Hospital is an institution especially close to my heart. Two years ago, the hospital administrators gave me a beautiful drawing depicting the hospital and grounds that I proudly display in my personal office in Washington. I was born at Southampton Hospital, as were my two daughters, and it has served my family well in times of distress and joy. As the hospital enters its second century, I offer its staff and administration my deep thanks and best wishes for the future.

HONORING THE STUDENTS OF THE INSULATE! PROGRAM FOR THEIR CONTRIBUTIONS TO WESTERN NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SHULER. Madam Speaker, I rise today to recognize the invaluable contributions of a group of altruistic college students from Warren Wilson College in Asheville, NC. INSULATE! is an ongoing project at Warren Wilson College through which students assist low income home-owners in reducing their utility bills and their carbon footprints by means of weatherization.

As part of the INSULATE! program, students weatherized 5 homes in five days during their Spring Break this year. The students were able to help one 84-year-old retiree who was spending over a third of her income on utilities alone. After the students' intervention, her utility costs have decreased over 20 percent.

Their efforts will be filmed later this year in an attempt to educate and empower those with similar ambitions on how to help reduce their carbon footprint.

The benefits of increased energy efficiency at a national level are immense. As the United States moves towards energy independence and a large-scale reduction of greenhouse gases, efficiency must play a major role. The ultimate goal of the INSULATE! program is ambitious, they seek to improve the lives of those less fortunate on an individualized basis. The potential on a national level is staggering—in Western North Carolina alone there are 44,000 eligible households. For each of these households helped by INSULATE! roughly two tons of carbon dioxide are prevented from escaping into the atmosphere each year.

On behalf of myself, and my constituents, I would like to thank the INSULATE! program for their contribution to meeting America's energy goals and for their assistance to those less fortunate in our community.

A PROCLAMATION HONORING WADE HOWARD FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Wade Howard showed hard work and dedication to the sport of basketball; and

Whereas, Wade Howard was a supportive team player; and

Whereas, Wade Howard 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 Wade Howard 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 MABRY MIDDLE SCHOOL BAND PROGRAM

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to honor the Mabry Middle School Band, which is currently on a special trip to Washington, DC. Mabry Middle School is located in my hometown of Marietta in Georgia's 11th Congressional District. The Mabry Band Program, directed by Jill Barnocki and Kimberly Bruce, has 377 students enrolled in grades 6–8.

Madam Speaker, members of the band program consistently earn recognition in both the Georgia All-State Band and the Georgia District 12 Honor Band. All of the school's bands earned straight superior ratings in the Georgia Large Group Performance Evaluation. The Mabry Band program has also received invitations to perform at prestigious conferences and competitions throughout the country, including the International Band & Orchestra Conference in Chicago in 2008, the Georgia Music Educators Conference in Savannah, Georgia in 2007, the Southeastern Middle School Band Clinic at Troy State University in 2003, and the University of Georgia Mid-Fest in 2002.

Mabry Middle School has been an exemplary part of the Marietta City School System since it opened in November of 1978. The school is ranked in the top ten schools in the state of Georgia and is a Georgia School of Excellence. In 2005 Mabry Middle School was awarded the Scholastic and Intel's Schools of Distinction Award for Technology Innovation and Georgia's Silver Award for Academic Achievement. Mabry is also a 2008 No Child Left Behind Blue Ribbon School of Excellence. I ask that my colleagues join me in recognizing the accomplishments of the students and band of Mabry Middle School.

TRIBUTE TO DAVID DWYER OF CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise today to urge my colleagues to join me recognizing Mr. David Dwyer of Bristol, Connecticut. Mr. Dwyer is a lifelong Connecticut resident and has been employed by UPS for over 37 years, where he remains a member in good standing of the International Brotherhood of Teamsters Local 671.

He has also been a member of the Forestville Fishing Club, the oldest fishing club in America, since 1978. From 1984 through 1987, Mr. Dwyer served on the club's Board of Managers, and served as Second Vice President from 1987 through 1994. In 1994, Mr. Dwyer was elected President of the Forestville Fishing Club. During his tenure, among other notable accomplishments, he presided over the expansion of club boundaries and successfully completed the Grannis Pond Revitalization Project in 2009.

I wish to congratulate Mr. David Dwyer on his 14 years of dedicated and devoted service

as President of the Forestville Fishing Club, and encourage all of my colleagues to join me in wishing him the very best in all of his future endeavors.

A PROCLAMATION HONORING J.D. HALE FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, J.D. Hale showed hard work and dedication to the sport of basketball; and

Whereas, J.D. Hale was a supportive team player; and

Whereas, J.D. Hale 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 J.D. Hale 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 BERNARD OLIVE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to recognize Bernard Olive, a respected and noble citizen of the city of Baytown.

Mr. Olive has been devoted to serving his community and through his devotion has been nominated for The Baytown Sun's Citizen of the Year award. Serving as the Fire Marshall for the city since 1992 as well as the Emergency Management Coordinator from 1999 to 2007 he has displayed a true commitment in aiding his fellow neighbors in times of need.

Along with his service Mr. Olive has shown an enthusiasm in volunteering throughout his community. Speaking to different organizations concerning hurricane preparedness, fire prevention, and other various topics he has become a source of knowledge that others seek for advice. Mr. Olive is a member of Cedar Bayou Masonic Lodge 321, a member of the 6th Cavalry Association of Living History, and is a board member on the Hill of Rest Cemetery, as well as the Baytown Heritage Society.

For his invaluable service to the City of Baytown community I extend my deepest gratitude, and honor Mr. Bernard Olive.

TRIBUTE TO MR. JIM SCHMIT

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to the numerous organizers and volunteers of the 2009 Special Olympics World Winter Games in Idaho. It was because of the hard work and dedication of the volunteers from Idaho and elsewhere and their commitment to Special Olympics that this great event was possible. I would like to recognize one volunteer in particular, Mr. Jim Schmit. Mr. Schmit served as the Chairman of the Games Fundraising Committee, and he did an exemplary job.

The Special Olympics World Winter Games attracted more than 2,000 athletes from nearly 100 countries. It was the largest multi-sport event ever held in the State of Idaho. While my home state was proud to host this prestigious event, we faced many unique challenges along the way. Host sites are typically named four years in advance of the Games, but Special Olympics International awarded the Games to Idaho just 24 months in advance. This left the Fundraising Games Committee with an extremely condensed timeframe in which to raise money and prepare for the event. The Committee faced an even greater challenge created by the difficult economic times that our businesses, corporations, and citizens confronted, which caused donations to charities and non-profits to drop significantly.

Working on an unpaid volunteer basis, Mr. Schmit worked tirelessly with businesses and corporations in Idaho and throughout the country to secure both monetary donations and in-kind donations of food and beverages for the athletes as well as supplies needed to run the events. He coordinated with the state and local governments to obtain assistance from them. In addition, Mr. Schmit worked closely with Senator Craig and me to help us in our efforts to secure federal funding in support of the Games. Faced with such a difficult economic environment, Mr. Schmit and his team were able to raise sufficient funds to put on the hugely successful Games and still have funds left over to donate back to the community.

Madam Speaker, I have had the honor of knowing and working with Mr. Schmit in his position as President of Qwest Idaho for many years. Today, I am honored to commend him for his tremendous work as the Chairman of the Games Fundraising Committee. His commitment and dedication were critical to making the Games such a huge success, and I would like to take this opportunity to recognize him for all of his hard work.

INTRODUCTION OF THE FAMILY AND MEDICAL LEAVE RESTORATION ACT

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. SHEA-PORTER. Madam Speaker, I am proud to introduce today the Family and Medical Leave Restoration Act. Since its enactment in 1993, the Family and Medical Leave Act (FMLA) has helped workers and family members to balance the responsibilities of the workplace with their or their family's medical needs. This job protected leave provides workers with the comfort of knowing that their job will be safe while they tend to their health needs, or the health needs of a loved one.

FMLA leave is unpaid leave, but it provides the worker with the basic assurance that their job will be protected while taking the family or medical leave that they need. Unfortunately, the previous Administration issued new rules regarding the use of FMLA leave that place additional burdens on workers. Workers who find themselves in a position that requires FMLA leave should not have to worry about meeting additional requirements for accessing their FMLA leave.

The Family and Medical Leave Restoration Act will repeal the most restrictive of the new regulations, restoring the common sense—and fair—regulations that were previously in place. It also directs the new Secretary of Labor to revisit and revise other FMLA regulations that were promulgated under her predecessor.

I look forward to working with Secretary Solis—a proven champion for workers' rights—on this issue, and on behalf of the workers of New Hampshire and the nation.

A PROCLAMATION HONORING KYLE ONDERA FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Kyle Ondera showed hard work and dedication to the sport of basketball; and

Whereas, Kyle Ondera was a supportive team player; and

Whereas, Kyle Ondera 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 Kyle Ondera 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 MELVIN GOINS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. RAHALL. Madam Speaker, I rise before you today to honor a great West Virginian, Melvin Goins. Like Jimmy Stewart's character in "It's a Wonderful Life," this Friday, surrounded by friends and family and the love and admiration of his community, Melvin Goins will be the richest man in Bramwell—a town noted for the millionaire coal barons who called it home at the turn of the 20th Century.

A phenomenally talented bluegrass musician, Melvin Goins has spent a lifetime making music and gaining fame throughout all of bluegrass country. His photo once graced the cover of Smithsonian Magazine. He was named an "Appalachian Treasure" by Morehead State University in 2000, and he was inducted into the "Bluegrass Hall of Fame." But I suspect that the recognition by his hometown of a local boy done well is, to him, the most sublime of all possible honors.

As a youngster, Melvin, along with his brother Ray who passed away in 2007, worked and

scraped to buy their first instrument—a banjo—a treasure they were afraid to reveal to their father, Glen. Fortunately for all of us, having received Glen Goins' approval of their fine purchase, the two sons soon embarked on a path that would take them to the heights of bluegrass renown.

Over the decades of their careers, the pair brought the sounds of a finely tuned string band to countless men and women throughout the world, who found delight in such tunes as ''Mouse Tracks in the Bacon Grease.'' Likewise, gospel tunes as ''I'll Fly Away'' and ''The Wayfarer Stranger'' have touched many a heart and soul.

They played as part of the Lonesome Pine Fiddlers and the Clinch Mountain Boys, before going on their own to play as the Goins Brothers. But eventually Ray hung up his banjo and Melvin carried on, establishing the Windy Mountain Boys.

Over the years, Melvin's generosity, exemplified by the guidance and encouragement he gave so freely to younger musicians, earned him lifelong respect and gratitude. And despite his success, the once-dirt poor boy has never lost his sense of those basic values honed in the hills of his West Virginia home at the knee of his mother Pearl.

If it means keeping our feet firmly planted on Good Mother Earth and our head out of the clouds like Melvin Goins, then growing up ''dirt poor'' is a luxury more Americans should enjoy.

Melvin Goins life has spanned the days of the battery operated radio that provided the family's only entertainment to the age of the Internet, MP3 players, and IPods. Having spent the better part of his nearly 60 years on the road, performing live concerts at venues from the renowned to the unlikely, Melvin Goins now reaches his multitude of fans worldwide, in their own living rooms, through a virtual visit to YouTube.

Even in his 70's, Melvin continues a successful and busy musical career, remaining much in demand by all who enjoy a little pickin', singin' and a good story to boot.

That he has earned this continuous following throughout those decades of change is testament to the depth of Melvin's talent and the breadth of his musical appeal.

This Friday, I will join the people of Bramwell, West Virginia in celebrating ''Melvin Goins Day.'' But today, I bring his extraordinary life and musical talent to the attention of the U.S. Congress and urge my colleagues to join me in recognizing Melvin Goins, an American treasure.

RECOGNIZING THE BOLTON AND MENK FIRM FOR THEIR INNOVATIVE DESIGN OF A NEW WASTEWATER TREATMENT PLANT

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor the Bolton and Menk Firm for their innovative design of a new Wastewater Treatment Plant in the City of Buffalo, Minnesota. Their fresh ideas earned them a place of honor in the American Council of Engineering Companies 2009 Engineering Excellence Awards Competition.

This facility is the first of its kind in innovation and renewable resources for water treatment. The City of Buffalo, Minnesota asked for a state-of-the-art system and Bolton and Menk delivered. The facility provides a high quality treatment process and keeps the energy costs incredibly low to the city and its residents. By recycling and reusing, the wastewater treatment plant makes all biosolids disappear. Some of the biosolids are even reused in the community's road construction and repair. In the end, the City of Buffalo has one of the most eco-friendly and fiscally responsible wastewater treatment plants in America. In fact, estimated savings for the first year of operation are expected to exceed $90,000 and $500,000 in the next 20 years.

The 2009 Engineering Excellence Award has found a worthy recipient and I rise today to commend both Bolton and Menk for their innovation and attention to the needs of today's communities and the people of Buffalo, Minnesota for vision and a real commitment to excellence.

HONORING THE LIFE AND WORK OF PAUL SIDNEY

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BISHOP of New York. Madam Speaker, I rise today to honor the life and work of Paul Sidney, legendary radio personality and fixture of community life in Eastern Long Island for 45 years.

With his rapid patter and unpolished voice, Paul provided ''local news of local interest'' to generations of Long Islanders from the studios of WLNG radio in Sag Harbor. Joining the station in 1963 as programming director, he later became WLNG's vice-president, general manager and, eventually, president.

Paul was recognized as a pioneer in community radio when he was inducted into the New York State Broadcasters' Hall of Fame in 2007. One of his innovations at WLNG was his early embrace of on-location remote broadcasting. Local events from retail store openings to Easter Egg hunts could expect a visit from Paul in the station's mobile broadcasting bus, and anybody in attendance was eligible for an impromptu on-air interview.

Perhaps what endeared Paul most to his listeners was his dedication to keeping WLNG on the air during even the most severe hurricanes and blizzards, earning him the nickname ''the master of disaster.'' With his commitment to keeping the community informed in trying times, Paul was part entertainer and part public servant.

Between shifts on-air, Paul would hold court from his favorite bench between the Sag Harbor Pharmacy and the Variety Store on Main Street, dispensing wisdom, talking baseball and maybe collecting a few anecdotes for a later broadcast. A lifelong bachelor, his listeners were both his friends and his family.

Madam Speaker, if being successful in life is loving your work, Paul Sidney was one of the most successful people I have ever known. That irrepressible voice has fallen silent, but Paul and his achievements over the years at WLNG will always be remembered.

A PROCLAMATION HONORING JESSE SLONE FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Jesse Slone showed hard work and dedication to the sport of basketball; and

Whereas, Jesse Slone was a supportive team player; and

Whereas, Jesse Slone 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 Jesse Slone 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.

ON THE PASSING OF ERNIE BARNES

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BUTTERFIELD. Madam Speaker, today we mourn the loss of Ernie Barnes, an athlete, artist and North Carolina native.

As a child, Mr. Barnes would accompany his mother to work, where she oversaw a prominent attorney's household staff in a home where he was captivated by the extensive collection of art books available to him. It was the start of a lifelong love of art.

As a junior high school student, Mr. Barnes was overweight and introverted. He spent his time drawing and hiding from the taunting bullies. A sympathetic teacher helped steer him into a weightlifting program, which enabled him to excel in both football and track and field once he got to high school.

Because of segregation, he was unable to consider nearby University of North Carolina or Duke University, and instead attended my alma mater, North Carolina Central University—then known as North Carolina College—on a football scholarship and majored in art.

Mr. Barnes was drafted in by the Washington Redskins, who, upon discovering he was Black, traded him to the then-world champion Baltimore Colts. He later played offensive lineman for the San Diego Chargers and Denver Broncos.

While on the playing field, Mr. Barnes said he was studying the human form and developing an eye for capturing the drama of sports. Each week he would sketch the defensive lineman who would be across from him in that Sunday's game.

''The drawings would help me understand the man I would be facing,'' he said in an interview.

Mr. Barnes' work relied on elongation and distortion to create a sense of energy, power, grace, intensity, and fluidity. His art also features people with their closed eyes, reflecting his sense, as he once expressed it, ''we are blind to one another's humanity.''

He was commissioned by the Los Angeles Olympic Committee to provide paintings for the Games and by the National Basketball Association to commemorate its 50th anniversary. He was also commissioned to provide paintings by the owners of the Los Angeles Lakers, New Orleans Saints, Oakland Raiders, and the Boston Patriots. Carolina Panthers owner Jerry Richardson, a teammate with the Baltimore Colts, commissioned Mr. Barnes to create the painting, ''Victory in Overtime,'' that permanently hangs at the Charlotte football stadium.

Mr. Barnes' ability to capture the powerful energy and movement of sports earned him ''America's Best Painter of Sports'' by the American Sports Art Museum in 2004.

In 2007, in a New York tribute exhibition sponsored by the National Football League and Time Warner, Time Warner Chairman and CEO Richard D. Parsons said, ''Imagine the courage and determination it took for a working class child from the segregated south in the 1940s to ignore all the naysayers and dare dream of becoming a successful artist.''

Mr. Barnes's work embodied his strong personal beliefs and spirit, crossing political, racial, and geographic boundaries.

Madam Speaker, I ask that my colleagues join me in observing the passing of a great American and one of the Nation's foremost African American artists. We are blessed that Mr. Barnes helped raise our collective consciousness and encouraged everyone to see the gifts and strengths in one another. We mourn his loss, celebrate his achievements, and send our deepest condolences to his family.

RECOGNITION OF THE PASSING OF DEPUTY BURTON LOPEZ, OKALOOSA COUNTY SHERIFF'S DEPARTMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor Deputy Burton Lopez, Okaloosa County Sheriff's Department, who gave his life in the line of duty on April 25, 2009. Deputy Lopez served the Okaloosa Sheriff's Department with honor and distinction, and I am humbled to recognize this American hero.

Deputy Burton ''Burt'' Lopez began his career in the United States Air Force, proudly serving for over twenty years before retiring as a sergeant. His career took him across the world, including Northwest Florida's own Eglin Air Force base. He joined the Okaloosa Sheriff's Department shortly after his retirement, fulfilling a lifelong dream of becoming a police officer. His fellow officers knew him as a dedicated public servant and a true family man who loved serving his community.

Deputy Lopez was killed when he and another patrol deputy went to apprehend a suspect during a domestic violence dispute. The gunman fired at the officers, fatally wounding Deputy Lopez and a fellow officer. These two deaths mark only the second and third Okaloosa Sheriff's deputies to ever be killed in the line of duty, a truly sad, but powerful testament to the quality of the entire Sheriff's Department.

The people of Okaloosa County have many reasons to be proud of Deputy Lopez, and I am honored to be able to represent those people, as well as the memory of this brave police officer. Vicki and I will keep his entire family, especially his wife, Michelle, and children, Jesse, Erik, Madilyn, Jami, and Jake, and grandson, Caleb, in our prayers. May God Bless Deputy Lopez and all of the officers across this great country who courageously protect their citizens and their communities.

FAST STARTS ACT OF 2009

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BLUMENAUER. Madam Speaker, I began work on the Portland Streetcar as a Commissioner of the City of Portland. Our first line opened on July 20, 2001, becoming the first modern streetcar system in North America. It represents a remarkable local partnership. I'm proud of its success.

As a Member of Congress, I have championed streetcars at the federal level, introducing the Community Streetcar Development and Revitalization Act in 2003, which became part of the Small Starts program and was included in SAFETEA–LU.

Unfortunately, the implementation of the Small Starts program failed to deliver any form of federal partnership to our communities. Communities across the country have struggled to utilize the Small Starts program as the Federal Transit Administration delayed these projects. These delays have caused steep cost increases and stalled worthy projects that otherwise would generate investment and development in these communities.

The Fast Starts Act responds to the vast pent-up demand in communities around the country caused by the prior administration's obstruction and delay with regard to streetcar projects. It authorizes the Secretary of Transportation to make grants to streetcar projects provided that they are supported by an acceptable degree of local financial commitment, have met all necessary environmental requirements, and can be under construction not later than March 1, 2012.

These bills will revitalize America's neighborhoods and urban spaces, while providing transit options, reducing sprawl, and curtailing greenhouse gas emissions. I am looking forward to seeing a resurgence of streetcars around the country and nowhere more so than in Portland, Oregon.

A PROCLAMATION HONORING JORDAN STRICKLAND FOR WINNING THE BOYS' DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. SPACE. Madam Speaker:

Whereas, Jordan Strickland showed hard work and dedication to the sport of basketball; and

Whereas, Jordan Strickland was a supportive team player; and

Whereas, Jordan Strickland 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 Jordan Strickland 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.

EARMARK DECLARATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BROWN of South Carolina. Madam Speaker, I submit the following:

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of Education—National Projects, Innovation and Improvement

Legal Name of Requesting Entity: Reading is Fundamental

Address of Requesting Entity: 1825 Connecticut Ave. NW, Washington, DC 20009

Description of Request: Funding will be used for purposes authorized in Section 5451 of the Elementary and Secondary Education Act. Reading Is Fundamental enhances child literacy by providing millions of underserved children with free books for personal ownership and reading encouragement from the more than 18,000 locations throughout all fifty states, Washington, D.C., Guam, Puerto Rico, and the U.S. Virgin Islands.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Department of Education—National Projects, Innovation and Improvement

Legal Name of Requesting Entity: Reach Out and Read National Center

Address of Requesting Entity: 56 Roland Street, Boston, MA 02129

Description of Request: Reach Out and Read is a national program that promotes literacy and language development in infants and young children, targeting disadvantage and poor children and families. ROR has proven to among the most effective strategies to promote early language and literacy development and school readiness: pediatricians and other healthcare providers guide and encourage parents to read aloud to their children from their earliest years of their life, and send them home from each doctor visit with books and a prescription to read together. Currently, nearly 50,000 doctors and nurses have been trained in ROR's proven strategies, and more than 3,500 clinics and hospitals nationwide are implementing the program, reaching more than 25% of America's at-risk-children. Funding provided by Congress through the U.S. Department of Education has been matched by tens of millions of dollars from the private sector and state governments. Program has benefited over 18,000 children in the First District.

HONORING BOY SCOUT TROOP 72

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate Boy Scout Troop 72 on achieving an important milestone, its 75th anniversary. Originally chartered on April 16, 1934, Troop 72 has turned hundreds of young men into community leaders, fulfilling the Boy Scouts of America mission to build character in young men and train them to become responsible citizens engaged in physical fitness and community development activities.

Troop 72 is in the Washington District of the Cradle of Liberty Council of the Boy Scouts of America. The chartering organization, the Roychester Community House in the Overlook Hills neighorhood of Abington Township, has provided a home for the young men of Troop 72 for many years.

Since its inception, 175 boys from the Troop have attained the coveted Eagle Scout designation, Scouting's highest award. Each project that has propelled these young men toward the achievement of the rank of Eagle Scout has had an incredible impact on the betterment of the community. While successfully fulfilling the mission of the Boy Scouts of America to train young men to become responsible, engaged citizens, Troop 72 has also successfully established strong ties to its town. Troop 72's annual food drive collects thousands of canned goods each year.

The Troop's active and committed adult leadership implement outreach, advocacy and fundraising activities to strengthen the Troop's enduring presence and serve as positive role models for these young men. Over the past 75 years, Troop 72 has served as a powerful catalyst, encouraging young men to make ethical and moral decisions and shaping them into productive, engaged citizens. I am honored to represent this organization's leadership and members in Congress.

Madam Speaker, I ask that my colleagues join me in celebrating the 75th anniversary milestone of Boy Scout Troop 72 and wishing the Troop and its members many more years of community enrichment and service.

CONGRATULATING MR. ADAM MILLIKIN, JR. ON THE OCCASION OF HIS 100TH BIRTHDAY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. ALEXANDER. Madam Speaker, it is with great pride and pleasure that I rise to honor Mr. Adam Millikin, Jr. on the occasion of his 100th birthday.

Mr. Millikin was born on May, 12, 1909 in East Carroll Parish, and is currently a proud resident of Lake Providence, La. In addition, Mr. Millikin and his late beloved wife were the proud parents of 10 children.

Truly an integral part of Louisiana history, Mr. Millikin's fascination with politics has deep roots. He was just one of four males who first obtained the right to vote in East Carroll Parish.

A retired farmer, Mr. Millikin serves today as a deacon of the Rose Hill Baptist Church. He has served in this capacity for 58 years.

In addition, his hobbies include watching his favorite baseball team, Los Angeles Dodgers, and following the news.

Mr. Millikin is a friend to many, and is deemed a gracious and hardworking person to all who have had the privilege of making his acquaintance.

Friends and family of Mr. Milliken will gather on May 24, 2009 to celebrate this momentous birthday.

I ask my colleagues to join me in wishing Mr. Adam Millikin, Jr. a very happy 100th birthday.

IN HONOR OF ROBLEY REX

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. YARMUTH. Madam Speaker, I rise today to honor Robley Rex, an American Hero from my home town of Louisville, KY, who peacefully passed away just days away from his 108th birthday. Mr. Rex always disputed the fact that he was a hero. He said he was only doing his duty, but to the people of Kentucky, we simply can't see it any other way.

The area's last surviving World War I era veteran served with the Army in Europe at the end of the Great War. He remained with the Army for four years, but he retained a commitment to serve for the rest of his life. He served as chaplain of the Okolona VFW until his death and logged more than 13 thousand volunteer hours at the Louisville VA hospital—since his 85th birthday.

Still, what made Mr. Rex special to us isn't the quantity of hours or years—though there were many of both—but the quality of his time. The veterans who had the good fortune to spend some time with him, during his many visits to the VA Hospital, spoke with a man who not only shared their experience but also helped blaze the trail for their service. For those brave men and women who served their country and received treatment for illness or injury, the ubiquitous smile of Robley Rex made a world of difference when working toward recovery. He tried to cheer them up, he'd say. And if you ask anyone he encountered, you'll hear that he succeeded.

Today, it's difficult to imagine a time when America was not yet the most powerful nation in the world, when the military might of United States was in question. Robley Rex served at a time when our states had been reunited for little over five decades and the road ahead lay in question. It was on the will, courage, and determination of soldiers like Robley Rex that the future of the United States was secured. Whether he admitted it or not, Madam Speaker, he was a treasure to our community, a true American Hero, and he will not be forgotten.

I am humbled by his life's service, thankful for all he did, and I know my colleagues will join me in honoring the life and legacy of Robley Rex.

TRIBUTE TO MR. D. M. (DENNY) SAMUEL

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. COSTA. Madam Speaker, today I would like to pay tribute to Mr. D. M. Samuel on his retirement with 42 years of service with Chevron Corporation of California.

Denny joined Chevron in 1967 and moved extensively throughout North America in the marketing department. As sales manager in Puerto Rico, and marketing manager in Canada, he was successful in notable advancements in Chevron's return to stockholder investment. He has been Chevron's legislative advocate in Florida, Washington, Oregon, Idaho, and California.

Most recently, Denny has served as chief advocate for the company in Sacramento, serving as Chevron's lead with the California State Legislature and several governorships for more than 20 years. In this capacity, he has been a true leader within the business lobbying community. He has served on the Government Affairs Committee of the California Manufacturers and Technology Association, and is the outgoing chairman of the Western States Petroleum Association's California Petroleum Resource Group. Denny has been honored by both parties recently, as the top business lobbyist in the State; by the Latino Caucus with a Lifetime Achievement Award; and by many peers and leaders in Sacramento and an honest and hard working advocate on behalf of California's largest company, Chevron.

Denny is a solid citizen. He has served on the boards of many community and industry organizations including the Sacramento Child Abuse Prevention Council and served as chairman of the River Oaks Center for Children. He is known for his compassion and willingness to help others.

Samuel graduated from the University of Washington, did post graduate studies at Golden Gate University, and received his master's in business administration (MBA) from Pepperdine University.

Samuel enjoys golf and fishing and resides with his wife and mother of four, Fran, in Loomis, CA.

I congratulate Denny on his retirement and thank him for his diligent service to the energy industry, particularly in the great State of California.

CONGRATULATING EVERETTE BROWN ON BEING DRAFTED BY THE CAROLINA PANTHERS

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BUTTERFIELD. Madam Speaker, I rise to congratulate and recognize a young man from my hometown who was selected in last weekend's National Football League draft. The Carolina Panthers selected Everette Brown, a graduate of Wilson, North Carolina's Beddingfield High School and Florida State University.

Mr. Brown was the Seminoles starter at the right defensive end position in each of the 13 games during the 2008 regular season, and he was a finalist for the Ted Hendricks Award as the Nation's top defensive end. And, after leading the Nation in tackles for a loss, Mr. Brown was named to the All-Atlantic Coast Conference football first-team and runner-up as the ACC Player of the Year.

In addition to his tremendous play on the field, Mr. Brown has been a leader when it comes to community service. He has donated his time freely, volunteering at schools, The Able Trust, MDA Summer Camp, Tallahassee Seminole Club, Dick Howser Center for Childhood Services, Life Skills Center and Read Across America, among many others.

Madam Speaker, my community is extremely proud of this young man and I ask you to join me in congratulating him on his accomplishments. We must also recognize Mr. Brown's parents, Odell and Jenai, on raising this fine young man. I know they must be so proud and pleased that he will be playing his games so close to home.

CONGRATULATING MARTHA BUFFINGTON, TEACHER SELECTED TO ATTEND 2009 MICKELSON EXXONMOBIL TEACHERS ACADEMY

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. ALEXANDER. Madam Speaker, it is with great pride that I rise today to commend Martha Buffington, a teacher at A.L. Smith Elementary for being selected to attend the 2009 National Mickelson ExxonMobil Teachers Academy.

Martha is one of 200 highly-qualified third- through fifth-grade teachers from around the country selected to attend the intensive professional development program this summer.

She was chosen from more than 1,600 teachers nationwide by a panel of educators from the National Council of Teachers of Mathematics (NCTM) and the National Science Teachers Association (NSTA). Their selection criteria was based on Martha's remarkable qualifications, unyielding dedication to inspiring students at an early age, as well as her overall commitment to enhancing the teaching profession.

The ExxonMobil Teachers Academy is designed to further help each selected participant to engage students in math and science, and to help retain their interest in these subjects through college and into their careers.

I ask my colleagues to join me in congratulating Martha Buffington for being accepted into the ExxonMobil Teachers Academy. Martha is an excellent teacher who is truly deserving of this recognition.

LEVI LOCKLING

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Levi Lockling who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Levi Lockling is a 7th grader at Wheat Ridge Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Levi Lockling is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Levi Lockling for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

RECOGNITION OF THE PASSING OF DEPUTY WARREN YORK, OKALOOSA COUNTY SHERIFF'S DEPARTMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor Deputy Warren York, Okaloosa County Sheriff's Department, who gave his life in the line of duty on April 25, 2009. Deputy York served the Okaloosa Sheriff's Department with honor and distinction, and I am humbled to recognize this American hero.

Deputy Warren ''Skip'' York served his country for over 20 years in the U.S. Air Force. A highly decorated airman, Skip joined the Okaloosa Sheriff's Department upon his retirement from military service and has bravely protected his community as a patrol deputy ever since. He could often be seen riding around northwest Florida on his Harley-Davidson as part of the Blue Knights Motorcycle Club or attending church services at St. Michael's of Eglin Air Force Base. Skip will be remembered by all who knew him for his great attitude and caring personality.

Deputy York was killed when he and another patrol deputy went to apprehend a suspect during a domestic violence dispute. The gunman fired at the officers, fatally wounding Deputy York and a fellow officer. These two deaths mark only the second and third Okaloosa Sheriff's deputies to ever be killed in the line of duty, a truly sad, but powerful testament to the quality of the entire Sheriff's Department.

The people of Okaloosa County have many reasons to be proud of Deputy York, and I am honored to be able to represent those people, as well as the memory of this brave patrolman. Vicki and I will keep his entire family, especially his wife, Janel, and his son, Michael, in our prayers. May God bless Deputy York and all of the officers across this great country who courageously protect their citizens and their communities.

FEDERAL STREETCAR REVITALIZATION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BLUMENAUER. Madam Speaker, the Federal Streetcar Revitalization Act creates a transportation investment program that, under a competitive program, offers grants to transit projects. These projects must be justified based on a review of their effects on local economic development, land use, travel patterns, and greenhouse gas reduction potential.

This program will unlock streetcar investments across the country and will fulfill the promise of the Community Streetcar Development and Revitalization Act that I introduced in 2003 and which later became part of the Small Starts program in SAFETEA–LU. Unfortunately, the implementation of the Small Starts program failed to deliver any form of federal partnership to our communities. Communities across the country have struggled to utilize the Small Starts program as the Federal Transit Administration delayed these projects. These delays caused steep cost increases and stalled worthy projects that otherwise would generate investment and development in these communities.

For an example of the benefits of streetcar systems, the Portland Streetcar opened on July 20, 2001, becoming the first modern streetcar system in North America. This system has created jobs and spurred development along the streetcar corridor. In fact, the Portland Streetcar has spurred $3.5 billion in new development in downtown Portland. The streetcar system also provides tremendous environmental benefits. The Portland Streetcar is one reason that vehicle miles traveled per capita have declined by 6% since 1990 in Portland, Oregon. Providing sustainable transportation options to our communities can significantly reduce our carbon footprint.

These bills will revitalize America's neighborhoods and urban spaces, while providing transit options, reducing sprawl, and curtailing greenhouse gas emissions. I am looking forward to seeing a resurgence of streetcars around the country.

KATERINA KUBLITSKAYA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Katerina Kublitskaya who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Katerina Kublitskaya is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Katerina Kublitskaya is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Katerina Kublitskaya for winning the

Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

RECOGNIZING MADDESON ELIZABETH BILLMEYER

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the courage and resolve of Maddeson Elizabeth Billmeyer. Maddeson went to the hospital after falling on the ice this past winter. During her hospital visit, a tumor was detected and diagnosed. This fall was a blessing in disguise, as it allowed for her to be diagnosed sooner rather than later.

Maddeson was diagnosed with Ewing Sarcoma which has only about 150 cases reported each year. This rare cancer has spread to both lungs. The cancer will be treated with 6 sessions of chemotherapy, followed by surgery to remove the tumor and any remaining cancer. Maddeson will then continue with chemotherapy for a minimum of 42 weeks.

Maddeson is only 6 years old and is in the process of dealing with a terrible disease. Maddeson and her family have a difficult road ahead of them and they need community support. The Billmeyer family needs emotional, educational, and practical support from their family and friends.

I want to use this unfortunate circumstance as an opportunity to promote childhood cancer awareness, and the need for childhood cancer education. Ours thoughts and prayers are with Maddeson Billmeyer and her family.

JOSH LOBATO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Josh Lobato who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Josh Lobato is a 7th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Josh Lobato is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Josh Lobato for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

RECOGNIZING NICHOLAS EVERETTS, AMERICAN LEGION DEPARTMENT OF ARIZONA ORATORACLE CONTEST 1ST RUNNER UP

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Nicholas Everetts of Fountain Hills, Arizona, who was chosen to represent his area in the recent Constitutional Speech Contest held by the American Legion Oratorical Scholarship Program. This competition is sponsored by the American Legion to promote a broader appreciation and understanding of the Constitution.

Nicholas won his local contest in the Phoenix area, and then moved on to compete in the state competition with students from all over Arizona. As a sophomore at Fountain Hills High School and the youngest participant in the state contest, Nicholas proved his ability and validated his hard work by placing second.

As a member of the Committee on Veterans' Affairs, I commend Nicholas for his participation in this competition, and his active role in the veterans' community. In his speech, Nicholas insightfully noted that ''the treason that our forefathers committed when signing the Declaration of Independence has led us to live in such a great country.'' I am confident that we will see great things from Nicholas in the future, and I gratefully wish him well in his future endeavors.

Madam Speaker, please join me in recognizing Nicholas Everetts for his success in the Constitutional Speech Contest, and his dedication to America's veterans.

JENIFER LUNDE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jenifer Lunde who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jenifer Lunde is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jenifer Lunde is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jenifer Lunde for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

IN HONOR OF MADISON DEVON DODGE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Madison Devon Dodge for her efforts in the fight against diabetes and her profound impact on the lives of thousands of individuals who suffer from the disease.

From May 2 to 5, 2009, Madison Dodge will be honored here, in Washington, D.C., at the 14th Annual Prudential Spirit of Community Awards. I find Madison's accomplishments over the last eight years, although she is only thirteen years old, beyond extraordinary. She has raised in excess of $40,000 for diabetes research and treatment since she began volunteering in 2001. I am confident that she will not only continue to raise money to fight diabetes, but more importantly, that she will continue to bring hope to those suffering from diabetes and impact their individual lives in meaningful ways.

To promote her fight against diabetes, Madison familiarized herself with Washington D.C. at an early age. She has met with numerous congressman and senators to keep them informed about the challenges associated with this debilitating disease. She also holds the distinct honor of being named a two-time Delaware delegate to the Call to Congress program. Additionally, Madison was invited to attend a recent House Education and Labor Committee hearing entitled Renewing America through National Service and Volunteerism to discuss and examine the importance of national service in meeting some of our country's critical economic needs, at which I had the opportunity to highlight her volunteer work. In Delaware, she takes part in several fundraisers every year such as her biannual Skate 4 A Cure, Dinners for Diabetes, and other events including raffles and craft sales. It is inspiring to see that such a young lady can be so passionate about this worthy cause and demonstrate her passion so vigorously on a daily basis. As the co-chair of the Congressional Diabetes Caucus, I personally understand how important her mission is to Members of Congress, as well the countless families impacted by diabetes.

I would like to thank Ms. Madison Dodge for her years of service to the men and women suffering from diabetes, as well as our greater community here in the State Delaware. I am confident that her Prudential Spirit of Community Award will only inspire her to help more people and strengthen her resolve in the fight against diabetes.

DENISE LOYA

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Denise Loya who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Denise Loya is a senior at Jefferson High School and

received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Denise Loya is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Denise Loya for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

TRIBUTE TO SID OMAN

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Mr. Sid Oman, who was 81 when he passed away on Monday, April 27, 2009.

America lost a political icon with the death of Sid Oman. Sid will certainly be remembered for both his successful business and political careers. Nationally, he was recognized by President Reagan for his role in the War on Drugs, and he was widely known for being elected to serve as mayor of two cities in different states, Chesapeake, Virginia and Elizabeth City, North Carolina.

From the beginning, Sid Oman planned to be a funeral director. He founded his own business—Oman Funeral Homes—and he set the standard for the way in which he ran his business. He served as President of both the Virginia Funeral Directors Association and the Tidewater Funeral Directors Association. His business reputation led to his role as the director of General Douglas MacArthur's funeral in 1964.

Sid was so much more than a funeral director. He was a Marine, a Sunday school teacher, a marriage commissioner, and he played a leadership role in numerous civil groups committed to the communities in which he lived and worked every day, including business, health care, education, and service organizations.

Sid was deeply engaged in connecting with citizens and friends in the community through technology and media. He hosted weekly TV and radio shows, including ''The Sounding Board,'' ''The Vantage Point,'' ''Call to City Hall,'' and ''Mayor's Report.''

In his later years, Sid's personal battle with cancer and his resilient commitment to ensuring access to cancer treatment for others resulted in Chesapeake General Hospital naming its Cancer Treatment Center in his honor.

At home, Sid was the proud husband of Lillian Callis Oman since 1947. He had two children—his daughter Susan, and his son, Robert, who followed his father's footsteps into the funeral business.

However, for Chesapeake residents he represents the personification of the office of Mayor, an office he officially held for six years, but for which he was known for the remainder of his life. Sid's love for people and his city will not soon be forgotten or easily replaced, and his contributions to our lives in Chesapeake will live on for generations.

BRYCE LANGE

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Bryce Lange who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Bryce Lange is a senior at Faith Christian Academy and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Bryce Lange is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Bryce Lange for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

IN HONOR OF AMY LIU

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Ms. Amy Liu for establishing the Sichuan Earthquake Relief Fund and raising over $43,000 to aid victims of the earthquake that struck south-central China in May 2008.

From May 2 to 5, 2009, Amy Liu will be honored here, in Washington, D.C., at the 14th Annual Prudential Spirit of Community Awards. The efforts of Ms. Liu in her attempt to aid those devastated by the disaster in China are remarkable in and of themselves. Amy founded, organized, and led a month long fundraising effort that sent more than $20,000 directly to the Chinese Red Cross, where it was redistributed for disaster relief and rebuilding. I find Amy's accomplishments in this situation to be absolutely extraordinary. Not only did she raise an incredible amount of money to help people in dire need, she served as an exemplary role model for her peers in the process.

Ms. Liu has also volunteered at the First State Chinese School, the A.I. DuPont Hospital, the Brandywine Hundred Library, and the Stand Up for What is Right and Just program. In addition, Amy was a guest of mine at a recent House Education and Labor Committee hearing entitled Renewing America through National Service and Volunteerism to discuss and examine the importance of national service in meeting some of our country's critical economic needs. At the hearing, I had the opportunity to highlight Amy's exemplary community service. I am confident that Amy will not only continue to volunteer and serve the Delaware community and people in need, but more importantly, that she will continue to impact individual's lives in profound and meaningful ways.

I would like to thank Ms. Amy Liu for her service to the men and women who suffered in China after the May 2008 earthquake, as well as for her continual service within our greater community in the State of Delaware. I am confident that her Prudential Spirit of Community Award will only inspire her further to help more people and act as an even larger and more prominent role model for the young and old in our community.

ANNA LAZIO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Anna Lazio who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Anna Lazio is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Anna Lazio is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Anna Lazio for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

CONGRESSWOMAN SPEIER ENCOURAGES ORGAN AND TISSUE DONATION REGISTRATION

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. SPEIER. Madam Speaker, today, 17 Americans awaiting organ transplants will die because a suitable donor was not available. These will be our mothers, fathers, children, and friends—some of the 100,000 of our fellow Americans on the national organ transplant waiting list.

But unlike so many threats that are out of our control, this is something that each of us can change simply by signing up with your state program.

Volunteering to be an organ or tissue donor is a simple, painless, and selfless act of love and generosity, the impact of which cannot be understated. A single organ donation can save up to 8 lives and the donation of one person's tissue can save the lives of up to 50 others. Each year, 28,000 men, women and children are saved through organ donation. Despite the 80 million of us who are enrolled in state donor registries, there is still a need for more.

Sadly, one-third of those on the national transplant waiting list will likely run out of time before a donor is found.

Madam Speaker, in honor of National Donate Life Month, I urge my colleagues, my constituents and my fellow Americans to register as organ and tissue donors.

ALEXANDRA LOGAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Alexandra Logan who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Alexandra Logan is a senior at Wheat Ridge High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Alexandra Logan is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Alexandra Logan for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009. I would like to thank Chairman CONYERS of the House Judiciary Committee for his leadership in bringing this timely legislation to the floor. H.R. 1913 will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes. The key element of the bill is its expansion of federal jurisdiction to cover crimes motivated by bias against a victim's perceived sexual orientation, gender, gender identity or disability. This legislation would make tremendous strides in garnering the civil and human rights of all Americans. Its passage would secure the equal protection of all Americans under the law. It is a landmark and long overdue piece of legislation.

This is an important bill and I have introduced similar legislation in this and prior Congresses. While I support this bill and urge my colleagues to support this bill I am disappointed that the bill did not include my amendment which I offered last Congress.

MY AMENDMENT LANGUAGE IN H.R. 1592

Last Congress, I offered an amendment to H.R. 1592, the legislation that was introduced last term. My amendment was accepted by unanimous consent by the members of the Judiciary Committee. Specifically, my amendment required "the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall report such findings back to the Congress within 180 days." If this language was included in the present bill, it would only serve to strengthen it and make it better. The amendment language was intended to gather information on adults that solicit and use youth in the commission of hate crimes. This issue arises with respect to hate groups such as the Skinheads, Neo-Nazis, KKK, and other similar type groups.

H.R. 1913 is legislation aimed at combating hate crimes. Because the bill addresses hate crimes, it is necessary to define the criminal actions that constitute a hate crime in the first instance. The definition is straightforward. Hate crimes involve the purposeful selection of victims for violence and intimidation based upon their perceived attributes. Such targeting for violence removes these actions from the protected area of free expression of belief and speech as enshrined in the First Amendment to the United States Constitution. The crimes are investigated and prosecuted at both the Federal and State and local level, depending upon the facts of the case and the needs of the investigation.

For those individuals that will ask why this law is necessary, let me remind of a few incidents that have occurred in recent memory that demonstrate that this bill is indeed necessary.

Texas' violent history dates to the late 19th century when it was among the South's most lynch-prone states. At least 355 people, most of them blacks, died in Texas mob violence between 1889 and 1918.

Laws outlawing mob and less lethal hate crimes have since been passed, but incidents with possible racial components have continued to occur—even in Jasper, a city with a black mayor and a population that is 45 percent African-American.

In Texas, Austin came in fourth among cities in the number of hate crimes reported in 2006, according to a FBI compilation that canvassed agencies representing 85 percent of the nation's population. Documented are 7,722 criminal incidents involving 9,080 offenses resulting from bias against race, religion, sexual orientation, ethnicity/national origin, or physical or mental disability. Of 5,449 "crimes against persons", intimidation accounted for 46 percent of hate crimes, simple assault 32 percent, and aggravated assault 21.6 percent. Three murders and six rapes were reported. The report lists offenders as 58.6 percent white, 20.6 percent black, 12.9 percent race unknown, and the rest as other races.

JAMES BYRD

Let me remind you of James Byrd. On June 7, 1998, Byrd, 49, accepted a ride from three men named Shawn Allen Berry, Lawrence Russell Brewer, and John William King. He had already known one of them. Instead of taking him home, the three men beat Byrd behind a convenience store, chained him by the ankles to their pickup truck, stripped the man naked, and dragged him for three miles. Although Lawrence Russell Brewer said that Byrd's throat had been slashed before he was dragged, forensic evidence suggests that Byrd had been attempting to keep his head up, and an autopsy suggested that Byrd was alive for much of the dragging and died after his right arm and head were severed when his body hit a culvert. His body had caught a sewage drain on the side of the road resulting in Byrd's decapitation.

King, Berry, and Brewer dumped their victim's mutilated remains in the town's black cemetery, and then went to a barbecue. A wrench inscribed with "Berry" was found within the area along with a lighter that had "Possum" written on it, which was King's prison nickname.

The next morning, Byrd's limbs were scattered across a very little-used road. The police found 75 places littered with Byrd's remains. State law enforcement officials along with Jasper's District Attorney Guy James Gray and Assistant Pat Hardy determined that since King and Brewer were well-known white supremacists, the murder was a hate crime, and decided to bring in the FBI less than 24 hours after the discovery of Byrd's remains. One of Byrd's murderers, John King, had a tattoo depicting a black man hanging from a tree, and other tattoos such as Nazi symbols, the words "Aryan Pride," and the patch for the Confederate Knights of America, a gang of white supremacist inmates. In a jailhouse letter to Brewer which was intercepted by jail officials, King expressed pride in the crime and said he realized he might have to die for committing it. "Regardless of the outcome of this, we have made history. Death before dishonor. Sieg Heil!", King wrote.

An officer investigating the case also testified that witnesses said King referenced The Turner Diaries after beating Byrd.

Brewer and King were sentenced to death. Berry received life in prison.

THE PERPETRATORS

John King—accused of beating Byrd with a bat and then dragging him behind a truck until he died. King had previously claimed to have been gang-raped in prison by black prisoners and, although he had no previous record of racism, had joined a white-supremacist prison gang, allegedly for self-protection. The testimony phase of his trial started in Jasper, Texas on February 16, 1999. He was found guilty of kidnapping and murder on February 23 and was sentenced to death on February 25.

Lawrence Russell Brewer—another white supremacist convicted of murdering Byrd. Prior to the Byrd murder, Brewer had served a prison sentence for drug possession and burglary, and he was paroled in 1991. After violating the parole in 1994, he was sent back to prison. According to his court testimony, he joined a white supremacist gang with King in order to safeguard himself from other prisoners. A state psychiatrist testified that Brewer did not appear repentant for his crimes. In the end, Brewer was also sentenced to death.

Shawn Allen Berry—The driver of the truck, Berry was the most difficult to convict of the three defendants because there was a lack of evidence to suggest that he himself was a racist. He had also claimed that his two companions were entirely responsible for the crime. Brewer testified that it was Berry who cut Byrd's throat before he was tied to the truck, but the jury decided that there was little evidence to indicate this. As a result, Berry was spared the death penalty and given a life sentence in prison.

MATTHEW SHEPARD

Matthew Wayne Shepard was a student at the University of Wyoming who was tortured and subsequently murdered near Laramie,

Wyoming. He was attacked on the night of October 6–October 7, 1998 and died at Poudre Valley Hospital in Colorado, on October 12, from severe head injuries.

During the trial, witnesses stated that Shepard was targeted because he was gay. His murder brought national as well as international attention to the issue of hate crime legislation at the state and federal levels.

Russell Arthur Henderson pleaded guilty to felony murder and kidnapping, allowing him to avoid the death penalty. Aaron James McKinney was convicted of felony murder and kidnapping. Henderson is currently serving two consecutive life sentences and McKinney is serving the same but without the possibility of parole.

Matthew Shepard, oldest son of Dennis Shepard and Judy Shepard, was born in Casper, Wyoming, on December 1, 1976. Shortly after midnight on October 7, 1998, 21-year-old Shepard met McKinney and Henderson in a bar. McKinney and Henderson offered Shepard a ride in their car. Subsequently, Shepard was robbed, pistol whipped, tortured, tied to a fence in a remote, rural area, and left to die. McKinney and Henderson also found out his address and intended to rob his home. Still tied to the fence, Shepard was discovered eighteen hours later by Aaron Kreifels, who at first thought that Shepard was a scarecrow. At the time of discovery, Shepard was still alive, but in a coma.

Shepard suffered a fracture from the back of his head to the front of his right ear. He had severe brain stem damage, which affected his body's ability to regulate heart rate, body temperature and other vital signs. There were also about a dozen small lacerations around his head, face and neck. His injuries were deemed too severe for doctors to operate. Shepard never regained consciousness and remained on full life support. As he lay in intensive care, candlelight vigils were held by the people of Laramie.

He was pronounced dead at 12:53 A.M. on October 12, 1998 at Poudre Valley Hospital in Fort Collins. Police arrested McKinney and Henderson shortly thereafter, finding the bloody gun as well as the victim's shoes and wallet in their truck.

The two men had attempted to get their girlfriends to provide alibis. In court the defendants used varying rationales to defend their actions. They attempted to use the ''gay panic defense'', arguing that they were driven to temporary insanity by alleged sexual advances by Shepard. At another point they stated that they had only wanted to rob Shepard and never intended to kill him.

The prosecutor in the case charged that McKinney and Henderson pretended to be gay in order to gain Shepard's trust to rob him. During the trial, Chastity Pasley and Kristen Price (the pair's then-girlfriends) testified under oath that Henderson and McKinney both plotted beforehand to rob a gay man. McKinney and Henderson then went to the Fireside Lounge and selected Shepard as their target. McKinney alleged that Shepard asked them for a ride home. After befriending him, they took him to a remote area of Laramie where they robbed him, beat him severely (media reports often contained the graphic account of the pistol whipping and his smashed skull), and tied him to a fence with a rope from McKinney's truck. Shepard begged for his life. Both girlfriends also testified that neither McKinney nor Henderson was under the influence of drugs at the time. The beating was so severe that the only areas on Shepard's face that were not covered in blood were those where his tears had washed the blood stains away.

Henderson pleaded guilty on April 5, 1999, and agreed to testify against McKinney to avoid the death penalty; he received two consecutive life sentences. The jury in McKinney's trial found him guilty of felony murder. As it began to deliberate on the death penalty, Shepard's parents brokered a deal, resulting in McKinney receiving two consecutive life terms without the possibility of parole.

Henderson and McKinney were incarcerated in the Wyoming State Penitentiary in Rawlins but were transferred to other prisons due to overcrowding.

Wyoming did not have State hate crimes legislation.

LOYAL GARNER

On Christmas Day 1987, Loyal Garner, a Florien, LA., father of six, was arrested for drunken driving. Garner protested that he was sober, and asked for field sobriety and breathalyzer tests, but police took him to the county jail in Hemphill.

Garner asked to be allowed to telephone his wife. Instead, he was taken to the jail detox room and bludgeoned.

In 1990, Hemphill Police Chief Thomas Ladner and two county deputies, Billy Ray Horton and James M. Hyden, were convicted on state murder charges and sentenced to prison. Horton's conviction was later overturned.

KENNETH SIMPSON

In spring 1988, Kenneth Simpson, a 30-year-old black man arrested for the theft of a fountain pen, died in his Cleveland jail cell after being beaten.

Half the city police force was suspended as a result, but later returned to their jobs after being acquitted. However, Police Chief Harley Lovings remained under public pressure and resigned the following year.

The pen later was found atop a soft drink machine in the police station lobby.

TROY LEE STARLING

In August 1987, Troy Lee Starling, 24, of Mount Enterprise was fatally shot in the neck by a state highway trooper after a highspeed chase in Rusk County.

Though the trooper was cleared by a grand jury, Starling's family filed a civil rights lawsuit against the officer.

Not all incidents involved bloodshed, but still revealed a sordid side of East Texas culture.

Illustrative was the hostility faced by three black families who moved into an all-white public housing project in Vidor in 1994.

The families were part of the third effort to integrate the project. They moved in only after then-Housing and Urban Development Secretary Henry Cisneros allocated $3 million to upgrade security.

But residents were soon frightened by death threats and the obvious patrols of Ku Klux Klan members through the projects displaying high-powered weapons.

The FBI later investigated alleged Klan death plots against William Hale, director of the Texas Commission on Human Rights, and Attorney General Dan Morales. Hale's group had sued the Klan, accusing it of making threats against those trying to integrate the housing project.

Still, Joe Roy, head of the intelligence project of the Southern Poverty Law Center in Montgomery, Ala., suggested such crimes, though stereotypical of the South, no longer are limited to one region.

''I think this is a stark reminder, this case in Texas, of what can happen in this country,'' he said. ''Education is not the sole answer, but it's one of the cornerstones of correcting it.''

The tension between the races is fueled by competition between economically marginal groups, Roy said.

''This episode is a horrendous example of the rage that is out there.''

OTHER HIGH PROFILE TEXAS CASES

Vidor, 1994: Civil rights groups sue the Ku Klux Klan, accusing the group of making threats to stop the integration of an all-white housing project.

Cleveland, 1988: Kenneth Simpson, a black man arrested for stealing an ink pen, dies in his jail cell after struggling with white officers, who are eventually cleared in the death. The police chief resigns under pressure the next year.

Hemphill, 1987: Loyal Garner, a black Louisiana truck driver, is beaten to death in the Sabine County jail. Hemphill's police chief and two county deputies are eventually convicted of murder, although one deputy's conviction is overturned.

Mount Enterprise, 1987: Troy Lee Starling, a 24-year-old black man, is fatally shot in the neck by a state trooper after a high-speed chase in Rusk County. The trooper is cleared but Starling's family files a civil rights suit.

In December 2005, Chris McKee was beaten by two men. McKee, who is gay, said his assailants had followed him after seeing him kiss another man, and anti-gay slurs were audible on a 911 call he made. His assailants were prosecuted under the State hate crimes legislation but they were acquitted.

In May 2006, Joshua Aaron Abbot, now 23, was acquitted in the 2005 death of 40-year-old David Wayne Morrison, a gay Denton resident who was HIV-positive. Abbott stabbed Morrison more than 20 times in the face, neck and chest with a pocketknife.

Abbott, who is straight, had gone to Morrison's residence for unknown reasons, and the pair ended up alone in Morrison's bedroom. At trial, Abbot claimed Morrison tried to rape him, and the jury ruled the defendant acted in self-defense. The prosecutors failed to prosecute the case as a hate crime because it was not clear that Morrison's sexual orientation was the sole motivating factor. However, the prosecutor admitted that Morrison's sexual orientation and HIV-positive status was key.

Since Texas State hate crimes legislation was passed in 2001, there have been few convictions. In 2007, there were only eight convictions.

These cases provide stark evidence that this bill is needed to federalize hate crimes. These crimes are still perpetrated.

Opponents will argue that this bill abrogates constitutional rights of Freedom of Speech or other First Amendment guarantees under the Constitution. These arguments have no merit.

First, all speech is not protected speech. For example, one does not have the right to scream ''Fire!'' in a crowded movie theatre.

Second, nothing in this bill prevents a person from exercising their fundamental rights or their First Amendment right to free speech. The actionable crime here is crimes that cause bodily injury.

Third, the bill clarifies that neither this Act, nor the amendments made by it may be construed to prohibit any expressive conduct protected from legal prohibition, or any activities protected by the free speech or free exercise clauses of, the First Amendment of the United States Constitution. The legislation does not punish, nor prohibit in any way, name-calling, verbal abuse, or even expressions of hatred toward any group, even if such statements amount to hate speech. Because it covers only violent actions that result in death or bodily injury nothing in this legislation prohibits lawful expression of deeply held religious beliefs. Thus, clergy and other religious persons are not prohibited from decrying any acts, lifestyles, or characteristics that they deem repugnant or contrary to their beliefs. This speech is not actionable under this bill and is in no way proscribed.

The bill specifically provides at Section 8, in its Rule of Construction, that ''Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the Constitution.'' Thus, the plain language of the bill makes clear that clergy or others exercising their First Amendment right to speech or expression will not be penalized by this law. Words or conduct that does not result in bodily injury is not actionable under this bill.

This legislation is needed because hate crimes have been seriously underreported. FBI statistics have only documented more than 118,000 hate crimes since 1991. In 2007, statistics demonstrated 7,624 bias-motivated criminal incidents, and police agencies identified 9,535 victims arising from 9,006 separate criminal offenses. Racially-motivated bias accounted for approximately half (50.8 percent) of all incidents; religious bias accounted for 1,400 incidents (18.4 percent); sexual orientation bias accounted for 1,265 incidents (16.6 percent); and ethnicity/national origin accounted for 1,007 incidents (13.2 percent).

H.R. 1913 will address two serious deficiencies in the Federal civil rights crimes, in which a limited set of hate crimes committed on the basis of race, color, religion, or national origin are prohibited. The principal federal hate crimes statutes are 18 U.S.C. sec. 245 and 42 U.S.C. sec. 3631, this bill expands the application of hate crimes legislation.

In the last forty years, limitations in section 245 have become apparent and needed to be addressed. For example, the existing statute requires the government not only to prove that the defendant committed an offense because of the victim's race, color, religion, or national origin, but also because of the victim's participation in one of sex narrowly defined protected activities. These activities related to enrolling/attending schools, participating in or enjoying a service, program, facility, or activity administered or provided by a state or local government, applying for or enjoying employment, serving in a state court as a juror, travelling in or using a facility of interstate commerce, and enjoying the goods or services of certain places of public accommodation. This bill extends the application of hate crimes beyond these narrow and limited situations.

The present bill extends hate crimes in another important manner. The existing statute provides no coverage for violent hate crimes committed because of the victim's perceived sexual orientation, gender, gender identity or disability. H.R. 1913 covers these statuses.

When federal jurisdiction has existed in the limited hate crime contexts authorized under 18 U.S.C. sec. 245(b), the federal government's resources, forensic expertise, and experience in the identification and proof of hate-based motivations has provided an invaluable investigative complement to the familiarity of investigators with the local community, people and customs. The limitations of section 245 have limited the opportunity for such collaboration in many incidents of violence.

As I mentioned out the outset, I understand the urgency and importance of passing this bill. I would however like to bring up two issues that I would like considered, and that I would like to work with leadership to ensure is included, in conference.

First, the bill adds a certification requirement that is not currently found in section. Specifically, it requires a written certification from the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General that the person has reason to believe that a hate crime has occurred and the person has consulted with local and state law enforcement.

This imposes yet another burden upon the Department of Justice and might infringe upon its right to bring and try hate crimes. I do not see any compelling reason for changing the existing law and adding this additional burden.

Similarly, with respect to the Rule of Evidence in section 7(d) of this legislation, it provides the following:

''In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.''

Thus, this new rule of evidence alters the relevance standard that already exists under the Federal Rules of Evidence. It would seem appropriate to use evidence, albeit circumstantial insofar as it is relevant. For example, consider the following hypothetical that a hate crime is perpetrated but under the current construction of section 7(d), it would be inadmissible to proffer evidence that the defendant collected racist magazine or paraphernalia unless such paraphernalia was directly used in the crime or is entered for purposes of impeachment. It defies reason that the existence of such paraphernalia is relevant and should be admissible to prove that a crime was racially motivated. Therefore, I would excise the language in section 7(d). It adds restrictions to the rules of evidence that have no place in the inquiry.

Hate crimes are real. The bodily injury, loss of life, and havoc that their perpetration wreaks on an individual, a family, community, and the country is wholly unacceptable. I urge my colleagues to support an end to such hate crimes and support this bill. Its passage would make America a fuller, freer and more equal society that all accorded equal protection under the laws of the United States.

ALEX LESKO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Alex Lesko who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Alex Lesko is an 8th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Alex Lesko is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Alex Lesko for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

PROVIDING FOR CONSIDERATION OF H.R. 1913, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. ____ the Rule on H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009. I urge my colleagues to support this rule.

The rule will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes. The key element of the rule is its expansion of federal jurisdiction to cover crimes motivated by bias against a victim's perceived sexual orientation, gender, gender identity or disability. This legislation would make tremendous strides in garnering the civil and human rights of all Americans. Its passage would secure the equal protection of all Americans under the law. It is a landmark and long overdue piece of legislation.

This is an important legislation and I have introduced similar legislation in this and prior Congresses. While I support this legislation and urge my colleagues to support it, I am disappointed that the rule did not include my amendment which I offered last Congress.

MY AMENDMENT LANGUAGE IN H.R. 1592

Last Congress, I offered an amendment to H.R. 1592, the legislation that was introduced last term. My amendment was accepted by unanimous consent by the members of the Judiciary Committee. Specifically, my amendment required ''the United States Sentencing Commission shall study the issue of adult recruitment of juveniles to commit hate crimes and shall report such findings back to the Congress within 180 days.'' If this language was included in the present bill, it would only

serve to strengthen it and make it better. The amendment language was intended to gather information on adults that solicit and use youth in the commission of hate crimes. This issue arises with respect to hate groups such as the Skinheads, Neo-Nazis, KKK, and other similar type groups.

The Rule is aimed at combating hate crimes. Because the rule addresses hate crimes, it is necessary to define the criminal actions that constitute a hate crime in the first instance. The definition is straightforward. Hate crimes involve the purposeful selection of victims for violence and intimidation based upon their perceived attributes. Such targeting for violence removes these actions from the protected area of free expression of belief and speech as enshrined in the First Amendment to the United States Constitution. The crimes are investigated and prosecuted at both the Federal and State and local level, depending upon the facts of the case and the needs of the investigation.

Opponents will argue that this bill abrogates constitutional rights of Freedom of Speech or other First Amendment guarantees under the Constitution. These arguments have no merit.

First, all speech is not protected speech. For example, one does not have the right to scream ''Fire!'' in a crowded movies theatre.

Second, nothing in this bill prevents a person from exercising their fundamental rights or their First Amendment right to free speech. The actionable crime here is crimes that cause bodily injury.

Third, the rule clarifies that neither this Act, nor the amendments made by it may be construed to prohibit any expressive conduct protected from legal prohibition, or any activities protected by the free speech or free exercise clauses of, the First Amendment of the United States Constitution. The legislation does not punish, nor prohibit in any way, name-calling, verbal abuse, or even expressions of hatred toward any group, even if such statements amount to hate speech. Because it covers only violent actions that result in death or bodily injury nothing in this legislation prohibits lawful expression of deeply held religious beliefs. Thus, clergy and other religious persons are not prohibited from decrying any acts, lifestyles, or characteristics that they deem repugnant or contrary to their beliefs. This speech is not actionable under this bill and is in no way proscribed.

The rule specifically provides at Section 8, in its Rule of Construction, that ''Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the Constitution.'' Thus, the plain language of the rule makes clear that clergy or others exercising their First Amendment right to speech or expression will not be penalized by this law. Words or conduct that does not result in bodily injury is not actionable under this bill.

The Rule will address two serious deficiencies in the Federal civil rights crimes, in which a limited set of hate crimes committed on the basis of race, color, religion, or national origin are prohibited. The principal federal hate crimes statutes are 18 U.S.C. sec. 245 and 42 U.S.C. sec. 3631, this bill expands the application of hate crimes legislation.

In the last forty years, limitations in section 245 have become apparent and needed to be addressed. For example, the existing statute requires the government not only to prove that the defendant committed an offense because of the victim's race, color, religion, or national origin, but also because of the victim's participation in one of sex narrowly defined protected activities. These activities related to enrolling/attending schools, participating in or enjoying a service, program, facility, or activity administered or provided by a state or local government, applying for or enjoying employment, serving in a state court as a juror, travelling in or using a facility of interstate commerce, and enjoying the goods or services of certain places of public accommodation. This bill extends the application of hate crimes beyond these narrow and limited situations.

The Rule extends hate crimes in another important manner. The existing statute provides no coverage for violent hate crimes committed because of the victim's perceived sexual orientation, gender, gender identity or disability. The Rule covers these statuses.

When federal jurisdiction has existed in the limited hate crime contexts authorized under 18 U.S.C. sec. 245(b), the federal government's resources, forensic expertise, and experience in the identification and proof of hate-based motivations has provided an invaluable investigative complement to the familiarity of investigators with the local community, people and customs. The limitations of section 245 have limited the opportunity for such collaboration in many incidents of violence.

As I mentioned out the outset, I understand the urgency and importance of passing this bill. I would however like to address two issues that I would like considered, and that I would like to work with leadership to ensure is included, in conference.

First, the rule adds a certification requirement that is not currently found in section. Specifically, it requires a written certification from the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General that the person has reason to believe that a hate crime has occurred and the person has consulted with local and state law enforcement.

This imposes yet another burden upon the Department of Justice and might infringe upon its right to bring and try hate crimes. I do not see any compelling reason for changing the existing law and adding this additional burden.

Similarly, with respect to the Rule of Evidence in section 7(d) of this legislation, it provides the following:

''In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.''

Thus, this new rule of evidence alters the relevance standard that already exists under the Federal Rules of Evidence. It would seem appropriate to use evidence, albeit circumstantial insofar as it is relevant. For example, consider the following hypothetical that a hate crime is perpetrated but under the current construction of section 7(d), it would be inadmissible to proffer evidence that the defendant collected racist magazine or paraphernalia unless such paraphernalia was directly used in the crime or is entered for purposes of impeachment. It defies reason that the existence of such paraphernalia is relevant and should be admissible to prove that a crime was racially motivated. Therefore, I would excise the language in section 7(d).

Hate crimes are real. The bodily injury, loss of life, and havoc that their perpetration wreaks on an individual, a family, community, and the country is wholly unacceptable. I urge my colleagues to support an end to such hate crimes and support this rule. Its passage would make America a fuller, freer and more equal society that ensures that all accorded equal protection under the laws of the United States.

ADRIANNE LOZANO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Adrianne Lozano who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Adrianne Lozano is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Adrianne Lozano is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Adrianne Lozano for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 30, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 5

9:30 a.m.
Armed Services
To hold hearings to examine ongoing efforts to combat piracy on the high seas.
SR–325

9:45 a.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Daniel B. Poneman, to be Deputy Secretary, David B. Sandalow, to be Assistant Secretary for International Affairs and Domestic Policy, both of the Department of Energy, and Rhea S. Suh, to be Assistant Secretary, and Michael L. Connor, to be Commissioner of Reclamation, both of the Department of the Interior.
SD–366

10 a.m.
Finance
To hold hearings to examine expanding health care coverage.
SD–106

Joint Economic Committee
To hold hearings to examine the economic outlook.
SH–216

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
S–407, Capitol

3 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine piracy on the high seas, focusing on protecting our ships, crews, and passengers.
SR–253

MAY 6

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine regulating and resolving institutions considered to be too big to fail.
SD–538

Veterans' Affairs
To hold hearings to examine the nominations of Roger W. Baker, of Virginia, to be Assistant Secretary for Information and Technology, William A. Gunn, of Virginia, to be General Counsel, Jose D. Riojas, of Texas, to be Assistant Secretary for Operations, Security, and Preparedness, and John U. Sepulveda, of Virginia, to be Assistant Secretary for Human Resources, all of the Department of Veterans Affairs.
SR–418

10 a.m.
Judiciary
To hold an oversight hearing to examine the Department of Homeland Security.
SD–106

2 p.m.
Aging
To hold hearings to examine solutions to stop Medicare and Medicaid fraud from hurting seniors and taxpayers.
SH–216

2:15 p.m.
Armed Services
Strategic Forces Subcommittee
To receive a closed briefing to examine space issues.
SVC–217

2:30 p.m.
Commerce, Science, and Transportation
Communications and Technology Subcommittee
To hold hearings to examine the future of journalism.
SR–253

Judiciary
Terrorism and Homeland Security Subcommittee
To hold hearings to examine the passport insurance process, focusing on ending fraud.
SD–226

MAY 7

9:30 a.m.
Armed Services
To hold hearings to examine the report of the Congressional Commission on the Strategic Posture of the United States.
SH–216

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine pending nominations.
SD–430

Judiciary
Business meeting to consider S. 417, to enact a safe, fair, and responsible state secrets privilege Act, S. 257, to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 327, to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.
SD–226

Commerce, Science, and Transportation
Science and Space Subcommittee
To hold hearings to examine the consequences of a gap in human space flight.
SR–253

10:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Krysta Harden, of Virginia, to be Assistant Secretary, Rajiv J. Shah, of Washington, to be Under Secretary for Research, Education, and Economics, and Dallas P. Tonsager, of South Dakota, to be Under Secretary for Rural Development, all of the Department of Agriculture.
SR–328A

2:30 p.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Office of the Architect of the Capitol, and the Office of Compliance.
SD–138

MAY 13

10 a.m.
Commerce, Science, and Transportation
Competitiveness, Innovation, and Export Promotion Subcommittee
To hold hearings to examine tourism in troubled times.
SR–253

MAY 21

9:30 a.m.
Veterans' Affairs
Business meeting to markup pending legislation.
SR–418

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany S. Con. Res. 13, Budget Resolution.

Senate

Chamber Action

Routine Proceedings, pages S4831–S4906

Measures Introduced: Ten bills and five resolutions were introduced, as follows: S. 922–931, S. Res. 117–120, and S. Con. Res. 21. **Page S4891**

Measures Reported:

S. 615, to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction. (S. Rept. No. 111–15)

S. 414, to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, with an amendment in the nature of a substitute. **Page S4890**

Measures Passed:

Commending the University of Georgia Gymnastics Team: Senate agreed to S. Res. 119, commending the University of Georgia gymnastics team for winning the 2009 NCAA national championship. **Pages S4904–05**

Congratulating the Trinity College Bantams Squash Team: Senate agreed to S. Res. 120, congratulating the Trinity College Bantams for their 11th-straight College Squash Association Men's Team Championship. **Page S4905**

Conference Reports:

Budget Resolution: By 53 yeas to 43 nays (Vote No. 173), Senate agreed 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. **Pages S4840–81**

Appointments:

Commission to Study the Potential Creation of a National Museum of the American Latino: The Chair, announced on behalf of the Majority Leader, pursuant to P.L. 110–229, the appointment of the following to be members of the Commission to Study the Potential Creation of a National Museum of the American Latino: Susan Gonzales of Washington, D.C., Moctezuma Esparza of California, Carlos Etzeta of Nevada, and Katherine Archuleta of Colorado (non-voting member). **Page S4905**

Helping Families Save Their Homes Act—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 10:30 a.m., on Thursday, April 30, 2009, Senate will begin consideration of S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability, and that Senator Durbin be recognized to offer an amendment relating to ''cramdown'', and that there be 4 hours for debate relative to the amendment, with the time equally divided and controlled between the two Leaders, or their designees; and that upon the use or yielding back of time, Senate vote on or in relation to the amendment, and that adoption of the amendment require a 60-affirmative vote threshold, and if the amendment does not achieve that threshold, then it be withdrawn; provided that no amendment be in order to the amendment, and no further amendments on the subject of ''cramdown'' be in order during the pendency of the bill; provided further, that upon disposition of the Durbin amendment, Senator Dodd be recognized to offer a Dodd-Shelby amendment in the nature of a substitute. **Page S4902**

Strickland Nomination—Agreement: A unanimous-consent-time agreement was reached providing that on Thursday, April 30, 2009, after Senator Dodd has called up an amendment to S. 896, as previously agreed to, Senate will begin consideration of the nomination of Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, and that there be 3 hours of debate with respect to the nomination, with

1 hour under the control of the Majority, and 2 hours under the control of the Republicans, and 30 minutes of the Republican time under the control of Senator Bunning; provided further, that upon the use or yielding back of time, Senate vote on confirmation of the nomination. **Pages S4902–03**

Morton Nomination Referral—Agreement: A unanimous-consent agreement was reached providing that the nomination of John Morton, to be Assistant Secretary of Homeland Security, reported by the Committee on Homeland Security and Governmental Affairs on Monday, April 27, 2009, be referred to the Committee on the Judiciary for a period of 30 calendar days; provided further, that at the end of the 30 days, if the Committee on the Judiciary has not reported the nomination, then it be automatically discharged and placed on the Executive Calendar. **Page S4905**

Nominations Confirmed: Senate confirmed the following nominations:

Sherburne B. Abbott, of Texas, to be an Associate Director of the Office of Science and Technology Policy.

Dana G. Gresham, of the District of Columbia, to be an Assistant Secretary of Transportation.

Roy W. Kienitz, of Pennsylvania, to be Under Secretary of Transportation for Policy.

Ronald H. Weich, of the District of Columbia, to be an Assistant Attorney General.

April S. Boyd, of the District of Columbia, to be an Assistant Secretary of Commerce.

Joseph C. Szabo, of Illinois, to be Administrator of the Federal Railroad Administration.

Peter H. Appel, of Virginia, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

Robert S. Rivkin, of Illinois, to be General Counsel of the Department of Transportation.

4 Coast Guard nominations in the rank of admiral.

Routine lists in the Coast Guard.

Pages S4903, S4905–06

Nominations Received: Senate received the following nominations:

Andrew Charles Weber, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

Peter M. Rogoff, of Virginia, to be Federal Transit Administrator.

Eric P. Goosby, of California, to be Ambassador at Large and Coordinator of United States Government Activities to Combat HIV/AIDS Globally.

Martha J. Kanter, of California, to be Under Secretary of Education.

Kevin W. Concannon, of Maine, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

Robert M. Groves, of Michigan, to be Director of the Census. **Page S4905**

Messages from the House: **Pages S4889–90**

Measures Referred: **Page S4890**

Executive Communications: **Page S4890**

Executive Reports of Committees: **Pages S4890–91**

Additional Cosponsors: **Pages S4891–92**

Statements on Introduced Bills/Resolutions: **Pages S4892–S4901**

Additional Statements: **Pages S4888–89**

Notices of Hearings/Meetings: **Page S4901**

Authorities for Committees to Meet: **Pages S4901–02**

Record Votes: One record vote was taken today. (Total—173) **Page S4881**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:53 p.m., until 9:30 a.m. on Thursday, April 30, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4905.)

Committee Meetings

(Committees not listed did not meet)

WOUNDED WARRIORS

Committee on Armed Services: Subcommittee on Personnel concluded a hearing to examine the implementation of Wounded Warrior policies and programs, after receiving testimony from Randall B. Williamson, Director, Health Care, Valerie C. Melvin, Director, Human Capital and Management, Information Systems Issues, and Daniel Bertoni, Director, Education, Workforce, and Income Security Issues, all of the Government Accountability Office; Gail H. McGinn, Deputy Under Secretary for Plans, Ellen P. Embrey, Acting Principal Deputy Assistant Secretary for Health Affairs, Major General Keith W. Meurlin, USAF, Director, Office of Transition Policy and Care Coordination, and Rear Admiral Gregory A. Timberlake, USN, Director, Interagency Program Office, all of the Department of Defense; and Roger Dimsdale, Executive Director, Department of Veterans Affairs/Department of Defense Collaboration, Office of Policy and Planning, and Karen S. Guice, Executive Director of the Federal Recovery Coordination Program, both of the Department of Veterans Affairs; Lieutenant Colonel Gregory D. Gadson, USA, Lieutenant Colonel Raymond T.

Rivas, USA (Ret.), Colleen O. Rivas, Kimberly R. Noss, and First Lieutenant Andrew K. Kinard, USMC (Ret.).

HEALTH CARE DELIVERY SYSTEM

Committee on Finance: Committee met in closed session to discuss transforming the health care delivery system, focusing on proposals to improve patient care and reduce health care costs.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Johnnie Carson, of Illinois, to be Assistant Secretary for African Affairs, who was introduced by Representatives Royce and Payne, and Luis C. de Baca, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, who was introduced by Senator Harkin and Representative Conyers, both of the Department of State, after the nominees testified and answered questions in their own behalf.

SWINE FLU

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine swine flu, focusing on coordinating the federal response, after receiving testimony from Janet Napolitano, Secretary of Homeland Security; and Anne Schuchat, Acting Deputy Director for Science and Program, Centers for Disease Control and Prevention, Assistant Surgeon General, United States Public Health Service, Department of Health and Human Services.

INFORMED FINANCIAL DECISIONS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine the federal government's role in empowering Americans to make informed financial decisions, after receiving testimony from John Berry, Director, Office of Personnel Management; James H. Shelton III, Assistant Deputy Secretary for Innovation and Improvement, Department of Education; Arthur J. Meyers, Acting Deputy Secretary for Military Community and Family Policy, Department of Defense; Sandra F. Braunstein, Director, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System; Richard J. Hillman, Managing Director, Financial Markets and Community Investment, Government Accountability Office; Robert F. Duvall, Council for Economic Education, New York, New York; and Dallas L. Salisbury, Employee Benefit Research Institute, Washington, D.C.

SWINE FLU EPIDEMIC

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the swine flu epidemic, focusing on the public health and medical response, after receiving testimony from Richard E. Besser, Acting Director, Centers for Disease Control and Prevention, and Anthony Fauci, Director, National Institute for Allergy and Infectious Diseases, National Institutes of Health, both of the Department of Health and Human Services.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported 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.

CRACK-POWDER COCAINE FEDERAL SENTENCING

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded a hearing to examine restoring fairness to federal sentencing, focusing on addressing the crack-powder disparity, after receiving testimony from Lanny Breuer, Assistant Attorney General, Criminal Division, Department of Justice; Judge Reggie B. Walton, United States District Court for the District of Columbia, on behalf of the Judicial Conference of the United States; Ricardo H. Hinojosa, Acting Chair, United States Sentencing Commission; Asa Hutchinson, former Administrator of the United States Drug Enforcement Administration, Rogers, Arkansas; John F. Timoney, Chief of Police, City of Miami Police Department, Miami, Florida; and Cedric Parker, Alton, Illinois.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Andre M. Davis, of Maryland, to be United States Circuit Judge for the Fourth Circuit, who was introduced by Senator Mikulski and former Senator Sarbanes, David

F. Hamilton, of Indiana, to be United States Circuit Judge for the Seventh Circuit, and Thomas E. Perez, of Maryland, to be Assistant Attorney General, Civil Rights Division, Department of Justice, after the nominees testified and answered questions in their own behalf.

BENEFITS LEGISLATION

Committee on Veterans' Affairs: Committee concluded a hearing to examine pending benefits legislation, after receiving testimony from Bradley G. Mayes, Director, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs; R. Chuck Mason, Legislative Attorney, American Law Division, Congressional Research Service, Library of Congress; Robert Jackson, Veterans of Foreign Wars of the United States, and Ian DePlanque, American Legion, both of Washington, D.C.; Raymond Kelley, AMVETS, Lanham, Maryland; and Rebecca Poynter, Annapolis, Maryland.

LIFE SETTLEMENT MARKET

Special Committee on Aging: Committee concluded a hearing to examine the life settlement market, focusing on what is at stake for seniors, after receiving testimony from Mary Beth Senkewicz, Florida Deputy Insurance Commissioner, Office of Insurance Regulation, Tallahassee; Michael T. McRaith, Illinois Director of Insurance, Chicago; Fred J. Joseph, Colorado Securities Commissioner, Denver, on behalf of the North American Securities Administrators Association, Inc., Stephan R. Leimberg, Leimberg Information Services, Inc., Havertown, Pennsylvania; James J. Avery, Individual Life Insurance, Prudential Financial, Newark, New Jersey, on behalf of the American Council of Life Insurers; Scott Peden, Life Partners, Inc., Waco, Texas; and Michael Freedman, Coventry First LLC, Fort Washington, Pennsylvania.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 24 public bills, H.R. 2159–2182; and 5 resolutions, H.J. Res. 44; H. Con. Res. 114; and H.Res. 377–378, 380, were introduced. **Pages H4998–99**

Additional Cosponsors: **Pages H4999–H5000**

Report Filed: A report was filed today as follows:

H. Res. 379, providing for consideration of the bill (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 (H. Rept. 111–92). **Page H4998**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Grzegorz "Greg" Brozonowicz, St. Mary's Mother of the Redeemer Roman Catholic Church, Groton, Connecticut. **Page H4917**

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 agreed 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, by a yea-and-nay vote of 233 yeas to 193 nays, Roll No. 216. Consideration of the conference report began on Tuesday, April 28th. **Pages H4920–28**

H. Res. 371, the rule providing for consideration of the conference report, was agreed to on Tuesday, April 28th.

Pursuant to the provisions of the conference report accompanying S. Con. Res. 13, H.J. Res. 45, increasing the statutory limit on the public debt, is considered agreed to in the House.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, April 28th:

Supporting the goals and ideals of Financial Literacy Month 2009: H. Res. 357, to support the goals and ideals of Financial Literacy Month 2009, by a ⅔ recorded vote of 419 ayes to 3 noes, Roll No. 217; **Page H4928**

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, by a ⅔ recorded

vote of 422 ayes with none voting "no", Roll No. 218; and **Pages H4928–29**

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, by a ⅔ recorded vote of 397 ayes to 19 noes, Roll No. 221. **Page H4940**

Oath of Office—Twentieth Congressional District of New York: Representative-elect Scott Murphy presented himself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from Mr. Todd D. Valentine and Mr. Stanley L. Zalen, Co-Executive Directors of the New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held March 31, 2009, the Honorable Scott Murphy was elected Representative to Congress for the Twentieth Congressional District, State of New York. **Page H4939**

Whole Number of the House: The Speaker announced to the House that, in light of the administration of the oath to the gentleman from New York, Mr. Murphy, the whole number of the House is adjusted to 434. **Pages H4939–40**

Local Law Enforcement Hate Crimes Prevention Act of 2009: The House passed H.R. 1913, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, by a recorded vote of 249 ayes to 175 noes, Roll No. 223. **Pages H4940–58**

Rejected the Gohmert motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with amendments, by a yea-and-nay vote of 185 yeas to 241 nays, Roll No. 222. **Pages H4956–58**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in H. Rept. 111–91, shall be considered as adopted. **Page H4940**

H. Res. 372, the rule providing for consideration of the bill, was agreed to by a recorded vote of 234 ayes to 190 noes, Roll No. 220, after agreeing to order the previous question by a recorded vote of 234 ayes to 181 noes, Roll No. 219. **Pages H4929–38**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Monday, April 27th:

Supporting the observance of National Child Abuse Prevention Month: H. Res. 337, to support the observance of National Child Abuse Prevention Month. **Pages H4958–59**

Suspensions: The House agreed to suspend the rules and pass the following measure:

Protecting Incentives for the Adoption of Children with Special Needs Act of 2009: S. 735, to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008. **Pages H4959–60**

Credit Cardholders' Bill of Rights Act of 2009: The House began 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. Further proceedings were postponed until tomorrow, April 30th. **Pages H4960–69**

Consideration of the measure was initiated pursuant to an order of the House agreed to on Tuesday, April 28th.

Advisory Committee on the Records of Congress—Appointment: The Chair announced the Speaker's appointment of the following member on the part of the House to the Advisory Committee on the Records of Congress: Mr. Joseph Cooper of Baltimore, Maryland. **Page H4969**

Advisory Committee on the Records of Congress—Reappointment: Read a letter from Representative Boehner, Minority Leader, in which he reappointed Mr. Jeffrey W. Thomas of Ohio to the Advisory Committee on the Records of Congress. **Page H4969**

Congressional-Executive Commission on the People's Republic of China—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Representative Levin, Co-Chairman; Representatives Kaptur, Honda, Walz, Wu, Smith (NJ), Manzullo, Royce, and Pitts. **Page H4970**

Commission to Study the Potential Creation of a National Museum of the American Latino—Appointment: Read a letter from Representative Boehner, Minority Leader, in which he appointed Mr. Danny Vargas of Herndon, Virginia as a voting member of the Commission to Study the Potential Creation of a National Museum of the American Latino. **Page H4970**

Senate Message: Message received from the Senate today appears on page H4969.

Quorum Calls—Votes: Two yea-and-nay votes and six recorded votes developed during the proceedings of today and appear on pages H4927–28, H4928, H4929, H4937–38, H4938, H4940, H4957–58, and H4958. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:21 p.m.

Committee Meetings

USDA'S CIVIL RIGHTS OFFICE

Committee on Agriculture: Subcommittee on Department Operations, Oversight, Nutrition and Forestry held a hearing on the U.S. Department of Agriculture's Office of the Assistant Secretary for Civil Rights. Testimony was heard from Joe Leonard, Jr., Assistant Secretary, Civil Rights. USDA; Lisa Shames, Director, Natural Resources and Environment Division, GAO.

COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on NASA. Testimony was heard from Christopher J. Scolese, Acting Administrator, NASA.

FINANCIAL SERVICES, GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services, General Government and Related Agencies held a hearing on the FCC. Testimony was heard from Michael J. Copps, Acting Chairman, FCC.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch held a hearing on the Library of Congress and Open World Leadership Center. Testimony was heard from the following officials of the Library of Congress: James Billington, Librarian of Congress; and Jo Ann Jenkins, Chief Operating Officer; and Ambassador John O'Keefe, Executive Director, Open World Leadership Center.

EFFECTIVE COUNTERINSURGENCY

Committee on Armed Services: Held a hearing on Effective Counterinsurgency: The Administration's Perspective on the Future of the U.S.-Pakistan Military Partnership. Testimony was heard from the following officials of the Department of Defense: Michele Flourney, Under Secretary, Policy; and VADM James A. Winnefeld, Jr., USN, Director, Strategic Plans and Policy, Joint Chiefs of Staff; and Ambassador Richard A. Boucher, Assistant Secretary, South and Central Asian Affairs; Department of State.

MILITARY HEALTH SYSTEM

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on Military Health System: Health Affairs/TRICARE Management Activity Organization. Testimony was heard from the following officials of the Department of Defense: Gail H. McGinn, Acting Under Secretary, Personnel and Readiness; Ellen P. Embrey, Acting Assistant Secretary, Health Affairs; and MG Elder Granger, USA, Deputy Director, TRICARE Management Activity; LTG Eric Schoomaker, USA, Commanding General, U.S. Army Medical Command, Surgeon General, U.S. Army; VADM Adam Robinson, USN, Surgeon General, U.S. Navy; and LTG James G. Roudebush, USAF, Surgeon General, U.S. Air Force.

STRENGTHENING AMERICA'S COMPETITIVENESS

Committee on Education and Labor: Held a hearing on Strengthening America's Competitiveness through Common Academic Standards. Testimony was heard from Ken James, Commissioner, Department of Education, Arkansas; former Governor James B. Hunt, Jr., of North Carolina; and public witnesses.

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

Committee on Financial Services: Ordered reported, as amended., H.R. 1728, Mortgage Reform and Anti-Predatory Lending Act.

TRANSPORTATION WORKER ID CARD

Committee on Homeland Security: Held a Member briefing on Transportation Worker Identification Card. The Committee was briefed by the following officials of the Department of Homeland Security: Maurine Fanguy, Director, Maritime and Surface Credentialing, Transportation Security Administration; and ADM James Watson, USCG, Director, Prevention Policy for Marine Safety, Security and Stewardship, U.S. Coast Guard.

LIBRARY OF CONGRESS IT STRATEGIC PLANNING

Committee on House Administration: Held a hearing on Library of Congress IT Strategic Planning. Testimony was heard from the following officials of the Library of Congress: Laura Campbell, Chief Information Officer; James Billington, Librarian of Congress; Jo Ann Jenkins, Chief Operating Officer; and Karl Schornagel, Inspector General.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Ordered reported, as amended, 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 Service and the Bureau of Land Management, and for other purposes.

OVERSIGHT—WMATA

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held an oversight hearing on the Washington Metropolitan Area Transit Authority (WMATA). Testimony was heard from the following officials of the Washington Metropolitan Area Transit Authority: Jim Graham, Chairman, Board of Directors; John B. Catoe, General Manager; and Helen Lew, Inspector General; Matthew Welbes, Executive Director and Acting Deputy Administrator, Federal Transit Administration, Department of Transportation; and public witnesses.

U.S. POLICY TOWARD CUBA-NATIONAL SECURITY IMPLICATIONS

Committee on Oversight and Government Reform: Subcommittee on National Security held a hearing entitled ''National Security Implications of U.S. Policy Toward Cuba.'' Testimony was heard from GEN Barry McCaffrey, USA, (ret.), former SOUTHCOM Commander, Department of Defense; and public witnesses.

CREDIT CARD HOLDERS' BILL OF RIGHTS ACT OF 2009.

Committee on Rules: Granted, by a non-record vote, a structured rule providing for further consideration of H.R. 627, the ''Credit Cardholders' Bill of Rights Act of 2009.'' The resolution provides that no general debate shall be in order pursuant to the resolution. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI.

The rule makes in order only those amendments printed in the report of the Committee on Rules. The amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Gutierrez, Maloney, Minnick, Pingree, Polis, Price (NC), Hinchey, Jackson-Lee (TX), Carney, Cohen, Welch, Boccieri, Shuster, Jones, and Sessions.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Ordered reported the following bills: H.R. 2020, amended, 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, amended, STEM Education Coordination Act of 2009.

CLIMATE CHANGE SOLUTIONS FOR SMALL BUSINESSES AND FAMILY FARMERS

Committee on Small Business: Held a hearing entitled ''Climate Change Solutions for Small Businesses and Family Farmers.'' Testimony was heard from public witnesses.

RECOVERY ACT TRANSPORTATION INFRASTRUCTURE PROJECTS

Committee on Transportation and Infrastructure: Held a hearing on Recovery Act: 10-Week Progress Report for Transportation and Infrastructure Programs. Testimony was heard from the following officials of the Department of Transportation: Ray H. LaHood; and Calvin L. Scovel III, Inspector General; the following officials of the EPA: Lisa P. Jackson, Administrator; and Melissa Heist, Assistant Inspector General, Audit; Terrence C. Salt, Principal Deputy Assistant Secretary, Army (Civil Works), Corps of Engineers; Department of Defense; Paul F. Prouty, Acting Administrator, GSA; Donald A. Stadtler, Jr., Chief Financial Officer, AMTRAK; Dennis Alvord, Acting Deputy Assistant Secretary, Economic Development, Department of Commerce; Katherine A. Siggerud, Managing Director, Physical Infrastructure Issues, GAO; and public witnesses.

FUNDING THE VA OF THE FUTURE

Committee on Veterans' Affairs: Held a hearing on Funding the VA of the Future. Testimony was heard from Jessica Banthin, Director, Modeling and Simulation, Center for Financing, Access and Cost Trends, Agency for Healthcare Research and Quality, Department of Health and Human Services; Eric K. Shinseki, Secretary of Veterans Affairs; Randall Williamson, Director, Healthcare Team, VA/DOD Health Care Issues, GAO; Sidath Viranga Panangala, Analyst in Veterans Policy, Congressional Research Service, Library of Congress; and public witnesses.

HEALTH REFORM

Committee on Ways and Means: Continued hearings on Health Reform in the 21st Century: Employer Sponsored Insurance. Testimony was heard from public witnesses.

HUMINT/HUMINT-ENABLING BRIEFING; OVERHEAD BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on HUMINT/HUMINT-Enabling. Testimony was heard from departmental witnesses.

The Committee also met in executive session to receive a briefing on Overhead. Testimony was heard from departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 30, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, to hold hearings to examine the Department of Transportation's implementation of the American Recovery and Reinvestment Act (ARRA), 9:15 a.m., SD–138.

Full Committee, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the War Supplemental, 10 a.m., SD–106.

Committee on Armed Services: to hold hearings to examine the Secretary of Defense's 2010 budget recommendations, 9:30 a.m., SH–216.

Subcommittee on Airland, to hold hearings to examine the current and future roles, missions, and capabilities of United States military air power, 2 p.m., SR–222.

Committee on Energy and Natural Resources: business meeting to consider the nominations of Kristina M. Johnson, of Maryland, to be Under Secretary, Steven Elliot Koonin, of California, to be Under Secretary for Science, Ines R. Triay, of New Mexico, to be Assistant Secretary for Environmental Management, and Scott Blake Harris, of Virginia, to be General Counsel, all of the Department of Energy, Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior, and pending legislation on Renewable Electricity Standard and Sitting of Interstate Electric Transmission Facilities, 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine the nominations of William V. Corr, of Virginia, to be Deputy Secretary of Health and Human Services, and Alan B. Krueger, of New Jersey, to be Assistant Secretary of the Treasury for Economic Policy, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine confronting piracy off the coast of Somalia, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine primary health care access reform, focusing on community health centers and the national health service corps, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nominations of Ivan K. Fong, of Ohio, to be General Counsel, Department of Homeland Security; to be immediately followed by a hearing to examine the nomination of Timothy W. Manning, of New Mexico, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, Department of Homeland Security, 10 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine national security reform, focusing on implementing a national security service workforce, 2:30 p.m., SD–342.

Committee on Indian Affairs: business meeting to consider S. 151, to protect Indian arts and crafts through the improvement of applicable criminal proceedings, S. 443, to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and the nomination of Yvette Roubideaux, of Arizona, to be Director of the Indian Health Service, Department of Health and Human Services, 9:30 a.m., SD–628.

Committee on the Judiciary: Subcommittee on Immigration, Refugees and Border Security, to hold hearings to examine comprehensive immigration reform in 2009, 2 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 3 p.m., S–407, Capitol.

House

Committee on Armed Services, hearing on reform of major weapons system acquisition and related legislative proposals, 10 a.m., 2118 Rayburn.

Subcommittee on Strategic Forces, hearing on space system acquisitions and the industrial base, 1 p.m., 2212 Rayburn.

Committee on Education and Labor, Subcommittee on Workforce Protections, hearing on Improving OSHA's Enhanced Enforcement Programs, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled "Swine Flu Outbreak and the U.S. Federal Response," 10 a.m., 2123 Rayburn.

Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights, and Oversight, hearing on International Efforts to Combat Maritime Piracy, 1 p.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, Member briefing to provide an update on the Department of Homeland Security's efforts to combat violence in the U.S.-Mexico border region, 10 a.m., 1539 Longworth.

Subcommittee on Emergency Communications, Preparedness and Response, Member briefing on the Department of Homeland Security's progress on the issue of interoperable emergency communications, 9 a.m., 311 Cannon.

Committee on the Judiciary, hearing on H.R. 1260, Patent Reform Act of 2009, 10 a.m., 2141 Rayburn.

Committee on Science and Technology, Subcommittee on Investigations and Oversight, hearing on the Role of Science in the Regulatory Reform, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Rural Development, Entrepreneurship and Trade, to mark up the following bills: H.R. 1803, Veterans Business Center Act of 2009; H.R. 1807, Educating Entrepreneurs through Today's Technology Act; H.R. 1834, Native American Business Development Enhancement Act of 2009; H.R. 1838, To amend the Small Business Act to modify certain provisions relating to women's business centers; H.R. 1839, To amend the Small Business Act to improve SCORE, and for other purposes; H.R. 1842, Expanding Entrepreneurship Act of 2009; and H.R. 1845, Small Business Development Centers Modernization Act of 2009, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on Coal Combustion Waste Storage and Water Quality, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on Charting the VA's Progress on meeting the Mental Health Needs of our Veterans: Discussion of Funding, Mental Health Strategic Plan, and the Uniform Mental Health Services Handbook, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on Afghanistan, 10 a.m., 304–HVC.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the economic outlook, 10 a.m., 210–CHOB.

Next Meeting of the SENATE

9:30 a.m., Thursday, April 30

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will begin consideration of S. 896, Helping Families Save Their Homes Act, and after a period of debate, vote on an amendment offered by Senator Durbin; following which, Senate will begin consideration of the nomination of Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife, and after a period of debate, vote on confirmation thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, April 30

House Chamber

Program for Thursday: Complete consideration of H.R. 627—Credit Cardholders' Bill of Rights Act of 2009 (Subject to a Rule).

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