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House of Representatives

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

PRAYER

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

Sent here, Lord, by the people of this Nation to accomplish the work of government for the people, Members of Congress rightly feel endowed with a mantle of justice. Divine Providence has brought them together to honestly face the diversity and complexity of the times in the light of constitutional obligations.

Humbled by the sacred trust placed within them, they also realize their own limitations as well as the great expectations thrust upon them.

This House of Representatives for this great Nation stands before You, almighty and ever-powerful Lord, seeking Your wisdom and guidance to sort out confusion with the clarity of truth, to expose hidden greed and corruption to the light of goodness, and to seek ways of peace by regulating laws and policies as the bedrock of equal justice.

May all the Members of this Chamber and citizens across this Nation drown out arguments, advertisements, and anger with the depth of personal prayer for their government so they find their way, the truth, and life in You, in Whom we place all our trust.

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 gentleman from Arkansas (Mr. BERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. BERRY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1494. An act the authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 1677. An act the reauthorize the Defense Production Act of 1950, and for other purposes.

The message also announced that pursuant to section 194(a) of title 14, United States Code, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Coast Guard Academy:

The Senator from West Virginia (Mr. ROCKEFELLER), ex officio, as Chairman of the Committee on Commerce, Science and Transportation;

The Senator from Washington (Ms. CANTWELL), Committee on Commerce, Science and Transportation.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will now entertain up to five 1-minute requests on each side of the aisle.

HONORING DR. NORMAN BORLAUG

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

Mr. BERRY. Madam Speaker, I rise today to express my great sorrow at the passing of Dr. Norman Borlaug, and to honor his great contributions to biotechnology and battling famine around the globe.

Dr. Borlaug's development of high-yield wheat varieties and his introduction of modern production techniques in Mexico, Pakistan, and India led to the ''green revolution,'' a worldwide movement that greatly increased food security and improved the lives of millions of impoverished and hungry people on every continent.

For his efforts, Dr. Borlaug was awarded the Presidential Medal of Freedom, the Congressional Gold Medal, and the Nobel Peace Prize. To this day, farmers and elected leaders alike look to Dr. Borlaug's accomplishments both as a matter of practice and inspiration. While his work has shown us how to better feed ourselves, his life has shown us that one man can improve the lives of millions more vulnerable.

I thank you for this time, Madam Speaker, and I thank Dr. Borlaug for his services to our Nation and to our world.

DO NOT ABANDON POLAND MISSILE SHIELD

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

Mr. KIRK. History is not kind to leaders who sacrifice our Polish allies. News reports indicate that our administration will end plans to build the long-planned American missile defense site for Poland. That site, carefully picked by the Pentagon, is directly

under the flight path an Iranian missile would take if shot at the American people.

The U.N. reports that Iran has accelerated its production of uranium. And last February, Iran became the first new nation to orbit a satellite when its newest and most powerful missile worked. Iran, a state sponsor of terror, now makes the longest range missile of the terrorist world.

The administration's decision is particularly ironic because Poland just announced it would be sending more troops to serve alongside Americans in Afghanistan. America is going to let Poland down, sending a message of weakness to our Polish allies and the people building Iran's new missile arsenal.

CONSTITUTION DAY

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

Mr. YARMUTH. Madam Speaker, today marks the 222nd anniversary of the ratification of the Constitution of the United States of America, one of the most important documents ever written. This historic day coincides with the historic debate now taking place in this Chamber and in communities across the Nation over how we can solve our health care crisis.

So I thought it might be useful to reference the sections of our Nation's foundational document that empower this legislature and this government to act in the best interests of the Nation rather than sit idly by while our health care system spirals out of control.

From the preamble in which ''We the people of the United States'' established the Constitution to, among other purposes, ''promote the general welfare,'' to article I, which gives Congress all of the legislative powers granted in the Constitution, the legislators—rightly elected by the people of the Republic—have the ability to make all laws which shall be necessary and proper for carrying out our enumerated powers. Among those are providing for the common defense and general welfare, the promotion of the progress of science and the arts, and the regulation of commerce, each of these directly pertaining to our health care crisis.

It is time for us to act pursuant to the Constitution.

HEALTH CARE POLLS

(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, following President Obama's address to a joint session of Congress about health care, the national media touted polls showing a bump in public approval of the President's health care plan, but the media failed to point out that the polls vastly oversampled Democrats. For example, a CBS poll last week trumpeted ''a 12-point improvement'' in the President's approval rating on health care following his speech. CBS failed to mention that Democrats outnumbered Republicans in the poll sample by 15 percentage points, far greater than the actual party identification gap.

Worse, a CNN poll touted a ''double-digit post-speech jump'' for the President, but the poll oversampled Democrats by more than a 2–1 margin.

When questioning far more Democrats than Republicans, it should come as no surprise that poll results favor a liberal Democratic agenda. The media should be objective and not intentionally slant their polling data.

NATIONAL DIRECT STUDENT LOAN PROGRAM

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

Mr. DEFAZIO. Madam Speaker, there was a lot of bloviating on the Republican side yesterday about the government takeover of the student loan business. What nonsense. I mean, what we are going to do is stop subsidizing the banks. That's what the Republicans are really upset about here.

Today, for every dollar in student loans, the taxpayers are dinged 15 cents—subsidies to the banks. If we convert to a National Direct Student Loan Program—the minority of the loans today go through that—for every dollar we lend to a student we will get back $1.03.

Now, they want to run government like a business, but their idea of a business is shoveling subsidies to the private sector. I want to run government like a business. I want to give more loans to students, more effectively, at lower cost to the taxpayers. That's the National Direct Student Loan Program. This is a reform that's long overdue. Stop crying about the subsidies to the banks.

□ 1015

MANDATES ARE NOT THE ANSWER TO HEALTH CARE REFORM

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

Mr. PENCE. Yesterday, Democrats in the Senate unveiled a much anticipated new compromise on health care reform, and as my late father used to say, ''Here comes the new guy. He looks a lot like the old guy.''

The compromise for government-run insurance is more government-run insurance, but I rise this morning to draw particular attention to a proposal in the compromise that would force Americans who don't have health insurance to buy it. Under the proposal, everybody would be forced to buy government-approved policies, and if you don't, families could face tax penalties of $3,800 per year and, individuals, $950 if they don't comply. Well, none other than candidate for President, now President, Barack Obama opposed such mandates.

He said in a primary debate in January of '08 that you can mandate it, but there are still going to be people who can't afford it, and if they can't afford it, the question is: What are you going to do about it?

More memorably, the President said on CNN's American Morning in February of '08 that if a mandate were the solution, we could try to solve homelessness by mandating everybody to buy a house.

Mr. President, I couldn't have said it better myself. The President was right. Mandates are not the answer. Let's scrap this government-run insurance plan and work in a bipartisan way to lower costs without more government, more mandates and more taxes.

THE STUDENT AID AND FISCAL RESPONSIBILITY ACT WILL HELP AMERICA MOVE FORWARD

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

Mr. COHEN. Today, the House will vote on the Student Aid and Fiscal Responsibility Act. It's an important bill to help education in our country.

It will give higher Pell Grant amounts to students who need more money to make it through college. It will put moneys in the community colleges for fiscal improvements and also into K–12s for fiscal improvements. It will help Historically Black Colleges and Universities, which are suffering a great deal at this time and need that help.

There is so much that this bill will do to help us move forward and save $10 billion towards the deficit. It will take moneys from the private sector, which has been making money off of student loans, and it will provide opportunities for students and education. It will repeal a draconian provision that particularly hurts minorities and others who can't get student loans because of Federal laws for simple possession violations of criminal laws. That shouldn't happen, and those students should have the opportunity to get college grants and loans and to go on and improve themselves and to make more of themselves.

I look forward to voting for this bill which will help America move forward.

CZARS

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

Mr. SAM JOHNSON of Texas. Madam Speaker, since being sworn in, the President has appointed 34 czars—the health czar, the car czar, an urban czar, a Great Lakes czar. These are just to

name a few. In 300 years, czarist Russia just had 18 czars. Why do we need 34? We have an energy czar and a Secretary of Energy. We have a health czar and a Secretary of Health. Worse, 27 of the 34 czars have not even been confirmed by the Senate despite a constitutional requirement. These czars make $172,000 yearly, and that doesn't include expensive, unchecked staff with zero accountability.

I backed legislation that would withhold funding from any czar not confirmed by the Senate. Americans want, need and deserve transparency and accountability. Let's rein in the czars.

THE STUDENT AID AND FISCAL RESPONSIBILITY ACT WILL KEEP AMERICA ECONOMICALLY COMPETITIVE

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

Ms. SCHWARTZ. Mr. Speaker, today, the House will vote to save taxpayers nearly $90 billion in making the Federal college loan system more efficient. This action, the Student Aid and Fiscal Responsibility Act, is the greatest investment in higher education ever.

This bill increases Pell Grants for students; it enables States to improve their early education system, and it reduces the Federal deficit by $10 billion. It improves our Nation's education system for all children.

The Early Learning Challenge Fund supports safe efforts to invest in high-quality, integrated early education and to care for children birth through 5. Early education pays huge fiscal and social dividends in the long run, and this is an important step forward.

The College Access and Completion Innovation Fund promotes innovative strategies to improve student success in college, and this bill provides funding for much-needed school modernization and repair, which will be done in an environmentally energy-efficient manner by including legislation we approved earlier this year.

The Democratic majority is committed to stabilizing the economy, to lowering our deficit and to ensuring that America is economically competitive in the future. This plan helps us achieve these key goals.

HEALTH CARE

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

Mr. GUTHRIE. Mr. Speaker, over the recent district work period I traveled to each county in my district, listening to constituents' ideas and concerns and answering questions. I heard overwhelmingly that a government-run public option was not a viable answer to the problems Americans are facing.

The President gave a well-delivered speech last week, but left many questions in the minds of the American people: How do we pay for such a bill? How can you cut funding for Medicare without impacting the millions of seniors who receive the benefits? How will individuals who are happy with their coverage get to keep the care they have?

Everyone agrees on the need for improvement. However, we must move toward changes that make health care more affordable, more accessible and of higher quality. We have an opportunity to work together to improve the lives of all Americans by crafting a bipartisan, commonsense solution that our country can afford.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING PROCEEDINGS TODAY

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that, during the proceedings today in the House and in the Committee of the Whole, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX or under clause 6 of rule XVIII.

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

There was no objection.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 746 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3221.

□ 1021

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 further consideration of the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes, with Ms. DEGETTE (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose on Wednesday, September 16, 2009, a request for a recorded vote on amendment No. 7, printed in House Report 111–256, offered by the gentlewoman from North Carolina (Ms. FOXX), had been postponed.

AMENDMENT NO. 8 OFFERED BY MR. REYES

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–256.

Mr. REYES. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. REYES:

Page 191, line 15, after ''students'' insert '', including students who are veterans or members of the National Guard or Reserves,''.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

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

Mr. REYES. Madam Chair, the men and women who have made enormous sacrifices to serve our country deserve every opportunity to get a good education, and my amendment will help them do just that.

My amendment will encourage community colleges to use the funding provided through the new grant program to increase the level of training for our veterans and for our members of the National Guard and Reserves. This amendment will help community colleges do outreach to our veterans and to our National Guardsmen and Reservists who may be looking to obtain new skills and training in these difficult economic times.

This funding is also now intended to help our veterans realize the benefits of the post-9/11 GI Bill that Congress passed last year. The post-9/11 GI Bill was created by landmark legislation that makes good on America's promise to take care of those who have proudly served our Nation. It offers unprecedented benefits that will make college affordable to our Nation's veterans.

However, the legislation will not meet its full potential if eligible veterans are not aware or if they do not take advantage of the opportunities available in their communities. This amendment will help to promote a more veteran-friendly environment at our Nation's community colleges by encouraging this generation of American heroes to use the benefits that they have so rightly earned.

Community colleges provide the first postsecondary experience for many students, and are critical in providing them with the education and training that is required for the high-demand jobs that are needed to keep the United States competitive.

I am pleased that my colleague, Representative ADLER, has a similar amendment that will assist veterans who are seeking to attend 4-year colleges or universities. Making sure that veterans want to pursue an advanced degree and that they are able to do so is the right thing to do for our local economies and for our competitive future. I urge my colleagues to support this amendment.

I yield to my colleague, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding. I thank him for offering this amendment.

Madam Chair, we would strongly support this amendment. As he is well aware of—and as, I think, most of the Nation is—the young men and women who have joined the Armed Forces over the last 8 or 9 years left this country to serve in Iraq and Afghanistan and elsewhere in the trouble spots of the world. Many of them left as high school graduates, some of them not high school graduates. They even left an economy that is very different today than it was when they left their homes to serve this Nation. Clearly, we want to make sure that they have the opportunities to integrate back into the economy after leaving the service on terms that are helpful to them, to their families and to their local communities.

So thank you very much for offering this amendment.

Mr. REYES. I thank the chairman.

Madam Chair, I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim time, although I do not oppose this amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. In fact, I rise to say that we are going to support this amendment.

I yield back the balance of my time.

Mr. REYES. Thank you, Madam Chair, and I thank my colleague.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. ETHERIDGE

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–256.

Mr. ETHERIDGE. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. ETHERIDGE:

Page 24, after line 24, insert the following:

''(iii) providing loan counseling, loan delinquency, and default aversion assistance to student loan borrowers and institutions of higher education;

Page 25, line 1, redesignate clause (iii) as clause (iv).

Page 25, line 4, redesignate clause (iv) as clause (v).

Page 76, line 15, strike ''and''.

Page 76, after line 15, insert the following:

(2) in subsection (b)—

(A) in the subsection header, by striking ''ORIGINATION, SERVICING, AND DATA SYSTEMS'' and inserting ''ORIGINATION, SERVICING, DELINQUENCY PREVENTION AND DEFAULT AVERSION SERVICES, DEFAULT COLLECTIONS, OUTREACH, AND DATA SYSTEMS'';

(B) in the matter preceding paragraph (1), by striking ''The Secretary may'' and inserting ''(1) IN GENERAL.—The Secretary may'';

(C) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), and moving such subparagraphs two ems to the right;

(D) in subparagraph (C) (as redesignated by subparagraph (C) of this paragraph), by striking ''and'' after the semicolon;

(E) by redesignating subparagraph (D) (as redesignated by subparagraph (C) of this paragraph) as subparagraph (E);

(F) by inserting after subparagraph (C) (as so redesignated) the following new subparagraph:

''(D) delinquency prevention and default aversion services, default collections, financial aid counseling, career and education counseling, financial literacy, guidance counselor and financial aid officer training services, and other outreach services; and''; and

(G) by adding at the end the following:

''(2) LIMITATION.—The Secretary may enter into contracts for the services described in paragraph (1)(D) with—

''(A) agencies with agreements with the Secretary under subsections (b) and (c) of section 428 on the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, that are providing such services on such date and that meet the qualifications determined by the Secretary; or

''(B) nonprofit subsidiaries of agencies described in subparagraph (A), if such subsidiaries were established, pursuant to State law, on or before January 1, 1998, and meet the qualifications determined by the Secretary.''; and

Page 76, line 16, redesignate paragraph (2) as paragraph (3).

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from North Carolina (Mr. ETHERIDGE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. ETHERIDGE. I yield myself 2 minutes.

I want to thank Chairman MILLER for his support on this amendment and for his work to expand educational opportunities for all of America's students.

Madam Chair, as we work to make our student loan system work better for taxpayers, we must also make sure that the system still works for students and for families who seek to improve their futures through education.

My amendment makes sure that the benefits that help students and that expands access to college, including loan counseling, outreach and education default prevention services, continue to be available. It clarifies that these services, targeted to local needs by State educational authorities and nonprofit agencies, are eligible for funding under H.R. 3221.

Guarantee agencies, such as the North Carolina Education Assistance Authority in my State, have developed customized services to help students learn to manage their debt and to avoid default. As an example, in 2007, they helped students with more than $52 billion in debt recovery from delinquent loans, saving both students and taxpayers their money.

Guarantors and affiliated nonprofits, like the College Foundation of North Carolina, help families plan for college and help them navigate these financial aid and loan options. Every day, nearly 10,000 students and families turn to the CFNC to get help and information.

We need to make sure that these services continue to be available, and my amendment ensures that they are. Higher education is still a key to the American Dream, and this will help make it even more so.

Madam Chair, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. ETHERIDGE. I would be happy to yield.

Mr. GEORGE MILLER of California. I thank the gentleman for offering this amendment. It's a good amendment and it's important.

These agencies have a track record in helping students and in helping the taxpayers with default diversion activities; but also, we look forward to their having an expanded role in financial literacy and in helping students as they contemplate going to college and, while they're in college, helping them manage their debt and helping them make decisions about whether they need all of that debt or not and also as they leave, because this Congress, on a bipartisan basis, has passed a number of loan forgiveness programs and the income determinant repayment program.

□ 1030

So the students really can start to see how they can manage the debt and make career choices at the same time. Unfortunately, many students don't realize it until they graduate; they really would have liked to have done something else, but they didn't think they could have that career and manage their debt. So these agencies are going to take on an even more important role for young people as they start and progress through college.

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

Mr. KLINE of Minnesota. Madam Chair, I rise to claim time in opposition to the amendment, although at this time I do not expect to oppose it.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. Madam Chair, this amendment kind of attempts to cobble together a new system that will provide students, families and colleges the types of delinquency prevention, default aversion and financial literacy services available today under the FFEL Program.

I do not oppose these types of activities; I support them. But the existence of this amendment, it seems to me, is proof that we are eliminating these important benefits by eliminating the FFEL Program.

Rather than figuring out a better way to keep the FFEL Program, to keep the private sector involved, the majority is attempting to wedge some of its components into the direct loan program. I am concerned that the net result will mean fewer students served with more red tape for those who do wish to obtain these services.

As I said, Madam Chair, I am not going to oppose this amendment, but

Members should know there is a much easier way to preserve the value-added elements of FFEL. Rather than destroying the program and working to recreate it, we can work to preserve and improve the FFEL Program.

Madam Chair, I yield back.

Mr. ETHERIDGE. Madam Chair, I yield 1 minute to my colleague from Vermont, a cosponsor of this amendment, Mr. WELCH.

Mr. WELCH. Mr. ETHERIDGE, I thank you for your work. Mr. MILLER, I thank you for your work.

I am in strong support of this amendment. The bill is terrific because what it does is take taxpayer assistance and give it to kids and parents rather than to big bailed-out banks.

Secondly, what this amendment does is allow those institutions like the Vermont Student Assistance Corporation, a nonprofit dedicated to getting kids to go to college, to help them navigate the process of financing college and then to contend with the challenges of repaying the loan. It has had an incredible success rate. So this benefit gives the benefit to those local institutions that are nonprofit, student-centered, parent-centered, family-centered, to be able to continue to do that work at the local level.

Thank you for your leadership on this, Mr. ETHERIDGE. It will make a big difference for folks in Vermont.

Mr. ETHERIDGE. Madam Chair, I yield 1 minute to my colleague and cosponsor, and someone who has been working on this issue for a long time, the gentleman from North Carolina, Congressman PRICE.

Mr. PRICE of North Carolina. Madam Chair, I thank my colleague, and I want to thank the chairman of the committee and the entire committee for their work on this bill, making historic investments in America's education and economic prosperity.

In particular, I want to thank the committee for including provisions in the bill that would allow guaranty agencies, such as the North Carolina State Education Assistance Authority, to provide value-added outreach services via contracts with the Department of Education. These services play a vital role at both ends of the student loan process by informing borrowers about their education financing options before college and helping them successfully repay their loans after graduation.

Our proposed amendment simply clarifies that several of the key borrower services guaranty agencies currently provide, such as delinquency prevention, default aversion, and delinquency collections, also would be eligible for contract arrangements with the Department.

The work of these agencies pays real dividends for students and taxpayers alike. In North Carolina, default rates have been consistently among the Nation's lowest and about half the national average for the last few years. In 2007, these services helped prevent an estimated $52 billion in loans from going into default, according to the National Council of Higher Education Loan Programs.

So I thank my colleague from North Carolina and our other cosponsors for their collaborative work in putting forth this amendment, and urge Members to give it their support.

Mr. ETHERIDGE. Madam Chair, I yield 1 minute to my friend and colleague from North Dakota (Mr. POMEROY) who is a cosponsor also.

Mr. POMEROY. I thank the gentleman for yielding and his work on this amendment. I rise in strong support of this amendment.

It will impact entities like the Bank of North Dakota, the only State-owned bank in the country. This bank provides for the students of our State the lending and servicing functions for the Federal student loan program, and it is uniquely positioned in this regard in the country.

It has provided students and families the tools and techniques to deal with their student loan debt. It has worked to maintain low default rates through one-on-one repayment default counseling, on-campus presentations and other outreach efforts.

As a result, we have had very low default rates in North Dakota. I am pleased with the service they have provided to their students.

I am delighted that this amendment, unlike the underlying bill, would allow that to continue. I know the chairman has given his approval to this amendment and urge its adoption.

Mr. ETHERIDGE. Madam Chair, I thank the chairman and ranking member for their work on this bill to help members of the committee, and I encourage my colleagues to vote for the amendment and the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. ETHERIDGE).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. DRIEHAUS

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–256.

Mr. DRIEHAUS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. DRIEHAUS:

Page 21, after line 9, insert the following:

(iii) encourages State policies that are designed to improve rates of enrollment and re-enrollment of dislocated workers in postsecondary education;

Page 21, line 10, redesignate clause (iii) as clause (iv).

Page 21, line 14, redesignate clause (iv) as clause (v).

Page 26, after line 19, insert the following:

(1) DISLOCATED WORKER.—The term ''dislocated worker'' has the meaning given such term in section 101(9) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(9)).

Page 26, line 20, redesignate paragraph (1) as paragraph (2).

Page 27, line 18, redesignate paragraph (2) as paragraph (3).

Page 27, line 22, redesignate paragraph (3) as paragraph (4).

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Ohio (Mr. DRIEHAUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. DRIEHAUS. Madam Chair, I yield myself as much time as I may consume.

Madam Chair, as we discuss H.R. 3221, I would like to draw attention to a critical component of the bill, and that is the College Completion and Innovation Fund.

This amendment, Madam Chair, impacts one portion of the College Completion and Innovation Fund, and that specifically is the State Innovation and Completion Grants. About 50 percent of the College Completion and Innovation Fund goes to State Innovation and Completion Grants. These are targeted at low-income and disadvantaged populations in each of our States, and they are meant to incentivize States to engage in creative efforts with low-income communities, working with nonprofits, working with universities, to provide grants for these populations.

With that, the State has to provide to the Department of Education a plan describing how they will utilize the funds. This amendment is quite simple in that it states that in that plan we must target and we must include dislocated workers.

And I think you will agree, Madam Chair, and I think most of the Members will agree, that in this economy, with the number of employees that are currently unemployed, we need to be targeting and looking at the skill sets of dislocated workers. Because when we talk about innovation and education, when we talk about reeducating our workforce, there is no more important population than those that are recently unemployed. And as we move toward a new technology economy, it's critical that although we have tremendous workers across the United States, we appreciate the fact that they need more education, that they need retooling in order to make them competitive for the jobs of the 21st century in order for us to compete in a global marketplace.

So this is a simple amendment, Madam Chair, and it simply says to the States that we need to be focusing on those dislocated workers.

I yield to the distinguished chair of the committee, Mr. MILLER.

Mr. GEORGE MILLER of California. I want to thank the gentleman for yielding and thank the gentleman from Ohio. This is obviously a very important component of this legislation.

His amendment substantially improves it, because the whole Nation is aware of the needs of dislocated workers, and certainly in the Midwest,

where workers are leaving one generation of technology and seeking jobs in communities or seeking the next generation of manufacturing and technology. This is very important that they be included in these State plans.

Mr. DRIEHAUS. Madam Chair, I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim time in opposition, although I do not plan to oppose it.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized.

There was no objection.

Mr. KLINE of Minnesota. The purpose of this amendment is indeed laudable. It's to ensure that dislocated workers are considered in each State's postsecondary education planning. It's a reasonable goal. I support the goal. We should all support that goal.

But there is a rich irony here in that the underlying bill itself is going to create thousands of these dislocated workers. We have seen estimates of 30,000 or 35,000.

So if we are serious about helping dislocated workers, and I believe we are, we should scrap this underlying job-killing bill and find a better way to stabilize student lending for the long term.

I yield back the balance of my time.

Mr. DRIEHAUS. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. DRIEHAUS).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. CUELLAR

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–256.

Mr. CUELLAR. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. CUELLAR:

Page 80, after line 22, insert the following new section (and conform the table of contents accordingly):

SEC. 216. OUTREACH EFFORTS.

(a) OUTREACH ACTIVITIES REQUIRED.—The Secretary of Education shall conduct outreach activities in accordance with this section to inform and educate students and their families about the transition to Federal Direct lending under the amendments made by this title to title IV of the Higher Education Act of 1965.

(b) REQUIRED COMPONENTS OF OUTREACH.—The Secretary shall provide for the broad dissemination of information on such amendments and shall—

(1) operate and maintain an Internet website through which individuals may obtain information on changes made to the Federal Family Education Loan programs and the Federal Direct Loan programs;

(2) develop and disseminate information to high school seniors and their parents concerning student loans and student aid;

(3) provide assistance to institutions of higher education to educate students on the repayment of Federal Direct loans; and

(4) ensure that all outreach efforts are developed using plain language and are culturally- and language-appropriate.

(c) USE OF OTHER ENTITIES.—In carrying out this subsection, the Secretary may work with other appropriate entities to facilitate the dissemination of information under this section and to provide assistance as described in this section.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Madam Chair, I yield myself such time as I might consume.

Madam Chair, I rise today in support of my amendment to the Student Aid and Fiscal Responsibility Act of 2009, which I believe is acceptable to the chairman, Chairman MILLER.

I surely want to thank Chairman MILLER for the leadership that he has provided, and the ranking member, Mr. KLINE, for the work that he has been doing in the committee.

Madam Chair, at a time when our Nation's students need it the most, this legislation makes significant changes to student lending, one of the biggest changes that we have seen in years and years. While this bill makes tremendous investments in education, too many potential college students may be unaware of it.

Unfortunately, today, there are many students, especially those who may be first in their families to apply to college or who may come from disadvantaged communities, who are ill-informed about Federal student loans. Many students aren't aware of the opportunities available to them or of the responsibilities that follow from taking out a loan. This lack of information will range from students deciding that college is too expensive to those who default on their loans after graduation.

When you look at some of the States that have been impacted, this particular amendment will call on the Secretary to work with colleges and universities to educate students about the repayment of Federal direct loans, and this amendment will help cut excessive default rates that threaten the eligibility of some of the schools from participating in this student aid program.

My home State of Texas has one of the highest student loan default rates in the country, and financial aid directors in my district have cited a lack of information and outreach as a primary cause. As we make college more accessible to all Americans, we need to make sure that students and their families have the information so they can make reasoned and informed decisions.

This simple but important amendment will lead to increased student awareness, financial aid opportunities, help prevent student loan defaults and increase our country's production of talented graduates. I urge all my colleagues to support it.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim time in opposition, although I don't plan to vote against it.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized.

There was no objection.

Mr. KLINE of Minnesota. Madam Chair, this amendment, it seems to me, is a little bit like putting a bandaid on what has proven to be a gaping wound. I don't think it's going to make many things worse, and it might even stop a little bit of the bleeding, but it certainly won't heal the damage.

H.R. 3221 eliminates a program that over 70 percent of colleges and universities have consistently chosen. This amendment is an acknowledgment that the breakneck pace of this transition by next summer will be a problem for students, families and schools.

While I share the concern about this radical change to our financial aid system, I fear this amendment may not do as much good as the gentleman from Texas hopes. The Department of Education already maintains a Web site on Federal aid programs and regularly disseminates information to high schools about the availability of Federal student aid.

In spite of information about the direct loan program, most schools still choose the FFEL Program. That tells me it's not a lack of information but a genuine preference for the choice, innovation and competition of the FFEL Program.

Informing students and families is important, but it's no substitute for simply maintaining the program they already know and they already like.

I reserve the balance of my time.

Mr. CUELLAR. I yield as much time as he may consume to Mr. ANDREWS of New Jersey.

□ 1045

Mr. ANDREWS. I thank the gentleman for yielding, and I rise to express the committee's strong support for his amendment. It is important to reflect on what Mr. CUELLAR's amendment does, and what the bill does not do.

Mr. CUELLAR's amendment answers questions for students and families and financial aid officers and universities and colleges about how best to access student loans. Mr. CUELLAR's amendment, I think, very wisely recognizes there is a whole different kind of person who is achieving a higher education in our country today.

It is not simply the person fresh out of high school. It is people who are in the middle of a career change, either voluntarily or involuntarily because of a layoff or a plant closing. It is a person who is a bit further along in life who wants to build his or her career by going to college. It is a nonconventional student. It might be a person very new to America, or it might be a person who has been here for a very long time. It is people facing language, cultural, or other kinds of issues.

What Mr. CUELLAR's amendment is doing is making sure that the Department of Education is a constructive

and active partner in answering the questions that our constituents have. We enthusiastically embrace and support his amendment.

His amendment improves on a bill that doesn't really do any of the things that with all due respect the minority said. The minority discusses this as some sort of radical shift. It is not radical at all. Right now a student goes to a financial aid office and applies for a Pell Grant. It is a common process done throughout college and university campuses around the country. The only change between applying for a Pell Grant and applying for a student loan is you sign a document that is a note to pay the loan back. That is the only additional step that takes place. As a matter of fact, it is far less bureaucratic and far less complicated for a student accessing such a loan.

This bill saves the taxpayers $10 billion over time off the deficit. It stops the practice of rewarding people for taking risks with taxpayers' money. It understands, as the Congressional Budget Office has said, that the savings generated from this are $87 billion over time. The bill promotes efficiency. It will generate economic development.

With respect to the gentleman's point about lost jobs, Mr. ETHERIDGE's amendment very much speaks to that. It makes sure that loan originators are now eligible to become loan processors and collectors, and much of the work done by those who originate in the private sector will now be done in the private sector by those who process and service these loans.

So the underlying bill saves the taxpayers money, significantly expands educational opportunity, and reduces the deficit by $20 billion over time. Mr. CUELLAR's amendment significantly adds to the value of this bill. The committee strongly supports his amendment.

Mr. KLINE of Minnesota. Madam Chair, clearly there is continuing disagreement over money that this bill saves or costs. The Congressional Budget Office provided an original score of a so-called savings of $87 billion. That same Congressional Budget Office has provided additional information which would indicate that this bill is going to put us further into deficit, further into debt by perhaps as much as $50 billion.

This is not a money-saving bill. This is, indeed, a government takeover of an industry. This will cost jobs despite the Etheridge amendment. This is a bad piece of legislation. I am going to support this amendment because it is at least a Band-Aid.

I yield back the balance of my time.

Mr. CUELLAR. I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. MURPHY OF CONNECTICUT

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–256.

Mr. MURPHY of Connecticut. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. MURPHY of Connecticut:

Page 163, line 22, insert ''(which may include establishing or supporting partnerships with institutions of higher education (as such term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) to support such education and training)'' after ''providers''.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Connecticut (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Madam Chair, I yield myself for such time as I may consume.

I would like to first thank Chairman MILLER, Representative ANDREWS, Representative HINOJOSA, the ranking member for their work on the underlying legislation. We are debating right now landmark legislation that is going to bring more access, affordable access, to hundreds of thousands, if not millions, of college students across this country.

Therefore, it is only fitting that as a component to this legislation, the Student Aid and Fiscal Responsibility Act also heavily invests in birth-to-5 education. We know investing in early childhood education creates a pathway to later success in our educational spectrum.

Madam Chair, I have spent the last several months touring around my district talking with the people who make our early childhood education system work. I have hosted round table discussions in cities like Torrington and Danbury and listened to parents and providers and administrators; and there is one message I have heard loud and clear, and that is the lack of early education degree programs in Connecticut and across the country often makes it difficult to find highly qualified early learning teachers in Connecticut and across the Nation.

My amendment simply seeks to clarify that the very important Early Learning Challenge Fund included in this bill would allow for States to use some of that grant money to partner with local colleges and universities to create or to expand effective education and training programs for early learning providers.

I was a very strong supporter of our Head Start and School Readiness Act in 2007. That bill requires that Head Start teachers by 2011 have associate's degrees; and by 2013, 50 percent of Head Start teachers be required to have a bachelor's or master's degree. I think it is important to make sure that our Nation's kids have teachers and educators who have that academic background and education. But we need to make sure that our educational system feeds our early learning centers with those trained professionals.

I appreciate the chairman's help on this bill and appreciate Representative ANDREWS' support, and I urge the Chamber's support.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, once again I rise to claim time in opposition, although once again I am not going to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. The purpose of this amendment is to allow States to provide education and training for early learning providers by entering into partnerships with higher education institutions. I don't oppose these partnerships at all, but I am concerned with the underlying language here.

What we are doing in the bill, we are diverting $8 billion to fund and impose requirements on State early childhood systems. In 2005 the GAO reported there were already 69 Federal early childhood programs spread out over 10 Federal agencies with no coordinated or comprehensive strategy.

It is not the partnerships to improve early learning provider training that cause my concern. It is the entire notion that the Federal Government is inserting itself yet again into pre-K education and other areas, especially when we have not yet met our obligation to very important programs like IDEA, creating new programs that once again will be underfunded, once again will compete with special ed. We ought not be adding new programs when we haven't met our basic obligations.

I reserve the balance of my time.

Mr. MURPHY of Connecticut. I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding, and the committee congratulates and thanks him for this very excellent work he has done on this amendment.

Mr. MURPHY's amendment recognizes that some of the most important teaching in America is going on right now by people who have had some of the least access to high-quality education for themselves. And it is not because they are not competent; it is not because they don't want it. It is because the resources have not been there.

The research is very clear that children in the early years of their lives develop much of their learning patterns and their skills. The country needs a significant investment in high-quality teacher education for the men and women who are teaching preschools across the country.

Mr. MURPHY's amendment, I think, embraces that concept in a very wise

way by encouraging the States that will receive early learning funding under this bill to consider using some of that funding in partnerships with higher education institutions so that the quality of teaching may improve.

This, I think, is an amendment that will pay dividends for years to come because better education for our pre-K students will lead to better achievement in the classroom which will yield better results throughout the lives of these students when they become taxpayers and workers and productive citizens of this country.

I think this is an effort that will bear fruit for many years to come. The committee would urge a ''yes'' vote.

Mr. KLINE of Minnesota. Madam Chair, I yield back the balance of my time.

Mr. MURPHY of Connecticut. Madam Chair, I thank the gentleman for his support.

There are thousands of early childhood educators in my district, and I am sure similar numbers across the country who want to go back to school and get that advanced degree. Right now the problem is there aren't slots for them to do this. This early learning challenge grant provides the opportunity to expand on programs that exist today and helps to create new ones. I would urge support for this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. MURPHY).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. CHILDERS

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111–256.

Mr. CHILDERS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. CHILDERS:

Page 43, beginning on line 17, amend section 106 (and conform the Table of Contents accordingly) to read as follows:

SEC. 106. VETERANS RESOURCE OFFICER GRANTS.

Section 873 (20 U.S.C. 1161t) is amended—

(1) by amending the header to read as follows: ''**MODEL PROGRAMS FOR CENTERS OF EXCELLENCE FOR VETERAN STUDENT SUCCESS; VETERANS RESOURCE OFFICERS**'';

(2) in subsection (a), by inserting '', or Veterans Resource Officers,'' after ''model programs'';

(3) by amending subsection (b) to read as follows:

''(b) GRANT AUTHORIZED.—

''(1) IN GENERAL.—Subject to the availability of appropriations under subsection (f), the Secretary shall award grants to institutions of higher education to—

''(A) develop model programs to support veteran student success in postsecondary education; or

''(B) hire a Veterans Resource Officer to increase the college completion rates for veteran students enrolled at such institutions of higher education.

''(2) GRANT PERIOD.—A grant awarded under this section shall be awarded for a period of 3 years.''; and

(4) in subsection (c)—

(A) in paragraph (1)—

(i) by amending the header to read as follows: ''MODEL PROGRAM REQUIRED ACTIVITIES''; and

(ii) in the matter preceding subparagraph (A), by striking ''under this section'' and inserting ''for the purpose described in subsection (b)(1)(A)'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) VETERANS RESOURCE OFFICER REQUIRED ACTIVITIES.—An institution of higher education receiving a grant for the purpose described in subsection (b)(1)(B) shall use such grant to hire a Veterans Resource Officer whose duties shall include—

''(A) serving as a liaison between—

''(i) veteran students;

''(ii) the faculty and staff of the institution;

''(iii) local facilities of the Department of Veterans Affairs; and

''(iv) mental healthcare providers at the Department of Veterans Affairs to ensure that veteran students are referred to such providers if needed; and

''(B) organizing and advising veteran student organizations and hosting veterans-oriented group functions on campus;

''(C) distributing news and information to all veteran students, including through maintaining newsletters and listserves; and

''(D) assisting in the training of Department of Veterans Affairs certifying officials, when applicable.''.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Mississippi (Mr. CHILDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. CHILDERS. Madam Chair, I yield myself such time as I may consume.

Madam Chair, I rise today in support of H.R. 3221, and I ask my colleagues for their support of my amendment to H.R. 3221 and our Nation's veterans. I want to thank the chairman and the committee for making my amendment in order today.

This amendment would require campus veterans resource officers to act as a link between student veterans and mental health care providers at the Department of Veterans Affairs. With the support of veterans resource officers on university and college campuses, student veterans will be better connected to vital services provided by the Department of Veterans Affairs and will be better prepared to complete their studies.

With the recent implementation of the post-9/11 GI Bill, veterans have greater affordability and access to higher education and training. My amendment would help ensure that student veterans are able to complete their degree and graduate.

When the recently deployed National Guard Members from my district in Mississippi return, I want to see these education benefits accessed by veterans, and help those veterans to succeed in their college careers. I would like to especially commend the unprecedented investments in community colleges included in H.R. 3221. Community colleges in Mississippi are some of the best in the Nation. They play an important role in preparing students for tomorrow's workforce. A community college education is one of the best investments a student can make.

I thank our veterans for their service to our Nation, and I encourage them to access the training and education benefits they have earned. I urge my colleagues to join me in supporting this important amendment.

I reserve my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim the time in opposition to the amendment, although again I do not intend to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. I yield myself such time as I may consume.

This is a very worthy goal, and I applaud the gentleman's efforts in putting this amendment together. We should be doing things in all of our legislation that will strengthen the support that we provide for our men and women in uniform while they are in uniform, while they are overseas, when they come back, and when they take the uniform off. I applaud the gentleman and support the amendment.

I reserve the balance of my time.

Mr. CHILDERS. Madam Chair, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding, and I join my friend from Minnesota in supporting this amendment. I know that my friend from Minnesota speaks as a father and as a veteran when he speaks in favor of this amendment. We salute his service.

This amendment is part of a series of amendments that carry forth a bipartisan tradition of this House that says that we don't want to simply welcome our troops home with welcoming ceremonies; we want to really welcome them home with services and respect and resources that they so richly deserve.

□ 1100

This amendment carries forth that tradition by emphasizing that our veterans who choose to pursue a higher education and who would benefit from the full range of health services that are available to veterans need to have those services.

The amendment requires an active liaison process between the veteran service officer on a campus and the health care people at the Veterans Administration so that veterans can have the full range of services and, frankly, try to make as much one-stop shopping as we can. So a veteran who is trying to balance his or her family obligations and work obligations and school obligations, who has some health care

issues, is able to get services in one place, maybe, instead of two or three.

It makes a lot of sense for people. I think the author has reflected the views of his constituents not only in his district, but veterans around our country.

The majority on the committee is strongly in favor of this proposal because it recognizes not only the service that our veterans have given us, but the needs they have. And we would urge a ''yes'' vote.

Mr. CHILDERS. I thank the gentleman for his remarks. I would also like to thank the gentleman from across the aisle for his kind remarks and support of our veterans as well.

Madam Chair, this is simple: This is good for veterans; it's good for universities and community colleges, and this is one way that this body can honor our commitment to our men and women who have worn the uniform so proudly.

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

The Acting CHAIR. The gentleman from Mississippi has the right to close.

PARLIAMENTARY INQUIRY

Mr. KLINE of Minnesota. It was the gentleman's amendment. Parliamentary inquiry, Madam Chair. Doesn't the opposite side have the right to close on these amendments as offered?

The Acting CHAIR. Only a manager in true opposition has the right to close. When the gentleman claims the time in opposition by unanimous consent, not actually opposing the amendment, then the proponent of the amendment has the right to close.

Mr. KLINE of Minnesota. Thank you, Madam Chair.

I support this amendment. I support the comments of my colleagues from New Jersey and Mississippi, the author of the bill.

I yield back the balance of my time.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Mississippi (Mr. CHILDERS).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. ADLER OF NEW JERSEY

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111–256.

Mr. ADLER of New Jersey. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. ADLER of New Jersey:

Page 31, line 10, redesignate subparagraph (D) as subparagraph (E).

Page 31, line 17, redesignate subparagraph (E) as subparagraph (F).

Page 31, after line 9, insert the following:

(D) include activities to increase degree or certificate completion for students who are veterans;

The Acting CHAIR. Pursuant to House resolution 746, the gentleman from New Jersey (Mr. ADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ADLER of New Jersey. Thank you, Madam Chairwoman. I yield myself such time as I may consume.

I'd like to start by thanking Chairman MILLER, Chairman ANDREWS, and Ranking Member KLINE for their leadership on this important matter.

The legislation we're discussing today provides funding to schools, nonprofits, and other educational-related organizations that assist students in the completion of college and associate degrees.

My amendment, along with that earlier amendment offered by Mr. REYES, will take this bill to the next level and prioritize grants to schools and organizations that have shown a dedication to ensure student veterans have the support and resources they need to complete their degrees.

Our veterans have served our country to keep our country safe and free, and they deserve every opportunity to succeed as they return home. We should make every effort to ensure that their transition from service to civilian life is smooth and successful.

To that end, my amendment will prioritize schools and organizations that support our student veterans and help them apply the skills learned in military service to the classroom.

I thank the schools and organizations who already take steps to increase education opportunities for our veterans and hope that my amendment will support their efforts and provide an incentive for others to join them.

Rutgers University, the State University of New Jersey, has been on the forefront in my home State, providing much needed education opportunities to our servicemembers. Most recently, Rutgers created veterans' services offices, mentoring programs, special orientations, and advisory boards to better assist our State's veterans obtain the college degrees and certifications they deserve.

I hope that this bill pushes more colleges and universities across the country to support our veterans in the future.

Judge Washington said it best: ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.''

I reserve the balance of my time.

Mr. CASTLE. I rise not in opposition, but to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from Delaware is recognized for 5 minutes.

There was no objection.

Mr. CASTLE. Let me first address Mr. ADLER's amendment. I think this is actually a very good purpose, and I'm supportive of it. We actually have done something similar to this in the Higher Education Act, in putting people in colleges to help with veterans. I think its purpose is well intended.

I also have examined this legislation carefully. It's gone through our committee, on which I served several times. I think there are some very good aspects to the bill, if you just isolate that and you believe all the numbers that are in there—increasing the Pell Grant limit, simplifying the financial aid process, supporting minority-serving institutions, supporting early childhood education programs, expanding services for veterans, and supporting community colleges and putting money towards deficit reduction. All that is well and good, but I have a couple problems with this legislation.

One is I'm not a hundred percent sure that I believe all the numbers which are being thrown around in terms of the savings. Secondly, I have examined the way student loans are done now, and I have examined the Federal Family Education Loan program, the FFEL program, which is the federally backed student loan program, and I have found that that program serves 4,421 colleges and universities nationally, and close to $68 billion in student loans during the past year, according to the Congressional Research Service; whereas, the Direct Loan Program, which we're shifting to, only serves 1,500 colleges versus the 4,421, and $19 billion versus the $68 billion.

In other words, there's been a decision made by most colleges and universities in this country to go with the existing program, the FFEL program, over the Direct Loan Program, and I worry about what that shift might encounter.

One of the things that's going to happen at a time in which unemployment in this country is 10 percent is there's going to be a loss of jobs in the private sector. The Consumer Bankers Association indicates that this bill threatens approximately 30,000 people's jobs nationwide, and that's all over the country, because various banks make this kind of servicing dollars available and, therefore, have employment in that area. So you're talking about potentially a huge job loss in that area.

I had introduced an amendment before the Rules Committee with TOM PRICE from Georgia which would have indicated that we should hold this up until we can get a study of the job loss, but that, unfortunately, is not before us today.

But the problem still remains. We're just not certain, Madam Chairwoman, exactly what this will entail. If everything we hear about the bill is absolutely correct and all that money can be saved and the Federal Government is not going to hire a lot more people or mess it up in some other way in terms of the cost savings, there may be a very valid argument for the bill. I think it makes some very good points. But if those things do not prove out—and many things that we talk about here on the floor don't prove out in

practice—I think that would be problematic.

Part of the problem is that you're looking at 30,000 jobs, all of which are at risk. And you can argue about whether its origination or servicing and that kind of thing, but the bottom line is some percentage of those jobs would be at risk.

So I'm supportive of the amendment, to get back to the heart of why we're speaking right now, but I have some serious reservations about where we're going with this legislation at this time for the reasons which I stated.

I reserve the balance of my time.

Mr. ADLER of New Jersey. I thank the gentleman for his supporting the amendment.

May I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman has 3 minutes remaining.

Mr. ADLER of New Jersey. I yield 2 minutes to my colleague, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding, and the committee expresses its strong support and appreciation for your good work. We support it and would urge a ''yes'' vote. Again, this follows in the tradition of doing things for our veterans, not just talking about them.

With respect to the underlying bill and addressing the two points made by my friend from Delaware, first, with respect to job loss. The concern that we all share about job loss is one of the reasons why. This bill makes provisions for loan providers, private loan providers who presently originate and service loans to continue to have a robust role in the servicing and processing and collection of loans. We believe that the record will show as the years go through on this that the opportunities will, in fact, expand for those in that field.

Second, with respect to the issue of the cost of this bill, as the Members know, under our rules, we have an agreement that the Congressional Budget Office is the authoritative source, and the Congressional Budget Office has given an authoritative analysis of this bill. That authoritative analysis says that the change that's made, which is the cessation of the process of rewarding private institutions to take risk with taxpayers' money, a very logical change, that that change generates gross savings of $87 billion over the years that are subject to the analysis, and that in this bill $10 billion of that is dedicated to deficit reduction.

So I think the issue is clear. The bill provides for a continuing robust role for private sector firms and workers, and the Congressional Budget Office has authoritatively stated the savings generated by this bill are $87 billion.

The underlying bill is strong. The gentleman from New Jersey's amendment strengthens the bill. We would urge a ''yes'' vote on his amendment.

Mr. CASTLE. Madam Chairwoman, how much time do we have left on this side?

The Acting CHAIR. The gentleman has 1½ minutes left.

Mr. CASTLE. I yield myself the remaining time.

I understand well the second speaker, the gentleman from New Jersey, Mr. ANDREWS, and I think he's right. As I said at the beginning, there are many good aspects to this bill if we can believe all those things are going to come together. As a matter of fact, it's been a little difficult for me to oppose it for that reason, because if these things do happen, that's advantageous.

With all due respect to the authoritative analysis from CBO, I don't always believe everything I hear from CBO. Not that they don't do a good job, but they are anticipating behavior as far as the future is concerned. So I'm not sure if we're going to have $87 billion of savings to spread over all these other things. My hunch is there's going to be a lot of hiring that's going to have to go on to do the origination and servicing which is there.

I'm also very concerned if we take away the origination, which is really what the bill does, as far as the private lenders are concerned, you're going to get left with the servicing, and that's going to mean a substantial reduction in jobs. I'm not suggesting 30,000 jobs. We're going to lose a substantial number, I think, of private sector jobs. I'm just reticent about that for that reason. I would have hoped that we could have had some delay before we go full thrust in this and find out 5 years from now it isn't quite as has been promised.

Again, I do support the amendment, but I have some underlying concerns about the legislation. I respect all that's being stated and, frankly, I hope it's correct, because it could be in the best interest of the future of our government.

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

Mr. ADLER of New Jersey. They fought for our freedom. They fought for our safety. They fought for an ever greater America as a beacon of hope for freedom for the world. We can do something for them today by supporting this amendment. I urge my colleagues to vote ''yes'' on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. ADLER).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111–256.

Mr. HIMES. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. HIMES:

Page 21, after line 9, insert the following:

(iii) encourages the full use of State resources in support of financial literacy programs;

Page 21, line 10, redesignate clause (iii) as clause (iv).

Page 21, line 14, redesignate clause (iv) as clause (v).

Page 21, line 20, redesignate clause (v) as clause (vi).

Page 25, line 3, strike ''and''.

Page 25, after line 5, insert the following:

''(v) programs to provide financial literacy education and counseling to elementary, secondary, and postsecondary students that include an examination of how financial planning may impact a student's ability to pursue postsecondary education; and''.

Page 31, after line 9, insert the following:

''(D) include activities that enhance the financial literacy and awareness of students who are potentially eligible for assistance under this Act, especially those students from groups that are traditionally underrepresented in postsecondary education;''.

Page 31, line 10, redesignate subparagraph (D) as subparagraph (E).

Page 31, line 17, redesignate subparagraph (E) as subparagraph (F).

Page 77, line 7, insert '', including financial literacy programs,'' before ''(if any)''.

Page 80, beginning on line 1, amend subparagraph (B) to read as follows:

''(B) deliver a wide range of financial literacy and counseling tools to equip students with the information necessary to make prudent decisions concerning their educational success and financial well-being.''.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. HIMES. Thank you, Madam Chair. I yield myself such time as I may consume.

I'd like to begin by thanking Chairman MILLER and Ranking Member KLINE for their leadership on this very important bill.

Madam Chair, the next century belongs to the Nation which best educates its citizens today. If America wants to compete in the world economy, we need an educated workforce; yet, the single greatest barrier to higher education can be summed up in one word: cost.

College tuition has gone up more than any other good or service in the last 20 years. The Department of Education tells us that students hold a staggering $714 billion in outstanding student loan debt. If we want students to succeed in the classroom, we need to help them manage the financial commitments that got them there.

And so as Congress acts today to bring higher education within reach for millions more Americans, we must promote access to the financial education that students need to make what is usually the most important financial decision of their young lives.

The need to enhance our outreach here is enormous. Recent reports estimate that between 30 and 40 percent of first- and second-year students will be put into default at some point during the life of their loans.

□ 1115

At the same time, a financial literacy survey taken by Harris International in 2009 said that 47 percent of

Americans between the ages of 18 and 34 give themselves C's, D's or F's on their knowledge of personal finance.

The amendment I offer today with my colleagues, Congresswomen MCCARTHY and SCHWARTZ, makes several technical changes to the underlying bill which, at no additional cost, will help to ensure that States, nonprofits and private loan servicers who benefit from the new investments in college attainment and completion made by this bill do their utmost to include high-quality financial literacy training in their efforts to help keep more of our kids in school and in the postsecondary degree of their choice.

The Himes-McCarthy-Schwartz amendment enjoys the support of the National Association of College Admissions Counseling, the National Foundation for Credit Counseling, the Corporation for Enterprise and Development, and the Institute for Financial Literacy. I encourage my colleagues to vote in support of this amendment.

I reserve the balance of my time.

Mr. KLINE of Minnesota. Madam Chair, I rise to claim the time in opposition to this amendment, although, in fact, I'm going to support the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. Thank you, Madam Chair.

This is a good, laudable goal. I certainly hope it works. Financial literacy is in dire straits at every stage of our development. I don't know that this will do the job, but I certainly like the direction it's going.

I yield back the balance of my time.

Mr. HIMES. Madam Chair, I first yield 1 minute to my colleague and fellow sponsor, the distinguished gentlelady from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Thank you, Mr. HIMES. I appreciate working with you and Congresswoman SCHWARTZ in working to bring this important amendment to the floor. I want to also thank Chairman MILLER, Ranking Member KLINE and the committee staff for their hard work on H.R. 3221 which will make landmark investments in education and will provide $10 billion in deficit reduction. I also want to thank the chairman for working with me to include several positions in the bill related to school safety, classroom noise, child care facilities and increasing college access for low-income and minority students.

The amendment before us would make five technical changes to the bill to strengthen the financial literacy components. It has become apparent that the lack of education among students and consumers about financial systems and products is one of the key elements of our Nation's current economic crisis. In many cases, consumers were preyed on by financial institutions and sold into debts that they were not capable of fulfilling. This has been a defining factor of the current economic crisis.

This amendment seeks to better educate students and arm them with the knowledge that will help them navigate the rough waters of our economy. It's more important than ever that Americans become informed consumers in order to prevent our economy from weakening further. I believe it is never too early or too late to learn about consumer, economic and personal finance concepts. This amendment is a good step that will hopefully put Americans on a track toward fiscal responsibility and make a new generation of informed consumers.

I urge all of my colleagues to support the amendment and the underlying bill.

Mr. HIMES. I next yield 1 minute to my colleague and fellow sponsor, the distinguished gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Thank you.

I rise today in support of the Himes-McCarthy-Schwartz amendment which strengthens the financial literacy provisions in the Student Aid and Fiscal Responsibility Act.

As our country emerges from a recession that has starkly exposed the need for good financial planning and fiscal responsibility for individuals, for corporations and for the Nation, supporting financial literacy education is more important than ever. That is why I'm proud to work with my colleagues, Mr. HIMES and Mrs. MCCARTHY, on this amendment before us.

The amendment makes several commonsense additions that will encourage financial literacy education for students; and importantly, it will reach students early, well before they enter college so that early financial planning and counseling can positively impact students' views that college is possible, that it is financially accessible. And it will enable students to develop sound financial habits that they will carry with them through college and beyond.

The Student Aid and Fiscal Responsibility Act addresses important issues of college affordability, including how students and their families plan, save and borrow for college. This amendment will strengthen the financial literacy provisions, and I am very pleased to see its inclusion in this bill.

Mr. HIMES. Finally I yield 1 minute to my colleague and a great leader in the area of financial literacy, the distinguished gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much.

I rise in support of the Student Aid and Fiscal Responsibility Act and the Himes-McCarthy-Schwartz amendment on financial literacy.

Statistics from my State show that there is a staggering 50 percent drop between the number of persons that are high school graduates and persons that have a bachelor's degree or higher. This is below the national trend.

I represent a district with a large percent of underrepresented groups in postsecondary education. Preparation for a postsecondary education starts far in advance of a student's enrollment in college. In fact, it is this preparation that got them accepted into college. The same should be said for student financial literacy in preparation for higher education.

Our people as well as our country are benefactors of broad-based financial literacy initiatives. We are only as rich as our poorest citizens. Enactment of this bill will go a long way toward ensuring that our young people do not fall into the current adult financial trends, including delinquency in paying bills, maintaining high credit card debt, as well as not establishing budgeting priorities for the most needs basic, including housing and food.

I encourage my colleagues to vote for this legislation and this amendment.

The Acting CHAIR. All time having expired, the question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HIMES. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

AMENDMENT NO. 16 OFFERED BY MS. KILROY

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 111–256.

Ms. KILROY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Ms. KILROY:

Page 185, beginning on line 21, strike paragraph (2) and insert the following:

(2) are institutions of higher education eligible for assistance under title III or V of the Higher Education Act of 1965, or consortia that include such an institution; or

(3) are focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), or students who are dislocated workers, who do not have a bachelor's degree.

Page 196, beginning on line 21, strike subsection (c) and all that follows through page 197, line 5, and insert the following:

(c) GRANT DURATION; RENEWAL.—A grant awarded under this section shall be awarded to an eligible State for a 6-year period, except that if the Secretary determines that the eligible State has not made demonstrable progress in achieving the benchmarks developed pursuant to subsection (h) by the end of the third year of the grant period, non further grant funds shall be made available to the entity after the date of such determination.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), or students who are dislocated workers, who do not have a bachelor's degree.

(e) FEDERAL AND NON-FEDERAL SHARE; SUPPLEMENT, NOT SUPPLANT.—

Ms. KILROY. Madam Chair, I ask unanimous consent to bring up the amendment as modified by the form placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 16 offered by Ms. KILROY:

Page 185, beginning on line 21, strike paragraph (2) and insert the following:

(2) are institutions of higher education eligible for assistance under title III or V of the Higher Education Act of 1965, or consortia that include such an institution; or

(3) are focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), students who are dislocated workers, or students who are veterans, who do not have a bachelor's degree.

Page 196, beginning on line 21, strike subsection (c) and all that follows through page 197, line 5, and insert the following:

(c) GRANT DURATION; RENEWAL.—A grant awarded under this section shall be awarded to an eligible State for a 6-year period, except that if the Secretary determines that the eligible State has not made demonstrable progress in achieving the benchmarks developed pursuant to subsection (h) by the end of the third year of the grant period, non further grant funds shall be made available to the entity after the date of such determination.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applications focused on serving low-income, nontraditional students (as defined in section 803(j) of the Higher Education Act of 1965 (20 U.S.C. 1161c(j))), students who are dislocated workers, or students who are veterans, who do not have a bachelor's degree.

(e) FEDERAL AND NON-FEDERAL SHARE; SUPPLEMENT, NOT SUPPLANT.—

Ms. KILROY (during the reading). Madam Chair, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Without objection, the reading is dispensed with.

There was no objection.

The Acting CHAIR. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 746, the gentlewoman from Ohio (Ms. KILROY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KILROY. Thank you, Madam Chair. I yield myself as much time as I may consume.

My amendment will help Americans looking for jobs. My amendment will focus on getting the 55,000 unemployed central Ohioans in my district back working and also help veterans get the training that they and millions of unemployed Americans need to get that job, a job that will support a family and increase their wages. My amendment is possible because of the strong work of Chairman MILLER and his committee, and I thank him for that.

For many, finding a new job will mean enrolling in school at a time when the costs of higher education have been steadily increasing. Community colleges often represent the best and most affordable opportunity for individuals who need to obtain new skills but do not have the means to pay the tuition. Columbus State Community College in my district has been a source of pride because of the outstanding job they have done in these tough economic times to improve workforce training. On their own, they have created a special scholarship program that gives workers over the age of 25 without degrees up to $3,500 for retraining.

My amendment would ensure that Columbus State can continue their program and will encourage community colleges across the country to focus on dislocated workers and veterans. My amendment would help all of our out-of-work constituents, like the program at Columbus State has already helped my constituent Ryan. Raising a family of five, he was laid off from his job at a GM auto parts plant. But the scholarship program allowed him to retrain and pursue a passion to become a chef, get a full-time job and support his family. Not only did he receive a full-time job at a local restaurant, but he was also encouraged to open a catering business. His first job was a graduation party this summer that led to 14 new catering opportunities.

Madam Chair, this bill will be historic because of the opportunities it creates for education for our children. My amendment will ensure that this historic bill will also assist out-of-work Americans and veterans by getting them out of dead ends and into successful career paths.

Madam Chair, I reserve the balance of my time

Mr. KLINE of Minnesota. Madam Chair, I rise to claim time in opposition to the amendment, although, once again, I do not plan to oppose the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. KLINE of Minnesota. Thank you, Madam Chair.

Our higher education system should be focused on serving low-income and nontraditional students along with dislocated workers and veterans. In fact, some parts of the system are already working and working well. Community colleges and proprietary institutions, for example, are addressing this need. I do not oppose prioritizing these populations if we're providing grants for education and job training. But again, this amendment proves that H.R. 3221 was crafted hastily, failing to adequately address the needs of students and job seekers. It creates a new program that duplicates many of the purposes of the existing job training system under the Workforce Investment Act which is long overdue for reauthorization, I might add. Those populations are receiving assistance today under WIA.

I would also point out the perverse consequences of this bill coupled with this amendment. Under H.R. 3221, we will likely see significant job losses, creating those dislocated workers. Rather than adding to the number of dislocated workers, we should simply abandon this job-killing bill.

I reserve the balance of my time.

Ms. KILROY. May I inquire, Madam Chair, how much time I have?

The Acting CHAIR. The gentlewoman from Ohio has 2½ minutes remaining.

Ms. KILROY. I yield such time as he may consume to Representative ANDREWS from New Jersey.

Mr. ANDREWS. I thank the gentlelady for yielding.

The committee expresses its strong support for the gentlelady's amendment. The amendment is very much about a person who's not simply seeking a new job, like the story the gentlelady told about Ryan, but who is seeking a new career. And frankly, this is the difference between the issues raised in the Workforce Investment Act, which we should reauthorize, and this bill. The Workforce Investment Act really focuses on switching from job to job and helping someone do that.

The gentlelady's amendment and this bill focus on building a whole new life and a whole new career, which is necessary for many of our people. They have to do it involuntarily, but it also makes that available for the person who perhaps is doing it voluntarily.

The gentlelady's amendment properly focuses on the 55,000 people in her district and the millions of people across this country who find themselves involuntarily in a position where they must build a new career and a new life. Her amendment rewards institutions that are most innovative and creative in achieving that goal. For these reasons, we enthusiastically support the gentlelady's amendment and would urge a ''yes'' vote.

Mr. KLINE of Minnesota. Madam Chair, we're going to support this amendment. I yield back the balance of my time.

Ms. KILROY. Madam Chair, I appreciate the support from my colleagues and my colleagues from across the aisle. It is time that we come together to address this issue of the unemployed in our country. This amendment is about them. It's about getting them the education, the jobs and the training that will help them contribute to our economy and support their families.

I thank you very much and ask for support from my colleagues for the amendment and for this bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KILROY), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. MINNICK

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 111–256.

Mr. MINNICK. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. MINNICK:

Page 193, line 8, amend clause (iv) to read as follows:

(iv) transfer of general education credits, including education credits earned while serving in the Armed Forces, between institutions of higher education, as applicable;

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Idaho (Mr. MINNICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. MINNICK. Madam Chair, no group better exemplifies the power of what a college education can accomplish in building on practical life experiences than that of our Nation's servicemen and -women. So many of my State's and our Nation's leaders grew into adulthood through the military and then, with the benefit of a quality college education, went on to serve their communities and countries in positions of significant leadership in all walks of life.

□ 1130

It is critical that members of the Armed Forces who thirst for further formal education and show the extra initiative to earn college credit while in the service have the opportunity later to count those credits toward an advanced degree.

I'm proud to say that my amendment to the Student Aid and Fiscal Responsibility Act will enhance that opportunity by allowing servicemen and women to transfer academic credits earned while serving in the Armed Forces between institutions of higher education so as to benefit not only themselves but their families and their country.

My amendment has been endorsed by the Iraq and Afghanistan Veterans of America, the Idaho Division of Veteran Services, and the Idaho American legion.

I would like to thank Chairman MILLER and members of the Education and Labor Committee for their hard work on this legislation.

I urge my colleagues to support the Minnick amendment.

Madam Chair, I reserve the balance of my time.

Mr. GUTHRIE. Madam Chair, I rise to claim time in opposition though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GUTHRIE. Madam Chair, this amendment is important, I think, because I have some military experience and I have a lot friends with military experience, and as we send our young men and women across the world to defend us, they do take advantage of college opportunities that so many people and so many institutions do offer our military. And when they come home, we should expect that their efforts should count towards their degrees.

I think this is a very good thing to do, and I appreciate the gentleman from Idaho for bringing this forward.

Madam Chair, I reserve the balance of my time.

Mr. MINNICK. I thank the gentleman, and I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the author of the amendment for yielding.

The committee strongly supports his amendment and commends him for his excellent work.

No student should pay twice for the same course. If someone takes an English course and excels in it and learns a certain set of skills, he or she should then not have to pay again and consume his or her time again a second time around at a different institution. This is even more true for the men and women who volunteer to serve this country in the Armed Forces. I think it's very important that the House understands the benefits of Mr. MINNICK's very wise amendment.

If a young American today who's serving in Afghanistan is able to access college credits whether online or in person and then he or she returns to his or her hometown and wants to transfer those credits so he or she can then build on their education, what Mr. MINNICK says is that's one of the standards that we're going to hold these institutions to to see how well they cooperate with that veteran who has returned home. What it really does is make sure that the veteran has extra leverage, that if the course meets reasonable academic requirements and if the student really learns what he or she should, they're going to get the credit; so the veteran is not going to pay twice, nor is he or she going to have to spend as much time on their course. This is a very important to a lot of our returning veterans.

The committee enthusiastically embraces and supports this amendment by Mr. MINNICK.

Mr. GUTHRIE. Again I just want to say I agree. When our military men and women travel, they're temporary. When they travel, they're away from their homes and they move around quite often. And the military has done an outstanding job of encouraging people to advance their degrees, advance in the ranks; noncommissioned officers as well as commissioned officers now require education and degrees. And I think it's very important that we do this, as they may be in Afghanistan for a year and then back in Fort Campbell, Kentucky, for a year or two, and they're picking up different courses. Then when they get home and want to get on with their life and get back into the civilian sector, they ought to put all that together into a clear path towards a degree.

Again I appreciate the gentleman bringing this forward.

Madam Chair, I yield back the balance of my time.

Mr. MINNICK. I thank the gentleman from Kentucky, and I appreciate the bipartisan support for this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Idaho (Mr. MINNICK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MINNICK. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Idaho will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. PERRIELLO

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in House Report 111–256.

Mr. PERRIELLO. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. PERRIELLO:

Page 161, line 21, redesignate paragraph (14) as paragraph (15).

Page 161, after line 20, insert the following:

(14) A description of any disparity by geographic area (urban and rural) of available high quality early learning programs for low-income children and the steps the State will take to decrease such disparity, if applicable.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Virginia (Mr. PERRIELLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. PERRIELLO. Madam Chair, I yield myself such time as I may consume.

Today I rise in support of my amendment to H.R. 3221, the Student Financial Assistance and Fiscal Responsibility Act of 2009.

Simply stated, a well-educated citizenry is the bedrock of democracy. H.R. 3221 will help to renew America's global leadership in education. The bill will accomplish this important goal by making college more accessible, reforming quality early education opportunities, and by strengthening community colleges and training programs to help build a highly skilled and innovative 21st century workforce that is ready for the rigors of a global economy.

Study after study has validated the important role that early childhood education plays in a student's future educational success. U.S. Secretary of Health and Human Services, Kathleen Sebelius, recently testified before Congress, noting that ''too many children are entering school without the basic skills they need to succeed in kindergarten and beyond.'' The Secretary went on to say what many of us already know: ''Children who start off

school behind their peers are more likely to stay behind throughout their school lives and into adulthood, meaning they never reach their full potential.''

As a representative of a rural district, I know all too well the myriad of challenges faced by our rural public schools, many of which are faced with the evolving responsibility of providing our children with a first-class education while operating on less than adequate resources. In light of these disparities and the critical nexus between quality early childhood education and future educational success, I believe that affirmative steps must be taken to ensure that all public schools, regardless of geographic location, receive equal treatment in Federal education reform initiatives.

To that end the amendment I offer today would require that those States participating in the U.S. Department of Education's Quality Pathways Grant Program will evaluate and report to the Secretary of Education a description of any disparity by geographic area, rural and urban, that exists in ongoing high-quality, early learning programs for low-income children. The amendment would also require that participating States outline the steps the State will take to address any such disparities. The Congressional Budget Office has determined this amendment would have no direct effect on Federal direct spending or revenues and thus would have no PAYGO impact.

The key here is to do two things: First, to focus on the vital issue of early childhood development and education; and, second, not to punish those rural areas where disparity exists but rather to reward those areas that have identified that problem and laid out a plan for moving forward. This is not about punishing but about rewarding success, rewarding innovation, and moving forward, particularly in those crucial rural areas where it's so important that our children, our young people, get these same opportunities. As a Nation, we have a responsibility to ensure that all of our children have access to a high-quality education and the American Dream.

I urge my colleagues on both sides of the aisle to support this amendment and the underlying legislation so that we may move forward with our commitment to America's future.

Madam Chair, I reserve the balance of my time.

Mr. GUTHRIE. Madam Chair, I rise to claim time in opposition though I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GUTHRIE. Madam Chair, as I understand it, the purpose of this amendment is to ensure States applying for this new pre-K funding understand any geographic disparity between early learning programs for low-income children and consider steps to reduce the disparity. This amendment's a positive step. It may even move us closer to ensuring more low-income children are served by this program, something that's really not clearly spelled out in the bill.

Madam Chair, I reserve the balance of my time.

Mr. PERRIELLO. I thank the gentleman for his remarks, and I yield to the gentleman from New Jersey.

Mr. ANDREWS. I thank my friend for yielding and express the committee's strong support for his well-thought-out amendment.

The amendment reflects embracing three principles. The first is deficit reduction, because the underlying bill reduces the deficit by $10 billion. The second is the value of high-quality prekindergarten education for the children of this country. And the third is the principle of fairness. The quality of a child's education should not depend on his or her zip code. What Mr. PERRIELLO's amendment does is to say that States who receive these early learning grants will have to pay attention to that fact, to discern any patterns of inequality that exist and talk about what they're going to do to fix them. We think that's a very important point, and we commend Mr. PERRIELLO for listening to people in his district. I know he represents a lot of very small counties and local subdivisions, but I know that he doesn't treat anyone's concerns as small. And by raising this amendment, he is raising the concerns of those constituents.

The committee enthusiastically supports this amendment.

Mr. GUTHRIE. Madam Chair, I yield back the balance of my time.

Mr. PERRIELLO. Madam Chair, I ask that my colleagues support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. PERRIELLO).

The amendment was agreed to.

AMENDMENT NO. 19 OFFERED BY MR. SCHAUER

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in House Report 111–256.

Mr. SCHAUER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. SCHAUER:

Page 31, line 10, redesignate subparagraph (D) as subparagraph (E).

Page 31, line 17, redesignate subparagraph (E) as subparagraph (F).

Page 31, after line 9, insert the following:

(D) include activities to encourage dislocated workers (as such term is defined in section 101(9) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(9)) to complete postsecondary education opportunities;

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Michigan (Mr. SCHAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. Madam Chair, my amendment gives priority in awarding Federal grants to schools, States, and nonprofits to encourage dislocated workers to complete their degrees.

In the last 2 years, 6.5 million Americans have lost their jobs, and many of them remain dislocated workers. These individuals are in need of retraining in a new field that will help them transition in the new economy. And nowhere is this more true than in my home State of Michigan.

I want to tell you about Ray Roddy in Hillsdale, Michigan. His home county, by the way, has an unemployment rate of 20 percent. Mr. Roddy was laid off from his job making engine components and realized he would need further education to find another job. He enrolled at Jackson Community College and is working hard to become a nurse. Many like Ray need retraining to regain employment in a new field but are unable to find it.

Now, within the Access and Completion Innovation Fund, my amendment will give priority to degree completion, something that matters to people like Ray Roddy. H.R. 3221 will make key investments in providing Americans with affordable and accessible education. My amendment will ensure that those who have been hurt the most in this tough economy, like Ray, aren't lost and are provided with opportunities for retraining to get back on their feet.

Madam Chair, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the gentleman for yielding.

Madam Chair, I rise to engage in a colloquy with the gentleman from California, the distinguished chairman of the Education and Labor Committee.

Yesterday we voted to accept an amendment to ensure that local educational agencies that contain a military installation selected for closure under the BRAC process would qualify for access to reserved funds for distressed areas.

Mr. Chairman, not only do base closures under the BRAC process significantly affect local communities but also do rapid expansions due to realignment. The significant influx of military families, while welcomed in our communities, results in immediate and significant enrollment increases in our local schools and community colleges. These rapid population shifts put a strain on local budgets already distressed by the economic downturn.

Mr. Chairman, I am hopeful that as we move to conference, we can contemplate how we might assist these communities as well.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SCHAUER. I yield an additional 1 minute to the gentleman from North Carolina.

Mr. GEORGE MILLER of California. Will the gentleman yield?

Mr. ETHERIDGE. I yield to the chairman.

Mr. GEORGE MILLER of California. I realize that the BRAC process has a multitude of consequences for local communities, both those facing base closures and those dealing with base expansions. As we move forward, we can take a look at how we might assist these communities under existing avenues as well as in conference on this legislation.

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Mr. ETHERIDGE. I thank the gentleman from California for his work on this issue and for this legislation.

Mr. GUTHRIE. Madam Chairman, I rise to claim time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Kentucky is recognized for 5 minutes.

There was no objection.

Mr. GUTHRIE. The purpose of this amendment is to ensure dislocated workers are encouraged to compete through the grant process, and we think that's a worthwhile goal.

Also, since I have time, I want to complement what Chairman MILLER just said on BRAC. I actually represent Fort Knox, which is a big winner in the BRAC. I know a lot of communities were distressed before, but Fort Knox is going to be expanding and putting a lot of strain on our local schools.

I look forward to seeing what comes out of conference and being an opportunity to be supportive of that. I really appreciate that very much.

I yield back the balance of my time.

Mr. SCHAUER. Madam Chairman, I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the author for yielding, and the committee strongly supports his amendment.

This is another example of making sure that the educational opportunities in this bill are focused on American workers who most need the help, those who find themselves with their lives disrupted, their finances in tatters, and in a lot of trouble. The author just told a very moving story about one of his constituents who fit that description. What we want the House to do is move his legislation to success today and move forward so we can help the kind of individuals that the author of the amendment talked about. We thank him for offering it and express our support.

Mr. SCHAUER. Madam Chair, I ask my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. SCHAUER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it,

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 111–256.

Mr. TEAGUE. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. TEAGUE:

Page 182, after line 20, insert the following:

(7) Are students who are veterans.

Page 192, after line 2, insert the following:

(8) Expanding, enhancing, or creating academic programs or training programs that focus on preparing students for skilled occupations in energy-related fields, which may be carried out in partnership with employers and may include other relevant partners, that provide relevant job-skill training (including apprenticeships and worksite learning and training opportunities) for skilled occupations in high-demand industries.

(9) Expanding, enhancing, or creating academic programs or training programs that prepare students for occupations critical to serving veterans, including occupations within the Department of Veterans Affairs health care system.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Madam Chairwoman, I rise today to offer the first of two amendments I have to H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009. I would like to thank Chairwoman SLAUGHTER and Chairman MILLER for allowing the House to debate my proposals.

Madam Chairman, this amendment makes three commonsense changes to the American Graduation Initiative and the Student Aid and Fiscal Responsibility Act. The American Graduation Initiative makes a historic investment in our community colleges.

In my home State of New Mexico, community colleges enroll over 51,000 students. These institutions of higher education provide critical pathways for many nontraditional students to receive an education, and they provide training for workers looking to get hired on in a local industry.

My amendments will help the community colleges in my district access resources to serve the many veterans across New Mexico and help my constituents get training for energy jobs, which represent most of the good-paying jobs available in southern New Mexico.

My first amendment makes sure that the programs geared toward helping our veterans be successful in school are given priority in receiving grants. I consider one of my most important responsibilities in Congress to be looking out for the interests of our veterans. That's why I work for and earned a seat on the Veterans' Affairs Committee, and that's why I introduced this amendment and other legislation on their behalf.

By adopting this amendment, we will make sure that our veterans are at the front of the line in receiving the benefits of the bill. And after the service they have so selflessly given to our country, they deserve to be at the front of the line.

I encourage my colleagues to vote ''yes'' on this amendment and show our veterans that they are a priority by giving them priority under the American Graduation Initiative.

The next change makes sure that schools can use grant funds to establish, enhance, or expand programs that are geared towards training personnel who can serve our veterans. This change will allow schools to use money from this bill to train workers to serve our veterans in VA hospitals, clinics, and centers across America. And it could mean that we will be training the mental health professionals we need to address the growing problem of post-traumatic stress disorder.

The return of the soldiers from Afghanistan and Iraq is putting a tremendous strain on our already understaffed Veterans' Administration. We must start training workers to fill in these positions. This cannot happen overnight, and we must start making investments in solving this problem today.

The last part of my amendment will help schools in my district train students for energy jobs. In the northeast part of my district, they are looking for wind turbine technicians, and in the southeast we need skilled hands in the oilfield. No matter which part of the energy industry somebody wants to work in, they should be able to get the training they need at the community college in their town.

So my amendment aims to make it easier for schools to use grant funds to establish, enhance, or expand programs that train workers for careers in energy-related fields. A trained energy workforce will help us produce more energy in America, and producing more energy in America is the only way we can end our dependence on foreign oil and make our Nation secure.

I urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. GUTHRIE. Madam Chair, I rise to claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Kentucky is recognized for 5 minutes.

There was no objection.

Mr. GUTHRIE. Madam Chairwoman, the purpose of this amendment is twofold: it gives priority for applicants for the Community College Grant Program serving students who are veterans, and it also will allow to expand in energy-related fields.

We do not oppose the amendment, and I yield back my time.

Mr. TEAGUE. Madam Chairwoman, I am happy to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the gentleman from New Mexico, the author of the amendment, for yielding.

The committee strongly supports his very well-thought-out amendment.

Madam Chair, one of the things that I think we need to highlight about this amendment is its wisdom in understanding that perhaps the people who are best suited to work in our VA system are those who served the country themselves in the Armed Forces.

The gentleman talked about the fact that perhaps some of our returning veterans will be trained to work in mental health services for work in VA clinics and VA hospitals. And who would better understand the challenges and issues that one of our returning vets is facing than someone who has walked in his or her shoes?

So we think that among the many good ideas in this amendment, that focus on training people for the VA system makes an awful lot of sense. Obviously, as well, the energy component of the gentleman's amendment makes a great deal of sense.

So the committee thanks the gentleman for offering this amendment and would urge people in both parties to vote ''yes'' and support it.

Mr. TEAGUE. I thank the gentleman from New Jersey for his comments, and I urge all of my colleagues to vote ''yes'' on this bill.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in House Report 111–256.

Mr. TEAGUE. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. TEAGUE:

Page 5, after line 7, insert the following new section (and conform the table of contents accordingly):

SEC. 4. USE OF SAVINGS FOR DEBT REDUCTION.

All savings in Federal expenditures not otherwise expended as a result of the enactment of this Act shall be made available for the reduction of the Federal deficit.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Madam Chairwoman, I rise today to offer and speak in support of my deficit reduction amendment to H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009.

First of all, I would like to thank Chairwoman SLAUGHTER and Chairman MILLER for allowing the amendment to come to the floor today.

My amendment is simple; and like a lot of simple, commonsense legislation, it's not long either. Here's what it says:

All savings and Federal expenditures not otherwise expended as a result of enactment of this act shall be made available for the reduction of the Federal deficit. In other words, where we don't spend a dollar, we save a dollar.

Madam Chairwoman, America is drowning in debt. On the day that I was sworn in, the national debt was about $10.6 billion. And this year alone, the Congressional Budget Office expects that we will add another $1.4 trillion in deficit. This is clearly an unsustainable course. Our government must start practicing some fiscal responsibility. Businessmen like me have to balance their books; government needs to try and do the same.

This bill will put $10 billion toward reducing the deficit. But if we're going to completely close our annual deficits, we need a sustained solution. That is why I am also a strong supporter of statutory pay-as-you-go legislation, which says that Congress can't spend a dollar without saving a dollar.

Today, with the passage of this legislation, we save $10 billion of taxpayer money. With the passage of my amendment, we take that $10 billion and we lock it away for the purpose of deficit reduction. We lock it away to make sure our children and grandchildren don't have to pay a dollar.

So let's save this $10 billion, but let's also find a sustainable solution to reducing our deficit. That means tightening our belts when we need to, and of course passing statutory PAYGO into law.

Madam Chairwoman, I reserve the balance of my time.

Mr. GUTHRIE. Madam Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Kentucky is recognized for 5 minutes.

There was no objection.

Mr. GUTHRIE. I yield myself as much time as I may consume.

When we're talking about the $10 billion savings to the deficit and using CBO numbers, the number that we like to talk about, if you look at the overall cost of the budget, CBO numbers in the discretionary side, what this bill would do to the discretionary side, they're transferring money out of the mandatory into the discretionary side for administration.

And, also, as we expand Pell Grants, with this bill we will expand Pell Grants, on the mandatory side, which this bill scores, it doesn't score what will happen in the discretionary side. Part of Pell Grants are discretionary, so if you expand Pell Grant applicants in the mandatory side, it is also going to require additional appropriations. And we believe that the admin in the discretionary side plus the expansion of Pell Grants from CBO numbers is $13.5 billion cost to the system, which is more than the $10 billion that we're putting in the deficit reduction now. So we will have to increase more than we're putting in the deficit reduction.

The other thing is, these numbers were scored by CBO in March, and the most up-to-date numbers of people participating in the Pell Grants as of August—now that we're here in September—the August numbers believe that it will be $11.4 billion in added Pell Grant costs when using the most up-to-date numbers. And so I think those are real numbers that we can talk about. We are already up to—I guess it's $25 billion of costs that this will have when we're talking about $10 billion in savings.

The one thing that wasn't taken into account either—and these are numbers that could come to pass or not, but those first two numbers I think are real. The other is the $33 billion that CBO says hasn't been identified that are market risk to the program. Now, that's market risk: so you could have them, you could not have them, I'll cede that. But I do believe that the discretionary side of Pell and the most up-to-date numbers of Pell do show that it's about a $25 billion cost of the bill.

Madam Chairwoman, I reserve the balance of my time.

Mr. TEAGUE. Madam Chairwoman, I am happy to yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chair, I thank the gentleman for yielding. We are in strong support of his amendment.

Since his very first day in the House, the gentleman has worked diligently on the issue of addressing our deficit and reducing our debt. By supporting this amendment and by supporting this bill, he is following that course in a couple of ways. First, he is understanding that reducing entitlements is a key to reducing the deficit. And this bill has a net reduction of $10 billion in mandatory spending, as validated by the Congressional Budget Office. It is one of the single most significant entitlement reductions in several years, and the gentleman is to be commended for supporting it.

Second, the amendment shows understanding that economic growth is a powerful way to reduce our deficit and, therefore, our debt. And by supporting the investment in the education of the American people, we are supporting more jobs and more economic growth.

Finally, I would commend the gentleman for making sure that every dollar of that $10 billion in entitlement reduction will in fact be dedicated to deficit reduction.

The gentleman has offered a very good amendment. The committee strongly supports it and urges a ''yes'' vote.

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Mr. GUTHRIE. Mr. Chairman, if we disagree with the CBO numbers from the March score, instead of using the

most up-to-date ones, if you take $10 billion and save it from a mandatory program, I applaud that, and I applaud the amendment because we should save toward deficit reduction. Yet, if the bill allows you to take $10 billion and to save it for deficit reduction but on the discretionary side of the counter a tax dollar is a tax dollar and it requires you to spend $13.5 billion on transferring administrative costs from the program to discretionary, then the additional Pell Grants are going to have to be spent by the discretionary side through the appropriations process. So when you save $10 billion here but you spend $13.5 billion there, then you're raising the deficit $3.5 billion. I don't know any other way to look at it.

I reserve the balance of my time.

Mr. TEAGUE. Mr. Chairman, the CBO says that this bill will generate savings, and my amendment says that these savings will go to paying off the deficit.

I yield back the balance of my time.

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

The Acting CHAIR (Mr. HOLDEN). The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. TEAGUE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. SOUDER

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in House Report 111–256.

Mr. GEORGE MILLER of California. Mr. Chairman, I ask unanimous consent to speak out of turn for 2 minutes.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. Mr. Chairman, it is now time, as the Chair has noted, to move to amendment No. 22 by Mr. SOUDER. My understanding is that Mr. SOUDER will not be offering that amendment and that he and the gentleman from Colorado (Mr. PERLMUTTER) have had discussions around this amendment, and they have agreed that we should work this out in the conference committee. I have agreed to their discussions, and they are pursuing those at this time.

Mr. PERLMUTTER. Will the gentleman yield?

Mr. GEORGE MILLER of California. I would be happy to yield to the gentleman from Colorado.

Mr. PERLMUTTER. Thank you, Mr. MILLER.

Mr. Chairman, Mr. SOUDER and I have had a conversation. I think we're going to reach a good compromise that will be good for the bill. I have committed, as have you, to work with Mr. SOUDER in a conference committee to get that done.

Mr. GEORGE MILLER of California. I thank the gentleman.

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

AMENDMENT NO. 23 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in House Report 111–256.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. FLAKE:

Page 5, after line 7, insert the following new section (and conform the table of contents accordingly):

SEC. 4. PROHIBITION ON EARMARKS.

None of the funds appropriated pursuant to this Act may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chair, this amendment, I believe, is noncontroversial. It simply ensures that the funds within the new grant programs created in this bill are not earmarked but, rather, that they are awarded on a competitive or on a formula basis.

It is important that we add prohibitive language here. There is prohibitive language in one of the sections of the bill, but it does not apply to the entire bill, so we need to ensure that the entire bill with these new grant programs isn't earmarked.

As we have seen in the past, unfortunately, even when Congress says we have no intention of earmarking these accounts or this bill, we do. The best example, perhaps, is the Homeland Security bill. When the Homeland Security legislation came through first and we created the department, we were told that we wouldn't be earmarking these funds. Well, it just took us a few years, and now there are literally hundreds of earmarks in the Homeland Security bill.

Many of the accounts that should be awarded on a competitive basis—disaster mitigation and other things—are now earmarked, so when communities and organizations apply for this funding, it's already earmarked, and they can't even compete. We don't want this to happen in other areas as well, so it's important that this amendment is accepted. I believe that it will be.

It is consistent with legislation that I've offered before to the BEACH Act a couple of years ago. That was voted on with a roll call vote and was approved. Later, when the Paycheck Fairness Act passed last year, this amendment was accepted by a voice vote. Most recently, it was accepted by voice vote on H.R. 1262, the Water Quality Investment Act, and on H.R. 2200, the TSA authorization bill.

I reserve the balance of my time.

Mr. ANDREWS. I rise to claim time in opposition, although I will not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, the committee supports the amendment. The clear intention of the underlying spending bill is that the funds be awarded on the formula and competitive basis stated in the bill. There is no intention that any be earmarked.

For the record, I would just say that our support of the amendment should not be read to imply that we do not support congressionally sponsored projects in other contexts, but on this one, I agree with the gentleman's amendment and would urge its acceptance.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman.

I wish the gentleman would make that statement, but I don't expect that here, certainly, and I am pleased that this amendment will be accepted.

I yield back the balance of my time.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 24 OFFERED BY MR. GUTHRIE

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 111–256.

Mr. GUTHRIE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. GUTHRIE:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the ''Ensuring Student Choice and Competition Act of 2009''.

SEC. 2. EXTENSION OF ENSURING CONTINUED ACCESS AND STUDENT LOANS ACT.

Section 459A of the Higher Education Act of 1965 (20 U.S.C. 1087i-1) is amended—

(1) in subsection (a)(1), by striking ''July 1, 2010'' and inserting ''July 1, 2014'';

(2) in subsection (e)—

(A) in paragraph (1)(A), by striking ''September 30, 2010'' and inserting ''September 30, 2014'';

(B) in paragraph (2)—

(i) by striking ''February 15, 2011'' and inserting ''February 15, 2015''; and

(ii) by striking ''September 30, 2010'' and inserting ''September 30, 2014''; and

(C) in paragraph (3), by striking ''2010, and 2011'' and inserting ''2010, 2011, 2012, 2013, 2014, and 2015'';

(3) in subsection (f), by striking ''July 1, 2010'' and inserting ''July 1, 2014''; and

(4) by adding at the end the following new subsection:

''(g) SPECIAL RULE.—

''(1) IN GENERAL.—Subject to paragraph (2), in carrying out the program under this section, the Secretary shall continue, until

June 30, 2014, to carry out the 3 programs described in the Federal Register notices published pursuant to subsection (a)(2) of this section, as such programs were in effect on the day before the date of enactment of the Ensuring Student Choice and Competition Act of 2009.

''(2) LOAN PARTICIPATION PURCHASE PROGRAM.—Notwithstanding any provision of law to the contrary or the terms and conditions of the programs described in the Federal Register notices published pursuant to subsection (a)(2), an eligible lender participating in the loan participation purchase program shall not, prior to July 1, 2014, be required to—

''(A) make a redemption payment with respect to each eligible loan purchased by the Secretary; or

''(B) exercise the put option with respect to each such loan.

''(3) DEFINITIONS.—The terms 'redemption payment' and 'put option' refer to the redemption payment and put option described in the summary of the terms and conditions of the loan participation purchase program (73 Federal Register 127, July 1, 2008).''.

SEC. 3. STUDY OF FFEL PROGRAM ALTERNATIVES.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Comptroller General of the United States, the Secretary of Education, and the Secretary of the Treasury, in consultation with the study group described in paragraph (2), shall conduct a study to identify and make recommendations for the development of a Federal student loan program that incorporates a strong public-private partnership between the Federal Government and the private sector.

(2) STUDY GROUP.—The Comptroller General of the United States, the Secretary of Education, and the Secretary of the Treasury shall convene a study group which shall include—

(A) the Director of the Office of Management and Budget;

(B) the Director of the Congressional Budget Office;

(C) representatives of entities making loans under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.);

(D) representatives of other entities in the financial services community;

(E) representatives of other participants in the student loan programs; and

(F) such other individuals as the Comptroller General of the United States, the Secretary of Education, and the Secretary of the Treasury may designate.

(b) DESIGN OF THE STUDY.—The study conducted under this section shall identify recommendations for a new model for maintaining a strong public-private partnership for student lending. Such model shall be designed to achieve the following objectives:

(1) Use private capital in loan origination.

(2) Produce sufficient market competition among loan providers to ensure that students and families have choices in Federal student loans.

(3) Avoid waste, fraud, and abuse.

(c) FACTORS.—The study group shall consider the following factors in developing recommendations for a model that meets the objectives described in subsection (b):

(1) The ability of lenders, guaranty agencies, and loan servicers to provide top-quality customer service, default aversion activities, and financial literacy activities.

(2) The use of in-school subsidies or flexible repayment options to ensure that borrowers are able to successfully repay their loans.

(3) The ability of the program to be streamlined for ease of administration and understanding by institutions of higher education, students, and families.

(4) The stability of the program during times of economic disruption by uncontrollable market forces.

(5) The use of market mechanisms in determining lender return on student loans, while continuing to meet the other objectives of the programs under parts B and D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq; 1087a et seq.), including the provision of loans to all eligible students.

(6) The feasibility of requiring borrowers to repay loans through income tax withholding.

(d) PRELIMINARY REPORT AND PUBLICATION OF STUDY.—

(1) PRELIMINARY REPORT.—Not later than July 1, 2012, the study group shall prepare a preliminary report on the recommendations of the study conducted under this section, including any additional or dissenting views with respect to the findings, available to the public with a 60-day request for public comment. The study group shall review the public comments.

(2) FINAL REPORT.—Not later than January 1, 2013, the Comptroller General of the United States, the Secretary of Education, and Secretary of the Treasury shall submit a final report on the recommendations of the study, including any additional or dissenting views, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 4. REVISED SPECIAL ALLOWANCE CALCULATION.

(a) REVISED CALCULATION RULE.—Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is amended by adding at the end the following new clause:

''(vii) REVISED CALCULATION RULE TO REFLECT FINANCIAL MARKET CONDITIONS.—

''(I) CALCULATION BASED ON LIBOR.—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, in computing the special allowance paid pursuant to this subsection with respect to loans described in subclause (II), clause (i)(I) of this subparagraph shall be applied by substituting 'of the 1-month London Inter Bank Offered Rate (LIBOR) for United States dollars in effect for each of the days in such quarter as compiled and released by the British Bankers Association' for 'of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H–15 (or its successor) for such 3-month period'.

''(II) LOANS ELIGIBLE FOR LIBOR-BASED CALCULATION.—The special allowance paid pursuant to this subsection shall be calculated as described in subclause (I) with respect to special allowance payments for the 3-month period ending December 31, 2009, and each succeeding 3-month period, on loans for which the first disbursement is made—

''(aa) on or after the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, and before July 1, 2010; and

''(bb) on or after January 1, 2000, and before the date of enactment of the Student Aid and Fiscal Responsibility Act of 2009, if, not later than the last day of the second full fiscal quarter after the date of enactment of such Act, the holder of the loan affirmatively and permanently waives all contractual, statutory or other legal rights to a special allowance paid pursuant to this subsection that is calculated using the formula in effect at the time the loans were first disbursed.

''(III) TERMS OF WAIVER.—A waiver pursuant to subclause (II)(bb) shall—

''(aa) be applicable to all loans described in such subclause that are held under any lender identification number associated with the holder (pursuant to section 487B); and

''(bb) apply with respect to all future calculations of the special allowance on loans described in such subclause that are held on the date of such waiver or that are acquired by the holder after such date.

''(IV) PARTICIPANT'S YIELD.—For the calendar quarter beginning on October 1, 2009, and each subsequent calendar quarter, the Secretary's participant yield in any loan for which the first disbursement is made on or after January 1, 2000, and before October 1, 2009, and that is held by a lender that has sold any participation interest in such loan to the Secretary shall be determined by using the LIBOR-based rate described in subclause (I) as the substitute rate (for the commercial paper rate) referred to in the participation agreement between the Secretary and such lender.'';

(b) CONFORMING AMENDMENT.—Section 438(b)(2)(I) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(I)) is further amended—

(1) in clause (i)(II), by striking ''such average bond equivalent rate'' and inserting ''the rate determined under subclause (I)''; and

(2) in clause (v)(III) by striking ''(iv), and (vi)'' and inserting ''(iv), (vi), and (vii)''.

SEC. 5. AUTHORIZATION AND APPROPRIATION OF FUNDS.

Section 401A(e)(1)(E) of the Higher Education Act of 1965 (U.S.C. 1070a-1(e)(1)(E)) is amended by striking ''$1,010,000,000'' and inserting ''$250,000,000''.

The Acting CHAIR. Pursuant to House Resolution 746, the gentleman from Kentucky (Mr. GUTHRIE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. GUTHRIE. Mr. Chairman, I yield myself as much time as I may consume.

I am pleased to join Ranking Member KLINE in offering this amendment. Our amendment accomplishes key goals for student loan stabilization and reform without gutting a successful public-private partnership.

First, this amendment preserves the FFEL program—the Federal Family Education Loan Program. It ensures stability and continuity for both students and schools by extending the Ensuring Continued Access for Student Loans Act, or ECASLA, through 2014, which aligns it with the rest of the Higher Education Act, which Congress reauthorized last year.

As long as we're facing a global credit shortage, ECASLA provides a Federal backstop to ensure there is no interruption in funding for students and families. As the market recovers, ECASLA offers the flexibility for private capital to return. In fact, even in today's weakened economy, a substantial portion of loans originated in the FFEL program are made with private capital.

We know the ECASLA programs are working on campuses all around the country. We have heard from a group of financial aid administrators who have made it clear that ECASLA is working. You just don't have to talk to financial administrators. I would submit that 4,400 colleges and universities still participate in the FFEL program, and they voted with their feet. If they felt

that ECASLA had not been working, they would have joined the Direct Loan Program by now, but they haven't.

I've heard from colleges and universities across my district—from large public, State universities to small, independent, private colleges, and they've all shared with me how the FFEL program benefits their students by offering the services of flexibility and choice with additional services. Let's not forget about how this helps students.

Second, our amendment will drive down the deficit. ECASLA proves that you can save taxpayer money while preserving an effective program. In fact, we expect to generate $13 billion in savings over the next 5 years. Poll after poll shows that the American people are deeply concerned about the deficit. We should invest in future generations by putting the savings toward deficit reduction.

Third, we chart a path for the future by pursuing a comprehensive renewal of student lending. By extending ECASLA through 2014, consistent with other financial aid programs, we create a vital window of opportunity to pursue real student loan reform. Our amendment would create a commission to study the student lending system and would propose a new framework for stable, cost-effective financing.

We will remove politics from the discussion and focus on what matters: preserving choice and competition for borrowers; preventing waste, fraud and abuse; maintaining value-added benefits like financial literacy and counseling; ensuring stability even in a weak economy; and retaining private capital, avoiding a massive infliction of debt on future generations.

Finally, I would like to point out that our amendment does not create the same long-term entitlement expansions that have been called for in this bill. The issues addressed in the majority's bill are all important. Republicans care about the condition of our schools, about pre-K education, about community colleges, and about their role in developing our workforce, but this is the wrong place and the wrong way to address these challenges. We can invest in students without crippling them with runaway entitlement spending. This is a straightforward amendment based on extending a bipartisan solution. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment. I will oppose the amendment

The Acting CHAIR. The gentleman from New Jersey is recognized for 10 minutes.

Mr. ANDREWS. Mr. Chairman, this amendment recognizes the need for substantial reform in the Federal student loan program. It recognizes that the practice of using taxpayer money to reward private institutions that take risks, not with their own money but with taxpayer money, doesn't make any sense. So there is recognition of this problem, and that recognition is shared by the underlying bill, but here is where the underlying bill parts company from the amendment, and it's why we oppose it.

There is a huge difference between these two approaches on what to do. The approach that the minority favors saves about $17 billion less than the approach that the underlying bill favors. It's a reform that continues, unwisely in my judgment, the practice of using taxpayer money to subsidize private institutions that take a risk with taxpayer money. So, rather than continue those subsidies, the underlying bill makes some very different choices, and here is the difference on what the choices are in the $17 billion difference.

The underlying bill says let's spend that money so returning veterans could get Pell Grants in addition to their GI benefits and continue their educations. They would spend the $17 billion on bank subsidies.

Our bill recognizes the fact that community colleges are burgeoning with new enrollees who need an education because of the tumultuous circumstances in our economy. Our bill says let's spend the $17 billion to strengthen those community colleges. The amendment says let's spend it on bank subsidies.

There are students, as we speak, who are attending schools. They're taking classes in broom closets, in former boiler rooms because their schools don't have adequate places to teach children. There are schools that are more than 100 years old where children are learning about the Civil War in buildings that were built at the time of the Civil War. Our bill says let's invest some of that $17 billion in upgrading the quality of those schools and in putting Americans back to work. The amendment says, no, let's spend it on bank subsidies.

Finally, there is a choice about early childhood. Our bill says that we value and want to invest in the reading and math skills of a 4-year-old or a 5-year-old so he or she can excel as a student, can climb the ladder as a student and can succeed as a worker and as a taxpayer. So it makes an historic investment in quality early childhood education around this country. Their bill favors bank subsidies. We think our approach is right.

At this time, I yield to the chairman of the full committee to continue the argument, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman.

Mr. Chairman, my colleague on the other side of the aisle said that this legislation is the wrong way and the wrong place to make this investment. He has got it exactly backwards. This is the exact way to make this investment—to take the savings by cutting the subsidies to the lenders and recycling those on behalf of families, students and our community institutions so that we can expand the educational opportunities in this country.

We cannot continue just to wring our hands about our competitive place in the world, about the need for new engineers, new scientists, new mathematicians, a skilled and technologically fit workforce in this country. We must do something about it.

What the Obama administration has said under the leadership of the President and the Secretary of Education is that we're going to do something about it now, and we're going to provide additional money for Pell Grants, that we're going to provide additional money for community colleges, that we're going to provide additional money for early childhood education, and that we're going to provide additional opportunities for access and completion of that educational opportunity. It's not enough that young people start college. It's important that they finish college.

We've got to do better at that, and we're going to do it in a fiscally sound manner. We're going to pay for it, because there is enough money in those exorbitant subsidies that we pay decade after decade that were first raised to the consciousness of this Congress by President Bush's Office of Management and Budget. They kept showing us the comparison. If you ran the Direct Loan Program, you would save a huge amount of money for the taxpayers.

Finally, this Congress, under this administration, is taking the leadership to take that money and to recycle it on behalf of our families and students.

□ 1215

I just want to say, this is the right time, the right place, and the right way to do this. I thank him for his support in opposition to this amendment.

Mr. ANDREWS. We reserve the balance of our time.

Mr. GUTHRIE. I yield 3 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

We clearly have some differences of opinion on this legislation, as often happens in this body. I want to underscore a couple of things that the underlying bill, by mandating the public option, mandating a government takeover of an industry, does to expand the government's role. It creates new programs, it creates new expenses. It will cost jobs in the private sector.

And when you remove the budget gimmicks, and you look at the latest numbers from the Congressional Budget Office, it is clear that it will add to the deficit. It will add to our debt.

And so we are looking at an underlying bill here that says it's better if we turn over to the Department of Education and the Treasury the responsibilities of lending $100 billion a year to students and getting the interest back from those loans.

Of course, we don't have the $100 billion. We are running a deficit this year

of $1.6 trillion, and we are looking at a debt in 10 years of $21 trillion. So in order for the government, now this huge bank, to have the money to lend, the government is going to have to go somewhere, China perhaps, and borrow that money so that it can lend the money. This seems to be a strange time to be doing this.

I think the underlying bill is flawed. I think it is a rush to a government takeover. It is going to add to our deficit.

So I rise in strong support of this amendment, which says let's take advantage of the private sector. Let's see if there is a way that we can strengthen it, encourage it. Let's take some time and continue with the bipartisan agreement ECASLA and look at the program before we push precipitously the entire industry into the hands of the government.

Mr. ANDREWS. I would inquire of the Chair how much time we have remaining on our side?

The Acting CHAIR. Both sides have 5 minutes remaining.

Mr. ANDREWS. Before I yield to the gentleman from New York, it is very important for the Members to understand the alternative proposal substitute guts the early childhood investment, guts the increase in Pell Grant, guts the aid to community college and guts the other investments in education, the historically black colleges, the Hispanic-serving institutions, it takes away that investment. We think that is very unwise.

At this time I would yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the gentleman for yielding.

I rise in opposition to the amendment, and I urge my colleagues to vote ''no'' on this amendment.

Frankly, I am surprised. Over the last 2 days we have heard a great deal from our friends on the other side of the aisle about the deficit, about which we should all quite correctly be concerned. And, frankly, I thought that their substitute amendment would address that issue in a very forceful way.

This amendment does not. This amendment leaves in place a program that is wasteful and expensive. It leaves in place a program that costs approximately $8 billion to $9 billion more per year than that which we are proposing to take its place, the Direct Loan Program.

What this amendment essentially says is that over the next 5 years, the Federal Government gets to do the heavy lifting of this loan program. The Federal Government gets to do the heavy lifting of providing the capital, it gets to do the heavy lifting of guaranteeing the amounts that are loaned, and the private lenders get to walk away with the profits. I don't see how any reasonable person can think that that is a situation that we can allow to stand.

What the amendment also says is, it says to needy students, Hope you can get by, hope you can make it as you try to pay your bills. We would love to help, but we have got these lenders that are counting on huge profits, and we have got to make sure that we provide for them.

Our proposal, the underlying bill, says quite the opposite. Our proposal says that we are going to pay, take Federal tax dollars and put them to their highest possible use in this circumstance, and that is helping needy students go to college.

Every one of us, virtually every one of us that has the privilege of serving in this Chamber, is here because we had the opportunity to seek a higher education. What our bill does, the underlying bill does, is it says to everyone else that's out there, that has aspirations of their own, that we are going to help you get your slice of the American dream.

In doing so, we build a stronger Nation, because we build a Nation that can compete on equal footing with the rest of the world.

Mr. GUTHRIE. Mr. Chairman, the 2014 numbers, when the Higher Education Act is reauthorized—and we feel it would be appropriate to do it—when we have ECASLA in place, when the markets are turning around, when the markets do turn around, the heavy lifting—we were at a unique time last year. I wasn't in the Congress last year when the bipartisan group came together to do ECASLA to preserve, and worked, both Republicans and Democrats together, and should be commended for that.

All we are asking is that we continue that until the higher education is authorized, during that time have the commission study and see exactly with what program we should go. We did talk a lot about deficit reduction because, quite frankly, I think that's the most important thing in the country.

If we look at CBO numbers, when you say $10 billion in a mandatory spending program, but spend $13.5 billion in a discretionary spending program using CBO numbers, then you are not putting $10 billion to the deficit if you are spending $13.5 billion in discretionary spending, because as the Pell Grants expand on the mandatory side of the aisle, they also expand on the discretionary side. So when a taxpayer sends their dollar to Washington D.C., they don't mark it for discretionary or mandatory, it comes here and it's spent.

So the underlying bill, using CBO numbers, I am not going to bring in the market risk, because we can argue that. Some people have asked for $33 billion, we could argue that. But just in real hard numbers, spending, transferring administration in the Pell Grant, discretionary side, says that the underlying bill is a $3.5 billion addition to the deficit.

I yield back the balance of my time.

Mr. ANDREWS. We would respectfully ask that the House disapprove this amendment, vote against it.

I did want to return to one of the fiscal arguments we heard from my friend from Minnesota, that he is right, that the idea of borrowing money from central banks around the world is not desirable to anyone here. And he is right that we should embark on an effort to reduce our deficit and eventually reduce that debt.

But I would respectfully say he is wrong with his further characterization of this issue.

What the status quo does is to borrow that very same money, which none of us wants to borrow, and then turn around and use it to reward private lending institutions who are taking risks with taxpayer money. The issue is not whether the taxpayers are at risk, the issue is how they will be at risk.

The existing status quo, which I believe the minority, through this amendment, shows that it understands needs change, puts the taxpayers' money at risk and then rewards private institutions for putting the taxpayers' money at risk. That simply makes no sense.

With respect to the fiscal argument about the $87 billion and the cost in discretionary spending, there is one that is something that is clearly known, and something that is subject to dispute. What's clearly known is that the Congressional Budget Office has said there will be $87 billion in gross savings under this bill. What happens each year under the discretionary side is for this House to work its will and decide.

So we would urge defeat of this amendment. If you believe in investment in early childhood education, in Pell Grants, in community colleges, in our Historically Black Colleges and Universities, and in our Hispanic-serving institutions and other minority-serving institutions, and if you believe in $10 billion of deficit reduction, the right course is to vote against this substitute, vote for the underlying bill.

We yield back the balance of our time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. GUTHRIE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GUTHRIE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kentucky will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–256 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HOEKSTRA of Michigan.

Amendment No. 4 by Mrs. MCMORRIS RODGERS of Washington.

Amendment No. 7 by Ms. FOXX of North Carolina.

Amendment No. 15 by Mr. HIMES of Connecticut.

Amendment No. 17 by Mr. MINNICK of Idaho.

Amendment No. 19 by Mr. SCHAUER of Michigan.

Amendment No. 21 by Mr. TEAGUE of New Mexico.

Amendment No. 24 by Mr. GUTHRIE of Kentucky.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

Strike title III of the Bill, and redesignate titles IV and V as titles III and IV, respectively.

Redesignate sections 401 through 409 as sections 301 through 309, respectively.

Redesignate sections 501 through 505 as sections 401 through 405, respectively.

Page 144, line 23, strike ''section 403'' and insert ''section 303''.

Page 145, line 1, strike ''section 404'' and insert ''section 304''.

Page 145, line 4, and page 174, lines 3 and 14, strike ''section 403(c)(3)'' and insert ''section 303(c)(3)''.

Page 145, line 17, and page 174, line 5, strike ''section 405'' and insert ''section 305''.

Page 147, line 4, strike ''404'' and insert ''304''.

Page 148, line 10, strike ''section 403(f)'' and insert ''section 303(f)''.

Page 150, line 15, strike ''section 405(2)'' and insert ''section 305(f)''.

Page 151, lines 4 and 25, page 153, lines 8 and 12, page 162, lines 2 and 17, page 163, line 1, page 166, lines 18 and 23, page 168, line 4 and 19, and page 175, line 25, strike ''section 402(a)'' and insert ''section 302(a)''.

Page 151, line 21, strike ''section 405(1)'' and insert ''section 305(1)''.

Page 153, line 13, and page 162, line 6, strike ''section 402(d)'' and insert ''section 302(d)''.

Page 168, line 10, 15, and 21, page 169, line 2, and page 170, line 7, strike ''section 402(b)'' and insert ''section 302(b)''.

Page 168, line 17, strike ''section 402(c)(3)'' and insert ''section 302(c)(3)''.

Page 170, line 11, strike ''section 402(c)(1)'' and insert ''section 302(c)(1)''.

Page 178, line 9, strike ''503'' and insert ''403''.

Page 178, line 12, strike ''504'' and insert ''404''.

Page 178, lines 15 and 18, strike ''section 505'' and insert ''section 405''.

Page 178, beginning on line 20, strike ''sections 503 and 504'' and insert ''sections 403 and 404''.

Page 179, line 3, strike ''sections 503 and 504'' and insert ''sections 403 and 404''.

Page 183, line 8, strike ''section 502(a)(3)'' and insert ''section 402(a)(3)''.

Page 184, line 6, and page 194, line 10, strike ''section 501(b)(1)'' and insert ''section 401(b)(1)''.

Page 188, line 15, strike ''section 505(b)'' and insert ''section 405(b)''.

Page 189, line 6, and page 191, lines 5, 13, and 20, strike ''section 502(a)(3)'' and insert ''section 402(a)(3)''.

Page 196, line 2, and page 200, line 1, strike ''503(i)'' and insert ''403(i)''.

Page 200, line 8, strike ''section 503(f)(1)'' and insert ''section 403(f)(1)''.

Conform the table of contents accordingly.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes, 262, not voting 16, as follows:

[Roll No. 710]

AYES—161

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Delahunt
Dent
Doggett
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Olson
Paulsen
Pence
Peters
Peterson
Petri
Pitts
Poe (TX)
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—262

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
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)
McCaul
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Abercrombie
Barrett (SC)
Bishop (UT)
Costa
Dingell
Faleomavaega
Johnson (GA)
Lummis
Marchant
Moore (KS)
Nunes
Paul
Radanovich
Rahall
Sutton
Tanner

□ 1250

Mrs. CAPPS, Messrs. ENGEL, POSEY, HOYER, ADLER of New Jersey, HASTINGS of Florida, LARSON of Connecticut, WEINER, CAO, RUSH, CAPUANO, and WEXLER changed their vote from ''aye'' to ''no.''

Mrs. MILLER of Michigan and Mrs. McMORRIS RODGERS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MRS. MCMORRIS RODGERS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Washington (Mrs. McMORRIS RODGERS) on which further

proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. MCMORRIS RODGERS:

Page 118, beginning on line 8, strike section 331 and insert the following:

SEC. 331. IMPERMISSIBLE USES OF FUNDS AND CONCURRENT FUNDING.

(a) IN GENERAL.—No funds received under this subtitle may be used for—

(1) payment of maintenance costs, including routine repairs classified as current expenditures under State or local law;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) improvement or construction of facilities the purpose of which is not the education of children, including central office administration or operations or logistical support facilities; or

(4) purchasing carbon offsets.

(b) FUNDING UNDER OTHER ACTS.—Funds made available under this title shall not be used to assist any local educational agency that receives funding for the construction, modernization, renovation, and repair of facilities under the American Recovery and Reinvestment Act of 2009.

Conform the table of contents accordingly.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 251, not voting 21, as follows:

[Roll No. 711]

AYES—167

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Doggett
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—251

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—21

Abercrombie
Barrett (SC)
Braley (IA)
Cantor
Costa
Culberson
Dingell
Franks (AZ)
Inslee
Israel
Kennedy
McHugh
Nunes
Paul
Perlmutter
Radanovich
Rangel
Ryan (OH)
Tanner
Watt
Wexler

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1257

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FRANKS of Arizona. Mr. Chair, on rollcall No. 711 I inadvertently missed the vote. Had I been present, I would have voted "aye."

Mr. CULBERSON. Mr. Chair, on rollcall 711 I was unable to record my vote. I intended to vote "aye" on that question.

Mr. KENNEDY. Mr. Chair, on rollcall No. 711 I was detained. Had I been present, I would have voted "no."

AMENDMENT NO. 7 OFFERED BY MS. FOXX

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. FOXX:

Page 27, beginning on line 20, strike "has the meaning given" and all that follows through "2009" and insert "refers to a State public employment service established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)".

Page 27, line 25, strike "have the meanings given" and all that follows through page 28, line 2, and insert "refer to a State workforce investment board established under section 111 of the Workforce Investment Act (29 U.S.C. 2821) and a local workforce investment board established under section 117 of such Act (29 U.S.C. 2832), respectively."

Amend title V of the Bill to read as follows:

TITLE V—PRIVACY AND ACCESS TO DATA

SEC. 501. PRIVACY AND ACCESS TO DATA.

(a) IN GENERAL.—Each State or consortia that receives a grant under any provision of this Act shall implement measures to—

(1) ensure that the statewide longitudinal data system under this subsection and any other data system the State or consortia is operating for the purposes of this Act meet the requirements of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the "Family Educational Rights and Privacy Act of 1974");

(2) limit the use of information in any such data system by governmental agencies in the State, including State agencies, State educational authorities, local educational agencies, community colleges, and institutions of higher education, to education and workforce related activities under this Act or education and workforce related activities otherwise permitted by Federal or State law;

(3) prohibit the disclosure of personally identifiable information except as permitted under section 444 of the General Education Provisions Act and any additional limitations set forth in State law;

(4) keep an accurate accounting of the date, nature, and purpose of each disclosure of personally identifiable information in any such data system, a description of the information disclosed, and the name and address of the person, agency, institution, or entity to whom the disclosure is made, which accounting shall be made available on request to parents of any student whose information has been disclosed;

(5) notwithstanding section 444 of the General Education Provisions Act, require any non-governmental party obtaining personally identifiable information to sign a data use agreement prior to disclosure that—

(A) prohibits the party from further disclosing the information;

(B) prohibits the party from using the information for any purpose other than the purpose specified in the agreement; and

(C) requires the party to destroy the information when the purpose for which the disclosure was made is accomplished;

(6) maintain adequate security measures to ensure the confidentiality and integrity of any such data system, such as protecting a student record from identification by a unique identifier;

(7) where rights are provided to parents under this clause, provide those rights to the student instead of the parent if the student has reached the age of 18 or is enrolled in a postsecondary educational institution; and

(8) ensure adequate enforcement of the requirements of this paragraph.

(b) USE OF UNIQUE IDENTIFIERS.—It shall be unlawful for any Federal, State, or local governmental agency to—

(1) use the unique identifiers employed in such data systems for any purpose other than as authorized by Federal or State law; or

(2) deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose the individual's unique identifier.

Conform the table of contents accordingly.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 126, noes 301, not voting 12, as follows:

[Roll No. 712]

AYES—126

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bishop (UT)
Blackburn
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Emerson
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Harper
Hastings (WA)
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Olson
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Wilson (SC)
Young (FL)

NOES—301

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Burgess
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
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
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
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
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—12

Abercrombie
Barrett (SC)
Bilbray
Costa
Dingell
Fallin
McHugh
Nunes
Paul
Perlmutter
Radanovich
Tanner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1304

Mr. ADLER of New Jersey changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. HIMES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. HIMES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 428, noes 2, not voting 9, as follows:

[Roll No. 713]

AYES—428

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)

Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
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
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
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
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
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)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
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)

NOES—2

Johnson, Sam
Smith (WA)

NOT VOTING—9

Abercrombie
Barrett (SC)
Costa
McHugh
Nunes
Paul
Radanovich
Tanner
Tiberi

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1311

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. MINNICK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho (Mr. MINNICK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 428, noes 0, not voting 11, as follows:

[Roll No. 714]

AYES—428

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
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
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (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
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
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
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
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
Stark
Stearns
Stupak
Sullivan
Sutton
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—11

Abercrombie
Barrett (SC)
Bilbray
Carnahan
Costa
Kingston
McHugh
Nunes
Paul
Radanovich
Tanner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1317

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 19 OFFERED BY MR. SCHAUER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. SCHAUER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 5, not voting 9, as follows:

[Roll No. 715]

AYES—425

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
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
Faleomavaega
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)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
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
Stark
Stearns
Stupak
Sullivan
Sutton
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)

NOES—5

Bishop (UT)
Broun (GA)
Flake
Johnson, Sam
McClintock

NOT VOTING—9

Abercrombie
Barrett (SC)
Carnahan
Costa
McHugh
Nunes
Paul
Radanovich
Tanner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1323

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. TEAGUE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 14, as follows:

[Roll No. 716]

AYES—425

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
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
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
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
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
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
Stark
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
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—14

Abercrombie
Bachmann
Barrett (SC)
Berman
Bishop (GA)
Costa
Emerson
McHugh
Nunes
Paul
Radanovich
Scott (VA)
Tanner
Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1329

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 24 OFFERED BY MR. GUTHRIE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky (Mr. GUTHRIE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 265, not voting 9, as follows:

[Roll No. 717]

AYES—165

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
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
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paulsen
Pence
Pitts
Poe (TX)
Posey
Putnam
Rehberg
Reichert
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 (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—265

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
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
Faleomavaega
Farr
Fattah
Filner
Foster
Foxx
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (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
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
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
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—9

Abercrombie
Barrett (SC)
Costa
McHugh
Meeks (NY)
Nunes
Paul
Radanovich
Tanner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1337

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Accordingly, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. HOLDEN, Acting 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. 3221) to amend the Higher Education Act of 1965, and for other purposes, pursuant to House Resolution 746, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. 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. ISSA. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ISSA. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Issa moves to recommit the bill H.R. 3221 to the Committee on Education and Labor with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end the following new title (and conform the table of contents accordingly):

TITLE VI—DEFUND ACORN ACT

SECTION 601. SHORT TITLE.

This title may be cited as the ''Defund ACORN Act''.

SEC. 602. PROHIBITIONS ON FEDERAL FUNDS AND OTHER ACTIVITIES WITH RESPECT TO CERTAIN INDICTED ORGANIZATIONS.

(a) PROHIBITIONS.—With respect to any covered organization, the following prohibitions apply:

(1) No Federal contract, grant, cooperative agreement, or any other form of agreement (including a memorandum of understanding) may be awarded to or entered into with the organization.

(2) No Federal funds in any other form may be provided to the organization.

(3) No Federal employee or contractor may promote in any way (including recommending to a person or referring to a person for any purpose) the organization.

(b) COVERED ORGANIZATION.—In this section, the term ''covered organization'' means any of the following:

(1) Any organization that has been indicted for a violation under any Federal or State law governing the financing of a campaign for election for public office or any law governing the administration of an election for public office, including a law relating to voter registration.

(2) Any organization that had its State corporate charter terminated due to its failure to comply with Federal or State lobbying disclosure requirements.

(3) Any organization that has filed a fraudulent form with any Federal or State regulatory agency.

(4) Any organization that—

(A) employs any applicable individual, in a permanent or temporary capacity;

(B) has under contract or retains any applicable individual; or

(C) has any applicable individual acting on the organization's behalf or with the express or apparent authority of the organization.

(c) ADDITIONAL DEFINITIONS.—In this section:

(1) The term ''organization'' includes the Association of Community Organizations for Reform Now (in this subsection referred to as ''ACORN'') and any ACORN-related affiliate.

(2) The term ''ACORN-related affiliate'' means any of the following:

(A) Any State chapter of ACORN registered with the Secretary of State's office in that State.

(B) Any organization that shares directors, employees, or independent contractors with ACORN.

(C) Any organization that has a financial stake in ACORN.

(D) Any organization whose finances, whether federally funded, donor-funded, or raised through organizational goods and services, are shared or controlled by ACORN.

(3) The term ''applicable individual'' means an individual who has been indicted for a violation under Federal or State law relating to an election for Federal or State office.

(d) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to carry out the provisions of this title relating to contracts.

Mr. ISSA (during the reading). Mr. Speaker, I ask unanimous consent for waiving the reading of the remainder of the bill.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. ISSA. Mr. Speaker, this motion to recommit is critical at this time. As many people in this body realize, the scandals surrounding the criminal activities of ACORN have called into question their role in all aspects of government, including aspects covered in this bill. The funding they've received under Health and Human Services, title IV, which is covered in this bill, and other areas make it extremely important that we consider it at this time.

ACORN, as our committee had previously reported, is an organization with a long history of criminal indictments and activities, so much so that in fact the Census Bureau has, on its own, removed its funding. The Senate has voted 83–7 to remove funding; we must do the same thing.

This motion to recommit deliberately is here because in fact this is a funding-related activity. This is one in which we understand that the very fundamental of taxpayer dollars being properly used and supported is at stake.

There is no question as to where ACORN stands, where the administration and multiple Governors, including my own Governor, Arnold Schwarzenegger, have called for this investigation; 130 Members of this body have called on the President in fact to defund.

So the motion to recommit, narrow in scope, simply makes the defunding of ACORN a portion of this bill, makes it clear that the Members of this House do not support ACORN's activities, including child trafficking, prostitution, and in fact a great many other criminal activities, including voter fraud. This is timely, it is targeted, and it is time that this House act.

I move the motion, and ask for it to be voted positively.

Mr. Speaker, this motion to recommit is simple. It's about protecting students and taxpayers.

Earlier this week, more than 130 House Republicans wrote to President Obama requesting that he take immediate action to cut off all federal funding of the Association of Community Organizations for Reform Now, or ACORN.

ACORN has been linked to multiple instances of voter registration fraud and other illicit activity. In recent days, media accounts have detailed ACORN employees' alleged complicity in illegal schemes too unseemly to discuss in this chamber. To continue funding this organization would not just be indefensible—it would be an outrage.

An analysis of federal data shows that ACORN has received more than $53 million in direct funding from the Federal Government since 1994, and has likely received substantially more indirectly through States and localities that receive Federal block grants.

The Census Bureau recently decided to sever all ties with ACORN to ensure the integrity of their operations. This was the right decision. Unfortunately, ACORN's links to the Federal Government do not stop with the Census Bureau. This organization has infiltrated a host of federal programs, consuming taxpayer dollars even as it has repeatedly been found to engage in criminal activity.

To fully protect taxpayers, we must enact a comprehensive ban on Federal funding for this

corrupt and criminal organization. This motion to recommit will do exactly that.

Republicans have introduced legislation—the Defund ACORN Act—to put an immediate stop to Federal funding for this crooked bunch.

U.S. International Agreements: The iron and steel section states: "This section shall be applied in a manner consistent with United States obligations under international agreements." This applies government-wide.

Any and all Federal agencies: Section 505(a) is open to other entities the Secretary deems appropriate—an open-ended inclusion that could apply to any Federal agency.

The tentacles of this legislation reach into the economy, our education system, our workforce system, and a host of other areas. It is truly a comprehensive bill—and a comprehensive ban on funding for ACORN, such as that included in this motion, is what is needed.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the motion, although I will not oppose the motion.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GEORGE MILLER of California. Mr. Speaker, Members of the House, I want to begin by thanking so many Members of the House that have supported this bill today on this floor. The bipartisan support we had for so many of the amendments, the debate and the dialogue that we had, thank you so very much.

When the President talked about the future of the American economy, he made it very clear that if we were going to be competitive in the rest of the world, if we were going to emerge in that top competitive position in the next generation of the globalized economy, where so many more countries are now able to educate young people, provide world-class organizations, universities, research facilities, that we had to change our education system, that we had to make a major investment, that we no longer could just think about how much money we put into education. We had to start thinking about the outcomes and whether we were getting the results for young people all across this country, were we getting the results for businesses across this country, were we getting the results for families.

He made that very clear with the Race to the Top fund that is getting such wide reception and acceptance from Governors all over the country, from school districts, from unions, from families and organizations to see that change. He has extended that to the colleges and universities.

It is not enough that a student enters a college, that he or she is eligible to go to college. The question is, Will they graduate from that college? And what he has put in this legislation is a discussion and a requirement that we understand how many people who enter college obtain that certificate for a career, that AA degree in a 2-year college, their ability to go on to a 4-year college. That's the first time we've ever asked that question.

But it's terribly important, when two-thirds of the people going to college today are borrowing money, when they're borrowing money, we need to know that the colleges are providing the right kind of educational experience and the opportunity to succeed. That's what you've been voting for all day long, and I want to thank you because it will change the direction, it will change the direction in which we are going in this Nation. And I think it will dramatically enhance our possibilities of remaining the top competitive country in the world.

That's why the Business Roundtable spoke to the issue of the community college provisions in this bill, how important they were so that the community colleges could become a catalyst for economic revitalization, for retooling, for dislocation, so that communities that are welcoming a new industry or communities that are losing an old one and thinking about where to go in the future, to make the community colleges the center of that training and education that so many American workers and families are seeking out today. That's what you voted to do in this bill.

□ 1345

I want to thank you very much.

Mr. NADLER of New York. Will the gentleman yield?

Mr. GEORGE MILLER of California. I will not yield. I want to thank you very much.

As to this amendment, ACORN gets, I believe, no money under this bill, but that's not the issue. The issue is that I will support the gentleman's motion to instruct. We have a world-class bill here. We have a bill of opportunity for families, for students, for employers, for our country, and for our economy. I hope you will support it. Vote for the motion to instruct. Vote for this bill on final passage.

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.

RECORDED VOTE

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

A recorded vote was ordered.

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—ayes 345, noes 75, answered ''present'' 2, not voting 11, as follows:

[Roll No. 718]

AYES—345

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Chu
Clay
Coble
Coffman (CO)
Cohen
Cole
Conaway
Conyers
Cooper
Costello
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neugebauer
Nye
Oberstar
Obey
Olson
Ortiz
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Quigley
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise

Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—75

Baldwin
Becerra
Brady (PA)
Brown, Corrine
Butterfield
Capuano
Carson (IN)
Castor (FL)
Cleaver
Clyburn
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
Doyle
Edwards (MD)
Ellison
Engel
Fattah
Filner
Fudge
Green, Al
Grijalva
Hinchey
Hirono
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E.B.
Kilpatrick (MI)
Kucinich
Larsen (WA)
Lee (CA)
Lewis (GA)
Lynch
Markey (MA)
McCollum
McDermott
McGovern
Meeks (NY)
Mollohan
Moore (WI)
Moran (VA)
Nadler (NY)
Neal (MA)
Olver
Pallone
Pascrell
Payne
Polis (CO)
Price (NC)
Rahall
Rangel
Roybal-Allard
Rush
Sánchez, Linda T.
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Stark
Thompson (MS)
Towns
Tsongas
Velázquez
Waters
Watson
Waxman
Wexler
Woolsey

ANSWERED ''PRESENT''—2

Hastings (FL)
Watt

NOT VOTING—11

Abercrombie
Barrett (SC)
Clarke
Connolly (VA)
Costa
Frank (MA)
McHugh
Nunes
Paul
Radanovich
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1406

Messrs. RAHALL, MOLLOHAN and ENGEL changed their vote from ''aye'' to ''no.''

Ms. ESHOO, Messrs. WELCH, INSLEE, FARR, DOGGETT, MINNICK, Ms. WASSERMAN SCHULTZ, Messrs. AKIN, EHLERS and JOHNSON of Georgia changed their vote from ''no'' to ''aye.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. GEORGE MILLER of California. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 3221, back to the House with an amendment.

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

The Clerk read as follows:

Add at the end the following new title (and conform the table of contents accordingly):

TITLE VI—DEFUND ACORN ACT

SECTION 601. SHORT TITLE.

This title may be cited as the ''Defund ACORN Act''.

SEC. 602. PROHIBITIONS ON FEDERAL FUNDS AND OTHER ACTIVITIES WITH RESPECT TO CERTAIN INDICTED ORGANIZATIONS.

(a) PROHIBITIONS.—With respect to any covered organization, the following prohibitions apply:

(1) No Federal contract, grant, cooperative agreement, or any other form of agreement (including a memorandum of understanding) may be awarded to or entered into with the organization.

(2) No Federal funds in any other form may be provided to the organization.

(3) No Federal employee or contractor may promote in any way (including recommending to a person or referring to a person for any purpose) the organization.

(b) COVERED ORGANIZATION.—In this section, the term ''covered organization'' means any of the following:

(1) Any organization that has been indicted for a violation under any Federal or State law governing the financing of a campaign for election for public office or any law governing the administration of an election for public office, including a law relating to voter registration.

(2) Any organization that had its State corporate charter terminated due to its failure to comply with Federal or State lobbying disclosure requirements.

(3) Any organization that has filed a fraudulent form with any Federal or State regulatory agency.

(4) Any organization that—

(A) employs any applicable individual, in a permanent or temporary capacity;

(B) has under contract or retains any applicable individual; or

(C) has any applicable individual acting on the organization's behalf or with the express or apparent authority of the organization.

(c) ADDITIONAL DEFINITIONS.—In this section:

(1) The term ''organization'' includes the Association of Community Organizations for Reform Now (in this subsection referred to as ''ACORN'') and any ACORN-related affiliate.

(2) The term ''ACORN-related affiliate'' means any of the following:

(A) Any State chapter of ACORN registered with the Secretary of State's office in that State.

(B) Any organization that shares directors, employees, or independent contractors with ACORN.

(C) Any organization that has a financial stake in ACORN.

(D) Any organization whose finances, whether federally funded, donor-funded, or raised through organizational goods and services, are shared or controlled by ACORN.

(3) The term ''applicable individual'' means an individual who has been indicted for a violation under Federal or State law relating to an election for Federal or State office.

(d) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to carry out the provisions of this title relating to contracts.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California (during the reading). I ask unanimous consent to suspend with the reading of the amendment.

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

There was no objection.

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

The amendment was agreed to.

The SPEAKER pro tempore. 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.

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. GEORGE MILLER of California. 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 253, noes 171, not voting 10, as follows:

[Roll No. 719]

AYES—253

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
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
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
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 (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paulsen
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
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 (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Abercrombie
Barrett (SC)
Conyers
Costa
Frank (MA)
McHugh
Nunes
Paul
Radanovich
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1416

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NUNES. Mr. Speaker, on the legislative day of Thursday, September 17, 2009, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: Rollcall 710—''aye''; rollcall 711—''aye''; rollcall 712—''aye''; rollcall 713—''aye''; rollcall 714—''aye''; rollcall 715—''aye''; rollcall 716—''aye''; rollcall 717—''aye''; rollcall 718—''aye''; rollcall 719—''no.''

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, today I inadvertently cast a ''yea'' vote for a motion to recommit on H.R. 3200 and did not vote for final passage. I intended to vote ''no'' on the motion to recommit and ''yea'' on final passage of the bill.

□ 1415

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3221, STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the staffs of the Education and Labor Committee on both sides of the aisle for all of their hard work, and I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3221, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the assertion of appropriate headings.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3226

Mr. KINGSTON. Mr. Speaker, I rise to make a unanimous consent request because I am very sorry that my office inadvertently put my friend, Mr. WILLIAM CLAY, on a bill which he did not intend to cosponsor. It was our mistake, not Mr. CLAY's. So I ask unanimous consent that we remove the name of Mr. WILLIAM LACY Clay from H.R. 3226.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. CANTOR. Mr. Speaker, I rise for the purpose of inquiring about next week's schedule, and I yield to the gentleman from Maryland (Mr. HOYER), the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

Mr. Speaker, on Monday the House will meet at 4 p.m. for pro forma session. On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow, as is the custom.

In addition, Mr. Speaker, we will consider H.R. 3548, the Unemployment Compensation Act of 2009; H.R. 324, the Santa Cruz Valley National Heritage Area Act; and a resolution which will make continuing appropriations for the fiscal year 2010, and for other purposes.

I yield back.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, as the gentleman indicated, we will be considering several extensions of expiring law next week. I would like to ask, though, with the recent reports of the Senate Finance Committee marking up their health care bill, whether the gentleman could tell us if the House could expect that health care legislation would be moving to the floor either next week or sometime soon.

I yield.

Mr. HOYER. Well, I hope sometime soon, but not next week. That is certainly the case. We will be moving the health care bill as soon as it is ready to be moved. Obviously, as you say, the Senate put a bill on the table. It will be marking that up next week. But our committees are working on bringing three bills that have passed out of committees together. As soon as they are ready to go, and I can't predict when that will be, we will bring the bill to the floor. But I reiterate, it is not going to be next week.

Mr. CANTOR. I thank the gentleman.

I would like to ask the follow-up, Mr. Speaker, whether the gentleman believes the House will be waiting for the Senate to act prior to a bill coming to the floor of this House.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

No, the House will be, as I said, moving the bill to the floor when the House is ready to do so. We don't know what the Senate schedule will be so we are going to proceed on our own schedule. And then obviously at some point in time the bills will have to be conferenced and reconciled.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would like to turn to the question next week surrounding the House's actions regarding issues confronting the assembly of the United Nations in New York next week.

Mr. Speaker, as the gentleman knows, and he and I both traveled to

Israel over the August recess, I know that the gentleman is as concerned as I am about the potential nuclear developments in Iran and the fact, I believe, that both of us feel that Iran poses an existential threat not only to the United States but also to our democratic ally, Israel.

There were some reports today regarding some shifting of that notion, the policy behind that notion, from the administration. We had the Vice President today indicate that somehow because Iran did not have the potential capacity to launch a missile to reach our shores, that somehow we could deal with the threat of Iran. We also have news that indicates a shift in our policy of missile defense in terms of our commitment to our allies in Europe as well as Israel.

Again I would say, Mr. Speaker, the gentleman and I have both worked hard on the issue of trying to stop the development of nuclear weapons in Iran specifically aimed at our only democratic ally, Israel, in the region. I have believed all along and I have spoken to the gentleman about it, that we ought to be moving as quickly as possible on the Iran Refined Petroleum Sanctions Act. I would like to ask the gentleman, with all that having been said, Would it not be appropriate at this point to bring that bill to the floor to give the President some tools at his disposal while he meets with the leader of Iran in New York next week?

I yield.

Mr. HOYER. I thank the gentleman for yielding.

As the gentleman correctly pointed out, I believe that a nuclear-armed Iran is dangerous and unacceptable, not only to Israel but to the region which I think will be greatly destabilized and which will start a nuclear arms race in the region.

In addition, as the gentleman knows, there are a quarter of a million Americans right now today as we speak within range of Iranian missiles. So I believe a nuclear-armed Iran, personally I believe it is in fact a danger to the region and to the international community and to the interests of the United States of America.

It is the policy of the United States, expressed by our President, that a nuclear-armed Iran was not an acceptable situation to exist. The administration, as you know, is pursuing attempts to negotiate to an end that there is an abandonment which is verified of Iran's nuclear efforts.

With respect to the bills, there are two bills as the gentleman knows. Chairman FRANK has a bill in his committee, an Iran sanctions enabling act, and Chairman BERMAN has a bill in his committee on the Iran refined petroleum sanctions act. I will tell the gentleman that I am meeting with Mr. BERMAN and Mr. FRANK early next week to discuss the bringing of those bills and the order we ought to bring them to have maximum impact, and I expect to do that in the near future. When I say ''near future,'' I mean within a matter of weeks. It will not be next week, but whether it is the week after or the week after that. But my expectation is, after talking with Mr. FRANK and Mr. BERMAN, we will be bringing those two sanctions bills to the floor in the near future.

Mr. CANTOR. I thank the gentleman.

My concern lies in the fact of the reports out of the administration today, and perhaps new intelligence information is being relied upon to result in a swift turnaround in our policy vis-a-vis Iran which is why I raised this question and seek from the gentleman his consistent position that has been up until now that we do face a threat in Iran in its current capacity.

As the gentleman states, we have uniformed armed men and women in Insirlik, in Iraq, in Afghanistan, throughout the region that certainly are in the line of Shahab-3 missiles that could do serious harm to American life and interests. I think out of that concern, I ask the gentleman could we see an expedited push on this bill to demonstrate that this Congress, this House, is not yielding to this notion that somehow Iran is no longer a threat?

I yield.

Mr. HOYER. I thank the gentleman for yielding.

Now to this concept, I don't want anybody to be confused. I am not sure exactly what the gentleman is saying, I heard him talking about it, the administration position, as far as I know, has not changed with respect to the concept of which the gentleman speaks.

A nuclear-armed Iran, I believe the administration and I believe this Congress, believes is an unacceptable undermining both of the nuclear nonproliferation treaty, but also of the stability of a very unstable region of the world. I want to reiterate that I think that remains the position of the administration. It is certainly my position, and I believe it is the position of the chairman of the Foreign Affairs Committee and the chairman of the Armed Services Committee, and I think of this Congress.

Mr. CANTOR. I thank the gentleman. I think I am to take heart in that position because I do know that the administration today had downgraded its alarm, if you will, downgraded the threat that Iran poses.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

I am not sure exactly what he is referring to other than the perception of how quickly the Iranians may convert to nuclear capability their present capacity, whether there is a longer time than that. But I have not had direct communication with the administration on that issue. I don't want to speak for the administration, but I think what I have already said to this point does in fact reflect certainly all of the communications I have had with the administration to date.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for his time.

□ 1430

ADJOURNMENT TO MONDAY, SEPTEMBER 21, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 22, 2009, for morning-hour debate.

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

There was no objection.

THE CRUSADERS: NATIONAL NETWORK TO END DOMESTIC VIOLENCE

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

Mr. POE of Texas. Mr. Speaker, LouAnne is an elementary student in Texas. In the mornings, she eagerly awaits to be picked up by the school bus. After school, she rides the bus home, but sometimes she hesitates and slowly gets off that bus.

Once, she just sat on the bus when it pulled in front of her house. The bus driver walked to her seat and told her, ''LouAnne, this is where you get off.'' LouAnne would not leave her seat, and replied, ''Daddy hurts me and Momma.''

We should realize, Mr. Speaker, that behind the closed doors of many houses in America, violence is a way of life. It's a bad life, a sad way of life. It affects spouses and children. It affects the physical and mental health of American families.

Domestic violence is a public health issue. One group that helps victims of home violence is the National Network to End Domestic Violence. These crusaders are the leading voice for domestic violence victims and advocates. They are helping to expose violence, support survivors, and change the culture of our communities.

I commend them for their wonderful work. Of all the places on Earth where a person should be safe, it's at home.

And that's just the way it is.

WRONGFUL BILL OF ATTAINDER

(Mr. NADLER of New York asked and was given permission to address the House for 1 minute.)

Mr. NADLER of New York. A little while ago, the House passed an amendment to the bill that we were considering that says no contract for Federal funds may ever go to ACORN, a named organization, or to any individual organization affiliated with ACORN.

Unfortunately, this was done on the spur of the moment and nobody had the opportunity to point out that this

is a flat violation of the Constitution, constituting a bill of attainder. The Constitution says Congress shall pass no bill of attainder.

The Supreme Court has ruled a bill of attainder is a legislative act that, no matter what their form, applies either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment, and then without a judicial trial. That's exactly what this amendment does.

It may be that ACORN is guilty of various infractions, and if so, it ought to be investigated, maybe sanctioned, whatever, by the appropriate administrative agency or maybe by the judiciary. Congress must not be in the business of punishing individual organizations or people without trial.

That's what this amendment did. It is flatly prohibited by the Constitution. And once confidence in this institution is sapped, when we ignore the Constitution, we ignore constitutional principles, that whatever one may think of the subject matter or the organization here, the Constitution and the ban on bills of attainder is there for the protection of the liberties of all of us.

It's unfortunate that we passed this, and I certainly hope it is removed in the conference committee.

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.

HONORING PRESTON M. ''PETE'' GEREN, III

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

Mr. EDWARDS of Texas. Mr. Speaker, I rise today to honor the dedicated public service of our friend and former colleague, Preston M. ''Pete'' Geren, III. Tomorrow, September 18, will be the last day of Mr. Geren's service as Secretary of the United States Army, but I am confident it will not be his last day of service to the country he has served so well.

Pete Geren's service to country began 26 years ago as an aid to the distinguished Senator from Texas, Lloyd Bentsen. The depth and breadth of Pete's public service since then has been rarely matched in American history.

For 8 years, this native son of Fort Worth served the 12th District of Texas here in the U.S. House of Representatives. As a member of the Armed Services, Science and Technology, and Public Works and Transportation Committees, Congressman Geren earned the respect of Democrats and Republicans alike as an intelligent, hardworking, and effective Member of Congress. He championed, among many others, the causes of a strong national defense, fiscal responsibility, and bipartisanship.

Pete Geren earned the respect of his constituents in Texas and his colleagues here in Washington because he always treated others with respect. He personified the Golden Rule each and every day, and in doing so, set a standard of public service that we would all be well served to follow.

I will never forget a December day in the late 1990s, standing right on the back row here, when House votes were unexpectedly added for a Friday afternoon. Pete was torn between going back to Texas, where his family was, and seeing his daughter in her school Christmas play or staying in Washington for the unscheduled vote.

This devoted father agonized over that decision and ultimately decided that he had an obligation to cast a vote on behalf of his constituents. It was not long after that that Pete made the decision to retire from Congress. And I will always believe that his love of family and the missed Christmas play that day strongly impacted his decision to retire.

Four years later, his country called on Pete Geren once again. A lifetime Democrat, Pete was called by the George W. Bush administration to serve in the Pentagon. 2001 began a remarkable chapter of service to our Nation's defense.

From 2001 to 2009, during a time of war and a critical time in our Nation's history, Pete Geren served as Special Assistant to the Secretary of Defense in the areas of interagency initiatives, legislative affairs, and special projects. He then was appointed to serve as the Acting Secretary of the Air Force, and later as Acting Secretary of the Army.

In March of 2007, Pete Geren was confirmed as United States Secretary of the Army. In that position, he championed the cause of improving the quality of life for every Army soldier and every Army family. For years to come, because of the dedicated leadership of Secretary Geren, soldiers will live in better housing. They and their families will receive better health care, and they can know that their children will attend quality schools. Pete Geren, as Secretary of the Army, set up covenants between communities and the military installations in which they existed.

Pete Geren's accomplishments are too numerous, Mr. Speaker, to list them all today, but I think one of his greatest legacies will be that he proved that in the rough-and-tumble world of politics in Washington, D.C., one can succeed at the highest levels of public service through hard work, respect for others, solid integrity, and genuine humility.

Pete Geren is living proof that public service can and should be a noble calling. I wish him, his wife, Becky, and their family all the best in the years ahead.

SOUDER AMENDMENT ON STUDENT LOANS

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

Mr. SOUDER. I wanted to briefly explain what happened to the Souder amendment in the student loan bill. We had worked out an agreement last night, and then I was occupied over in a border security hearing that was very important on SBInet and didn't make it over to the floor. I appreciate that Chairman MILLER explained the compromise some, but I wanted to go through a little bit of what the history of this is.

First, in existing law, both a possession conviction and a dealing conviction will result in your loss of a student loan. You can get that loan back by going through treatment, drug testing. You can get it back in the second year.

The second time it happens—this is while you have a loan—if you get convicted, then you would be suspended for 2 years, unless you went through treatment and then were drug-tested as clean. The third time and you're out. Now, for dealing, it was two times.

There's been a lot of ruckus about how this law was initially applied, but we fixed that. I had no intention ever of punishing people who at some time in their life had problems, whether it was in high school or in their later life that they had convictions.

I believe in forgiveness. I believe it's important that people get back on the right track. I believe that we need to work in our prison population to get them to move back to school, to get the degrees possible.

The initial debate on this law on the House floor and in committee said: You will lose your loan. You can't lose a loan if you don't have a loan. We had debate about that for many years. We got that fixed. But I believe, overwhelmingly, every poll shows that the American people believe that if you are convicted, which is not easy when you're on a college campus, while you're getting taxpayer funding, you should lose the funding. It doesn't mean you're going to lose school. It doesn't mean you're going to go out. But why should the taxpayers fund you if you're going to be basically drug-addled while you're at school?

The challenge with this debate is that it has become kind of a cause celebre in the marijuana community. As this progressed, as we did the reauthorization on student loans, the so-called Souder amendment was not completely knocked out, but possession was knocked out. We left the law in place for dealing.

So my amendment today would have reinstated possession as a grounds for losing a student loan.

Congressman PERLMUTTER from Colorado came to me and said he had a suggested compromise. He made his compromise, which basically says that conviction of a felony offense of narcotics

for possession, in addition to dealing—dealing is already covered in the Democratic bill—but would make felony conviction for possession also grounds for losing your student loan. Presumably, that's State and Federal felony conviction.

Now, in this, I was faced with several choices. One, I'm a Republican in a Democratic Congress. I was probably going to lose today. This was a practical way. I didn't want to see possession go out of the bill.

It basically means that marijuana won't be covered. If you have that much marijuana in your possession to be a felony, it probably means you're a dealer. You wouldn't have that much if you weren't a dealer. It's far more than individual use.

It basically covers meth, cocaine, and all sorts of other drug convictions for felony possession. It means the United States Government still stands on record saying that both possession and dealing should restrict your ability to get a student loan.

But there are some other practical things here. A lot of States, I believe, falsely and wrongly overrode Federal marijuana laws by decriminalizing marijuana, declaring that it was medical in some States when, in fact, marijuana is not medical. There are ingredients inside of marijuana that can be medical. We have Marinol, for example, that deals with that.

But they affect chaos in marijuana laws across the United States. It's very similar to what we are dealing with in Canada, as I debated up there as they proposed changing laws, and now Mexico has; and that is when different provinces have different laws and there's complete chaos in the laws, the Federal courts are not likely to uphold a law because it would be unequal enforcement.

So how would an Indiana student get denied a loan but a California student wouldn't get denied a loan? What about if it's somebody from Indiana who's in California going to school? What about if you're taking an online course combined with going to class, and the online course is based in California but you're going to school in Indiana? It's chaos. I do not believe, even had I won, the courts would have upheld my provision.

This shows, in fact, Republicans and Democrats can work together. It's very difficult on the major fundamental debate arguments. For example, I felt this was a Federal takeover of private lending and will lead to more Federal takeover and a national bank.

□ 1445

So we weren't going to be able to agree on the loans. But it doesn't mean inside, even on controversial provisions, that we can't work together. So I wanted to explain that, and I want to thank Chairman MILLER and Congressman PERLMUTTER for working with me.

THE PRESIDENT MUST REJECT PLANS TO SEND MORE TROOPS TO AFGHANISTAN

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

Ms. WOOLSEY. Mr. Speaker, every child and every adult is familiar with the story of Goldilocks. Remember how it goes:

After wandering into the three bears' house, Goldilocks saw three bowls of porridge. One was too hot, one was too cold, but one was the medium temperature, and it was just right. I mention this because The New York Times recently reported that Goldilocks is playing a role in shaping American defense policy. According to the report, General McChrystal is expected to give Secretary of Defense Gates three options for troop increases in Afghanistan. The three options are, first, 15,000 more troops; second, 25,000 more troops; or third, 45,000 more troops. Pentagon officials apparently believe that Gates will choose the medium option of 25,000 troops. According to the Times, they actually call this the ''Goldilocks option.''

Here's why: Sending 15,000 more troops would be too cold because it wouldn't be enough to satisfy the generals; sending 45,000 more troops would be too hot because it would cause political problems; so sending the medium number of troops, 25,000, is considered ''just right.''

Of course the problem with this is that Afghanistan is not a children's story. It is a real war where real people are getting killed, and it is rapidly losing the support of the American people. Recent polls show that the American people want to reduce our troop strength in Afghanistan, not increase it. The American people have good reason to oppose the escalation of the conflict. They know that the recent elections in Afghanistan were filled with fraud, and they believe the Kabul Government is more interested in corruption than in improving the lives of the Afghan people.

The American people also know that we have already spent nearly $225 billion in Afghanistan but have little to show for it. Our troops have performed brilliantly and courageously, but the insurgency is growing, and the war is getting harder to fight every single day. Besides, they believe the money that we have poured into Afghanistan is desperately needed here at home for health care reform and other vital domestic problems. The American people also know that we do not have a clear mission in Afghanistan, there is no exit strategy, and they fear that we run the risk of being considered an occupying force. Since the Afghans have opposed and defeated every single foreign power that has ever tried to occupy their nation, it all seems to be a repeat of past failures.

For all of these reasons, we need to debate, and we need to reconsider what the U.S. role is in Afghanistan. I am urging the House to support my bill, H. Res. 363, the SMART Security Platform for the 21st century. The SMART Security Platform would change our mission in Afghanistan to emphasize economic development, humanitarian aid, education, jobs, and better governance. It would also help Afghanistan develop its policing and intelligence capacity. Policing and intelligence, you see, are far more effective than massive military invasions when it comes to tracking down violent extremists in the communities where they lurk.

Mr. Speaker, if the administration sends more troops to Afghanistan, the United States will be doubling down on a strategy that has already failed. The Afghan people don't want the United States to occupy their country, and the American people don't want an occupation, either. I urge President Obama to reject any plan to send more troops to Afghanistan because, like Goldilocks who should not have eaten any of the porridge that did not belong to her, Afghanistan does not belong to the United States.

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.)

CZARS—SHADOW GOVERNMENT?

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. Mr. Speaker, every President has the right to get advice from anybody he wants to get advice from. That's a good thing. United States Presidents have a tough job. They should have as many advisers as they wish. My dad, in fact, would like to be one of those advisers to this President and wishes he was an adviser to all the past Presidents.

These czars, as they are now called, are not new to the executive branch. But when a person crosses the line from being an adviser to being a policymaker and decision-maker for the government, that person needs to be held accountable to the people of the United States. Someone who gives advice to the President is one thing, but there's a difference between an adviser and someone who sets a policy and implements that policy. Then that person has direct control over the American people. If this occurs, our Constitution requires that person be subject to the oversight of Congress to be legitimate.

The big questions become: are these czars advisers or are they policymakers? If they become policymakers, then transparency is important, accountability is important, and confirmation by the United States Senate

is mandatory. Our Constitution requires it. Without the confirmation process, we don't know who these people are. And are these czars nothing more than a shadow government? We don't know.

The Constitution mandates visibility and oversight by Congress. That's how our government works within the bounds of our law. We don't know how many czars we have or who they are. How much do they get paid, and where does that money come from? What do they do? Who do they report to? Are they in control of the executive branch and its duties? Well, we don't know.

What are the Cabinet secretaries doing? Who reports to whom? Do the czars report to the Cabinet members? Or do the Cabinet members report to these folks? The American public does not know. We don't know because there's no oversight and no accountability, and it doesn't seem like anybody's talking. Czars haven't gone through the Senate confirmation process. Are they a national security risk? We don't know. No one knows.

Now the FBI tells us they go through a background check. But it's the same background check that the FBI does for a White House intern. These czars do not get a security clearance. That's a much more detailed background check for people with more responsibility than a White House intern. The FBI gives the information from the czar-intern background check over to the White House—that's it. And once the FBI hands the information over, they have nothing else to do with the czars. If these czars are decision-makers and policymakers, that's not acceptable. Just like Cabinet secretaries, they need to be vetted. We have to know who the people are that are in control and who controls the levers of our government. This is just common sense. The American people don't want a shadow government controlling America. Just who are the czars? We have the right to know, and Congress has the responsibility to find out.

And that's just the way it is.

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.)

HEALTH CARE

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

Mr. GRAYSON. Mr. Speaker, every once in a while, I read something that makes me wish I had written it or said it. I had that experience recently, reading Nick Kristof's column in The New York Times. It's just like Abraham Lincoln said during the Gettysburg Address, I read something like this and I say, This is far beyond my poor power to add or detract. So I would like to read it to you, I would like to share it with you and the other Members of the House because it so well captures what's important in the current health care debate.

He wrote as follows:

In the debate over health care, here's an inequity to ponder: Nikki White would have been far better off if only she had been a convicted bank robber. Nikki was a slim and athletic college graduate who had health insurance, had worked in health care and knew the system. But she had systemic lupus erythematosus, a chronic inflammatory disease that was diagnosed when she was 21 and gradually left her too sick to work. And once she lost her job, she lost her health insurance.

In any other rich country, Nikki probably would have been fine, notes T.R. Reid in his important and powerful new book, ''The Healing of America.'' Some 80 percent of lupus patients in the United States live a normal life span. Under a doctor's care, lupus should be manageable. Indeed, if Nikki had been a felon, the problem could have been averted, because the courts have ruled that prisoners are entitled to medical care.

As Mr. Reid recounts, Nikki tried everything to get medical care, but no insurance company would accept someone with her preexisting condition. She spent months painfully writing letters to anyone she thought might be able to help. She fought tenaciously for her life.

Finally, Nikki collapsed at her home in Tennessee and was rushed to a hospital emergency room, which was then required to treat her without payment until her condition stabilized. Since money was no longer an issue, the hospital performed 25 emergency surgeries on Nikki, and she spent 6 months in critical care.

''When Nikki showed up at the emergency room, she received the best of care, and the hospital spent hundreds of thousands of dollars on her,'' her stepfather, Tony Deal, told me. ''But that's not when she needed the care.''

By then it was too late. In 2006, Nikki White died at age 32. ''Nikki didn't die from lupus,'' her doctor, Amylyn Crawford, told Mr. Reid. ''Nikki died from complications of the failing American health care system.''

''She fell through the cracks,'' Nikki's mother, Gail Deal, told me grimly. ''When you bury a child, it's the worst thing in the world. You never recover.''

We now have a chance to reform this cruel and capricious system. If we let that chance slip away, there will be another Nikki dying every half-hour.

That's how often someone dies in America because of a lack of insurance, according to a study by a branch of the National Academy of Sciences. Over a year, that amounts to 18,000 American deaths.

After al Qaeda killed nearly 3,000 Americans 8 years ago on Friday, we went to war and spent hundreds of billions of dollars ensuring that this would not happen again. Yet every 2 months, that many people die because of our failure to provide universal insurance—and yet many Members of Congress want us to do nothing?

Mr. Reid's book is a rich tour of health care around the world. Because he has a bum shoulder, he asked doctors in many countries to examine it and make recommendations. His American orthopedist recommended a titanium shoulder replacement that would cost tens of thousands of dollars and might or might not help. Specialists in other countries warned that a sore shoulder didn't justify the risks of such major surgery, although some said it would be available free if Mr. Reid insisted. Instead, they offered physical therapy, acupuncture, and other cheap and noninvasive alternatives, some of which worked pretty well.

That's a window into the flaws in our health care system: we offer titanium shoulder replacements for those who don't really need them, but we let 32-year-old women die if they lose their health insurance. No wonder we spend so much on medical care, and yet have some health care statistics that are worse than Slovenia's.

My suggestion for anyone in Nikki's situation: commit a crime and get locked up. In Washington State, a 20-year-old inmate named Melissa Matthews chose to turn down parole and stay in prison because that was the only way she could get treatment for her cervical cancer. ''If I'm out, I'm going to die from this cancer,'' she told a television station.

This has to end. As Mr. Kristof wrote:

Do we wish to be the only rich nation in the world that lets a 32-year-old woman die because she can't get health insurance? Is that really us?

[September 13, 2009]

THE BODY COUNT AT HOME

(By Nicholas D. Kristof)

In the debate over health care, here's an inequity to ponder: Nikki White would have been far better off if only she had been a convicted bank robber.

Nikki was a slim and athletic college graduate who had health insurance, had worked in health care and knew the system. But she had systemic lupus erythematosus, a chronic inflammatory disease that was diagnosed when she was 21 and gradually left her too sick to work. And once she lost her job, she lost her health insurance.

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As Mr. Reid recounts, Nikki tried everything to get medical care, but no insurance company would accept someone with her preexisting condition. She spent months painfully writing letters to anyone she thought might be able to help. She fought tenaciously for her life.

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emergency room, which was then required to treat her without payment until her condition stabilized. Since money was no longer an issue, the hospital performed 25 emergency surgeries on Nikki, and she spent six months in critical care.

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My suggestion for anyone in Nikki's situation: commit a crime and get locked up. In Washington State, a 20-year-old inmate named Melissa Matthews chose to turn down parole and stay in prison because that was the only way she could get treatment for her cervical cancer. ''If I'm out, I'm going to die from this cancer,'' she told a television station.

Mr. and Mrs. Deal say they are speaking out because Nikki wouldn't want anyone to endure what she did. ''Nikki was a college-educated, middle-class woman, and if it could happen to her, it can happen to anyone,'' Mr. Deal said. ''This should not be happening in our country.''

Struggling to get out the words, Mrs. Deal added: ''The loss of a child is the greatest hurt anyone will ever suffer. Because of the circumstances she endured with the health care system, I lost my daughter.''

Complex arguments are being batted around in this health care debate, but the central issue isn't technical but moral. The first question is simply this: Do we wish to be the only rich nation in the world that lets a 32-year-old woman die because she can't get health insurance? Is that really us?

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

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

RECOGNIZING HISPANIC HERITAGE MONTH

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

Mr. HEINRICH. Mr. Speaker, on Tuesday we began our Nation's Hispanic Heritage Month. Hispanics comprise over 45 percent of New Mexico's population, and our State's Hispanic community has deep roots and a rich history in our State. I am truly honored to highlight this important community in Congress today.

For a population that is expected to triple in size in our country by 2050, education continues to be an issue of fundamental significance. Preparing our children for the future is the greatest investment that we can make for our long-term economic vitality and for our country's ability to compete in the 21st century. We have many disparities to address in education and a long way to go to ensure the success of our children throughout their elementary and secondary education, particularly our Hispanic students.

But, Mr. Speaker, I am proud to stand here today to highlight an example of a New Mexico institution of higher learning that is doing a tremendous job of serving our Hispanic students.

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This month the University of New Mexico was given top rankings by Hispanic Business Magazines's list of top 10 schools in the Nation for Hispanics in the fields of engineering, business, law and medicine.

UNM, which is located in my district, is our State's flagship university. UNM's success at serving the Hispanic community is the result of decades of hard work by the university's administration, their faculty, many organizations, and their students.

UNM's Law School, which the magazine ranked number one in the country for the third year in a row, has an outstanding number of Hispanic faculty and a school-wide emphasis on the engagement of students, faculty, and alumni in the wider community. Organizations like the Mexican American Law Student Association recruit local Hispanic high school students and then mentor them through their undergraduate years and help them to prepare for admission to the law school. It's worth noting that the UNM Chapter of MALSA was just named Law Student Organization of the Year by the Hispanic National Bar Association.

UMN's School of Medicine, which the magazine ranked sixth in the country, has also formalized a pipeline program called ''Joining Communities to Increase Access and Reduce Disparities.'' There, mentors from the School of Medicine recruit students from underrepresented high schools to consider careers in health care, enroll them in the New Mexico Clinical Education Program for undergraduates, and support students taking the MCAT.

UNM's School of Engineering, which earned a seventh-place ranking, has steadily grown its enrollment of Hispanic students to 32.7 percent this year. Much of that increase is owed to the school's leadership in creating the Hispanic Engineering and Science Organization's Annual Science Extravaganza with more than 500 youths from our State.

And, finally, at the Anderson School of Management, which Hispanic Business Magazine ranked sixth in the Nation, the number of Hispanic students entering their graduate program in the fall of 2009 was double from the previous year. Much of the Anderson School's success is owed to innovative programs such as a regular breakfast that they hold with members of the Albuquerque Hispano Chamber of Commerce to increase interest in the MBA and the master's of accounting programs.

Mr. Speaker, across the University of New Mexico community, there is an ingrained commitment that strives to ensure that the university is representative of our community. That commitment is not just symbolic; it is essential to the service that UNM graduates offer to our congressional district once they graduate.

I want to congratulate the University of New Mexico for its national recognition as a top university by Hispanic Business Magazine, and I wish them continued success in serving our community and our Nation.

Mr. Speaker, there is no doubt that when our Hispanic students succeed, New Mexico succeeds and our Nation succeeds.

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 Utah (Mr. BISHOP) is recognized for 5 minutes.

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

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

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

THE PROGRESSIVE MESSAGE: HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, welcome to the Progressive hour, the Progressive Message, the 60-minute period of time where the Progressive Caucus comes to the House floor to talk to the American people and our colleagues about critical issues of the day. The Progressive Message.

The fact is, Mr. Speaker, is that we've got a lot to talk about today. The issue of the day is health care. And as we get started, I would like to bring our chairperson right into the conversation in the very beginning to introduce some of her ideas on this issue. Our chairwoman of the Progressive Caucus, Congresswoman LYNN WOOLSEY, has been a stalwart leader on this issue, has been convening meetings, has been keeping us together, has been unrelenting on her insistence for a public option.

I yield to the gentlewoman from California.

Ms. WOOLSEY. I thank you again, Congressman ELLISON, for your leadership on these weekly hourly discussions about health care reform and what's going on in our Congress at this particular time.

Things have happened this week. Finally, the Senate has two bills that were written and have been introduced. The second bill, coming out of the Finance Committee, has not passed through the committee yet, but it is the Bachus health care reform bill. And we have gotten a lot of pressure here—I know I have, I know you have, most progressives have—because there's some idea out there that because the Bachus bill that doesn't have any Republican support either, after 3 Democrats and 3 Republicans spent months and months and months writing it, now Senator BAUCUS seems to be almost standing alone with that one. But he'll pass it through his committee, and we'll see what happens.

But what does that mean to our proposal and our absolute commitment for a robust public option to be included in a very strong health care reform bill? As far as I'm concerned, it means nothing. What it does is it shows the opposite of what this country could end up with, and it gives wind beneath our wings for our debate on just why we need a strong, robust public option. And one of those why's in Senator BAUCUS's bill is that it does not provide a public option of any level.

The public option we offer through the Progressive Caucus would have its rates determined based on Medicare plus 5 percent, and do you know that that saves $110 billion over 5 years? Over 5 years. And the Energy and Commerce Committee has a public option that they have proposed, and their public option rates would be based on negotiating with the administration, and their negotiated rates would save $25 billion.

So we have $110 billion in savings through the Progressive Caucus plan, $25 billion in savings through the Energy and Commerce, and we have zero savings through Senator BAUCUS's plan. So that in and of itself is enough for me to know that that is not a bill that I want to be negotiating and compromising with.

Mr. ELLISON. Reclaiming my time, I know the gentlewoman has to take a brief interlude, but let me just say very quickly the fact is that Senator BAUCUS, who has spent many hours trying to pull together a bipartisan bill, comes out of that process without any bipartisan support for his bill, and there may not be many Democrats who want to vote for that bill coming out of the Finance Committee.

The reality is we have had three House committee bills that all produced a public option and we have the Health Committee in the Senate that produced a public option, and now coming out of the Finance Committee there is no public option. I think when you look at the convergence of all these bills, it means that we're going to have a public option. But I think this is a time for grassroots activism, people to let their voices be heard, and people to be very clear on what they want.

Stepping back from a public option, health care reform is really a three-tiered thing. It's a three-legged stool. One is making sure that people who already have insurance have stable insurance, are not discriminated against, and are treated better by the insurance companies with lower costs. The other is covering the uninsured. The third leg is a public option that can compete with private market insurance so that they can hold costs down and can introduce evidence-based medical practices to give Americans the best quality care that's available. The fact is that this three-legged stool is essential in order to have the kind of reform that Americans need today. This reform, we can have it. It is well within our grasp and we can do it, but we have got a little bit more to go. At this point we now know it's on the table and we know that this Finance Committee bill is not adequate and they need to go back to the drawing board.

It's interesting to me that not one Republican said that they would support it after hours and hours of bipartisan effort to get them on the bill anyway. It's time to move forward with a bill that makes sense to all the American people.

The fact is the President is on our side when it comes to the public option. The President made himself clear right on the floor of this House Chamber only a few days ago when he came here and said that he was for a public option. The President said it, and he made himself very clear. In fact, the President was eloquent when he said that without competition, the price of insurance goes up and the quality goes down, and it makes it easier for insurance companies to treat their customers badly, by cherry-picking the healthiest individuals and trying to drop the sickest, by overcharging small businesses who have no leverage, and by jacking up rates. The reality is the President was right about that, and he is on our side and wants to see reform come forward.

Let's just say that this health care reform that we are talking about needs the support of the American people. Slowly the real facts have been coming forward. Slowly the American people have been coming to a better understanding of what the public option is and what health care reform means in general. The President is on our side, as I've said, and I believe the House should act quickly to pass a bill with a strong public option as it reflects the President's preference for a public option.

The plan will do the following: It will cover preexisting conditions. How many Americans are dropped or have had their insurance go up because of a preexisting condition? The plan will stop the practice of rescission or denying you health care when you need it the most, and the bill will stop bankrupting our businesses and families for the sin of getting sick. A public option, which is an essential part of reform, as I've already mentioned, will offer choice, introduce competition and lower costs for consumers and taxpayers, and bring higher quality health care to all Americans.

Choice: The President stated last week that currently in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. What does that mean? That means that if we don't have a public option, we're going to mandate 49 million new consumers into the insurance companies' arms without any way to make them compete because these markets are monopolized or duopolized or what they call an oligopoly.

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What that means is they are highly concentrated. There are not a lot of sellers in the market; there are just a few.

Now, if I say you have to buy insurance and there are only two or three people to buy it from, you can bet those two or three companies that are selling it are going to give you the maximum price unless you have a public option that's going to really compete with them and make them do the right thing. So we've got to be for choice and we've got to have competition.

Let me also say that the President said—and I want to repeat this because I've said it once, but we've got to say it again—the President said without competition, the price of insurance goes up and up and quality goes down.

Now think about it, if you're a resident of the great State of Alabama—Alabama is a wonderful State, I always enjoy going there—but in Alabama, almost 90 percent of the insurance market is controlled by just one insurance company. What does that mean? That means that if you want to buy insurance in Alabama, you're dealing with a monopoly. And if the monopoly says you pay, then you pay whatever it is they say you pay, or you don't get it. There is literally no competition. So given that situation, we know that we need a public option to introduce choice, competition, and real cost control.

I want to talk about this public option because people don't always understand it. Think of the public option this way: we're going to have employer-based health care. That will be one part of this thing. Employer-based health care, you have insurance with your employer, you keep it. The second part is, if you have government health insurance already, like Medicare or the VA, you keep that. We're going to try to subsidize low-income people so that they can get Medicaid and health care like that.

But the third part of it is this: it will be something called an ''exchange.'' Now, what is an exchange? An exchange is like a grocery market. It will be online or it will look like a catalog, like this book; and you go through it and you look for an insurance product. Now, there will be different products. Some will be a basic plan, some will be a middle plan, and some will be a Cadillac plan. And they will tell you what you can get covered for a given price and you will be shopping. And you might be able to do it online, like Craig's List or eBay or something like that, or you can do it on paper. But the fact is it's a market where people are selling different products.

Now, all we're saying is that if you can imagine this health care insurance grocery store, on one aisle there would be a product offered by or administered by the government—actually, it wouldn't be run by the government because it would be private doctors who would be off actually providing the medical care, but it would be administered by a government program the same way Medicare is now.

Now, I know people who said that they've got Medicare, and they don't want the government messing with their Medicare. Well, if you think the government is messing with your Medicare, what you must not know is that the government is Medicare. That is who is administering your Medicare right now. So if you think the VA health care is good or Medicare is good, then you will also see that a public option will be good. Very important for people to understand this.

Let me also say this, and that is, you know, sometimes people on the other side of the aisle—you know, I'm a Democrat—the other guys, they say stuff like, I don't want government-run health care, and they make it sound like the government's bad. But in a democratic country, who is the government other than you and me? The government is the people—government of the people, by the people, for the people.

In a democratic society, the government is us. And if the government isn't functioning right, then we need to be more engaged to make it function right and we need to insist on lower cost, more efficiency. We need to be active citizens to make sure things go the way we want them to. But we need to get out of this thing that government can't do anything right. Did Lehman Brothers do everything right when their company crashed? That's a private company. What about Enron? What about WorldCom? What about Bear Stearns? Private industry makes a lot of mistakes as well.

The government does good things, though. Think about this: if you or I should have the misfortune of needing emergency medical care, an EMS truck will come up here and hopefully save us. Who's that? That's the government. If you call up because your house is burning, who are you calling? The government yet again. When you start slicing into that steak you might eat tonight, who has made sure that meat is safe for you to eat? A government inspector.

Public schools have made an educational opportunity for every kid in America. Are some of them bad or in need of repair and need to be better? Of course they do. Anything human beings do is going to need more work. But you can't say that public schools in general are a failure. You can say that a public school needs to be improved.

We need to get out of this thing where we say the government can't function and can't produce good results for us. They do every day. You're going to tell me the officers who are putting their lives on the line to keep us safe are not doing a good job? The firefighters are not doing a good job? They are doing a great job.

You have got to understand that part of what's going on here is just plain old government-bashing, government-bashing in a democratic country where government is by, for and of the people.

So I hope people don't let this go by. It's not a good idea to just always run down whatever the government does. If they do, we bear responsibility because it's our government, democratic society.

Let me just say this, too: the public option really means that the government would help to cover the high cost of insurance for Americans while bringing those costs down through competition. The public option means that Americans will be free to seek health care from any doctor they choose at any facility they choose without having to fear that they could not afford or will incur tens of thousands of dollars in medical debt. The public option is a good thing.

Now, you would think, well, who should know the most about whether the public option would be a good thing? I will say I'm not the most well qualified, but I think doctors are. I think doctors are well qualified to know whether or not a public option is a good deal. Doctors who serve patients every day, serve patients day in and day out would have a good opinion that I would trust as to whether it would help the system improve. Doctors are the ones who sit up on the phone and have to argue with insurance companies over whether a procedure is going to be covered or not covered.

I'm lucky enough to have a brother who is a primary care physician in Detroit. How are you doing there, Leonard? The fact is that my brother Leonard has to spend hours away from patients because he's trying to deal with insurance companies. The fact is that we need a public option. We need a public option.

Let me just talk a little bit about this. The graph to my right here says most doctors support public option. Most doctors support public option. Here in the blue section is where doctors were asked, they said, Do we need a public option and a private option? Sixty-three percent of doctors said we need both public and private options. Twenty-seven percent of doctors said private options only and 10 percent of doctors said public options only. Most doctors say we should have both.

I trust the doctors. And you know, this is a whole lot of doctors; 63 percent of them have said that we need both. So this is who I think we should listen to and who has a good opinion as to what's really right and what's really wrong.

A large majority of doctors say that there should be a public option. Sixty-three percent of physicians support a public option. And when polled, nearly three-quarters, 75 percent, of physicians supported some form of a public option, either alone or in combination with other private insurance options. So that means that if you take this 63 with this 10 percent, that's a full 73 percent; that's about three-quarters. So this is overwhelmingly what doctors believe, that we should have a public option; and I think the doctors are right about that.

We've been joined by the gentlelady from California, the chairperson of the Progressive Caucus. What do you think about this? Do you think that doctors know what they're talking about when 63 percent say we should have public and private options and another 10 percent say we need only a public option; 73 percent, does that mean anything to you? Do you think that's an important fact to know?

I yield to the gentlewoman.

Ms. WOOLSEY. Of course it's an important fact to know. I mean, if anybody is close to their patients and to the needs of this country, it is our physicians. They've been very important in inputting to all of the committees that have been writing legislation.

And another thing that will be very important is when the House of Representatives brings all three of our bills—one from Ways and Means, Energy, and the committee we sit on, Congressman, Education and Labor—when we unify those bills and come up with the House bill and we can say to our constituents and to the people of this country, this is the House of Representatives health care reform bill, then we will be able to hear back from them on exactly what that bill is. Right now we keep saying, well, it might be, we think it is. I mean, we're pretty sure about 99 percent of it, but not all of it.

Mr. ELLISON. Well, if the gentlelady yields back, I look forward to that moment as well when we can have a unified House bill. I hope this is something that happens very quickly because I really believe that the public is really dying—oh, excuse me for that bad language——

Ms. WOOLSEY. That was a negative pun.

Mr. ELLISON. The public is really calling for true health care reform.

Ms. WOOLSEY. That's right.

Mr. ELLISON. And we were talking a moment ago about the bill that came out of the Senate Finance Committee, a bill that I don't favor at all. And I just thought that I would share a few basic facts about it.

You should note that if you look at all the House bills together, even though they haven't been unified, if you look at them together, they all call for a public option. The Senate Finance bill does not have a public option; it has a cooperative, which is not nearly—which is no good, which is of no value.

Ms. WOOLSEY. Would the gentleman yield?

Mr. ELLISON. Yes.

Ms. WOOLSEY. Do you think it would be important for our viewers to know why the co-ops are of no value?

Mr. ELLISON. Yes, let's talk about that.

Ms. WOOLSEY. I think we should explain that.

Co-ops could be of value over time, but what we need is a public option that's available the day the exchange goes into effect so that that is one of the options. If we depend on co-ops, right now there are less than 10 in the country. I really know of only one that's totally successful and that took more than 10 years to get up and running. It's not impossible, and it could happen; but that should not be what we consider a public option. It can be an option at another time.

Mr. ELLISON. If the gentlelady would yield, I think you're right. It's not an inherently bad idea, but it's bad for this. And I want to be very clear: you and I aren't loosening up and open to co-ops. I mean, we're clear that co-ops is the wrong thing. And here's one reason why: the Congressional Budget Office, nonpartisan, they report on Senator BAUCUS' bill: ''The proposed co-ops had very little effect on the estimates of total enrollment in the exchanges or Federal costs because, as they are described in the specifications, they seem unlikely to establish a significant market presence in many of the areas of the country or to noticeably affect Federal subsidy payments.''

In other words, you mention that there are some successful health care co-ops around the country and how it took them years to build up. Well, the CBO report says that when the exchange opens up, the co-op will be too little, too small to have any market presence and will not be able to really be strong enough to actually impact the market. So the fact is that people will be left for years and years with no real successful option to lower costs. So the co-op is really not a viable option.

I don't want to completely be dismissive of the idea of co-ops in general. Food co-ops are great. There are good co-ops, right? We want to be straight with everybody. But in this case, it's the wrong thing because it will be too small, too weak, too little to compete with these insurance companies that have been in the game for a long, long time. What we need is a public option, that's what we've got to have.

Ms. WOOLSEY. A robust public option.

Mr. ELLISON. A robust public option. I'm talking about a public option with some muscle.

Also, if we compare the Senate Finance bill with the House bills, the Senate Finance bill has no employer mandate. The House bill has an employer mandate to provide health insurance to its employees. So, look, employers—and I'm grateful to the employers that provide health care to their employees, but no employer will be able to say, well, we're just not going to do it because—for whatever reason. The employers are going to have to provide health care for their employees or contribute to a fund which will allow their employees to get health care.

□ 1530

Ms. WOOLSEY. If the gentleman would yield.

Mr. ELLISON. Yes.

Ms. WOOLSEY. That's the only way we can level the playing field so that employers who do provide health insurance for their employees aren't at a disadvantage in competing with like industries.

Mr. ELLISON. If the gentlelady would yield back, absolutely. That's right. We want to level the playing field. You can't go out there and just get a competitive advantage on your competition by dumping your health care insurance, so that's another important part.

The third thing is, under the Senate finance bill, taxes and the pay-fors are a tax on high-end health insurance plans and a tax on medical devices, laboratories, et cetera. Under the House bill, there is an income tax surcharge on high-income earners. At least that's one idea.

Now, I'm going to tell you this: If I am ever fortunate enough to be a wealthy individual—I assure you I am not one now—I would hope that, as an American——

Ms. WOOLSEY. If the gentleman would yield, you're not going to be wealthy staying in this job——

Mr. ELLISON. Yes. Right. You'd better come here already wealthy.

Ms. WOOLSEY. Or you're going to stay the same.

Mr. ELLISON. That's right.

As I was saying, if I ever become a well-to-do person, I would hope that I would have enough patriotic commitment to put other people's bare necessities in front of my own luxuries. Do you understand what I'm saying?

Ms. WOOLSEY. Absolutely.

Mr. ELLISON. I mean, how many boats can I ski behind? How many houses can I own? If I have to pay a little bit more to make sure that some poor, single mom and her kids have health care, why wouldn't I do that? Why wouldn't I do that? I don't know.

Do you have any thoughts on this? I yield to the gentlelady.

Ms. WOOLSEY. Well, I have a lot of thoughts on that. You see, I represent, probably, not the wealthiest district but the wealthiest county in the Congress, and I have not gotten one letter from one constituent who says, ''Woolsey, how dare you think about raising my taxes.'' I mean this is of the people who would have to pay taxes.

Mr. ELLISON. Right. Right.

Ms. WOOLSEY. Those are not the kinds of people I represent. They are educated and progressive, and they get it. When other people are taken care of, they're better off in the long run. Their employees are. Their kids in school are safer because the other kids are covered and have good health care. They just totally get it, and I think, if there weren't so many fear factors around, most people would understand the concept.

Mr. ELLISON. If the gentlelady would yield back, I mean the fact is that many well-to-do people recognize that this country has been good to them, that many of them went to public schools, and that many of them have police who secure their properties. Many of them really are grateful for all of the bounty that America has given them, and they don't mind doing a little bit more to make sure that low-income, poor Americans have some way to go to a doctor.

I think it's just basic, and I'm always a little shocked when I hear, well, somehow we're punishing well-to-do people by asking them for a little more to help poor Americans. I don't understand that kind of thinking, because you find a lot of extremely generous well-to-do people.

I yield to the gentlelady.

Ms. WOOLSEY. That's absolutely true.

There are many things we ask of our constituents, but mostly there are many things that the government provides for them, like public education, police, fire, roads. We pay for all of that because we use all of that—some more than others. Some benefit more than others from these services, but it's pretty proportionate about how much you pay and your taxes depending on how much you earn, on how much you have and on how much you've actually benefited from this country of ours. So I believe you're right. It's a shared thing.

One of the suggestions is, of the people who have health care benefits, their benefits should be taxed. There are a lot of us who feel that taxing a person's benefits is not the way to go because they've already, probably, in this economy of ours, given up raises in order to keep their benefits in the first place. To tax those benefits on top of that would just be a hit to the middle class of this country.

Mr. ELLISON. If the gentlelady would yield back, does the gentlelady agree that we should go about 10 more minutes and hand it over?

Ms. WOOLSEY. Right.

Mr. ELLISON. I just want to point out that, under the Baucus—or the Senate finance bill, subsidies to the premiums of low-income people would be kept at 13 percent of the max; whereas, in the House bills, the premiums would be kept at 11 percent. So the House bill, again, is doing more to help the middle class person. The Senate Finance Committee is cutting into the middle class even more. This is just premiums. This is not copays. This is not deductible payments, payments you have to make when you have a deductible. This is not other costs associated with health care. This is just premiums. So, again, the Senate Finance Committee's bill is not nearly as good as any of the House bills.

Ms. WOOLSEY. If the gentleman would yield again——

Mr. ELLISON. Certainly.

Ms. WOOLSEY. With just that 2 percent difference, that cuts into middle-income workers.

Mr. ELLISON. Yes.

Ms. WOOLSEY. I don't know what the numbers are, but I think, if they earn $41,000 a year and have four children, then they wouldn't be eligible for the subsidies. I don't have that in front of me. I'm sorry. I might be off a little bit, but it really cuts into middle-income workers.

Part of what this bill is about is making it secure for all workers who already have coverage, not making it harder for them to have their coverage. Part of that is security. They might love the coverage they have, but they know, in their heart of hearts, that they could lose that.

Mr. ELLISON. That's right.

Ms. WOOLSEY. Their employers could decide they can't afford to cover them anymore, and boom, that's the end of it. They might lose their jobs. They might want to change jobs and not have insurance going with them.

The truth of it is is that, not the Baucus bill particularly, but the House health care reform bill makes it more secure for people who are already covered. They lose nothing. They don't have to leave their coverage unless their employers decide they don't want to cover them anymore. With the House bill, they have a place to land. They have a place to go, and they can get health care coverage without prejudice.

Mr. ELLISON. If the gentlelady will yield back, we're wrapping up now. Yet the fact is, as to the House bills, if you look at them together, insurance companies can only charge different premiums based on age, and then it's like 2–1.

Ms. WOOLSEY. In the House bill, it's 2–1.

Mr. ELLISON. In the House bill.

Ms. WOOLSEY. Tell what it is in the Baucus bill.

Mr. ELLISON. The Baucus bill is 5–1.

Ms. WOOLSEY. 5–1. Can you imagine?

Mr. ELLISON. 5–1. This is wrong. This is very bad. This is very, very, very bad.

The fact is that this is going to be financially devastating for people who aren't yet elderly but who still are up to 60, 58, 59. It's going to hit them very hard if the insurance companies can discriminate like that, and there are far less stringent insurance reforms in the Baucus bill.

So, when you look at the Baucus bill, it is an inferior product. The Senate Finance Committee is an inferior product. The Senate Finance Committee bill is an inferior product. That's what it is, and it really is a nonstarter. So we're pulling for people on the Senate Health Committee to make a better bill than that which came out of the Senate Finance Committee.

We believe that help is on the way. Health care reform is right around the corner. It's time to raise the voices and to not be shy.

The President is running all over the country, talking to people about health care reform. He was in my own town of Minneapolis last Saturday. He did a phenomenal job. When the President mentioned the public option to a capacity crowd in the Target Center in Minneapolis, Minnesota—my city—the crowd roared for 1 minute 40 seconds. They wouldn't even let him continue with his speech. They were just clapping wildly—a deafening noise. That's how much people want the public option.

Ms. WOOLSEY. That's right.

Mr. ELLISON. So I'll leave the last word to the gentlelady of California.

Ms. WOOLSEY. Well, I'd like to say that the Progressive Caucus believes that it is our responsibility in the House to get our bill united and that it is our responsibility to bring our bill forward and to get it voted on so that we have that as an example of a robust health care reform package, so that Senator HARKIN's Health Committee can follow suit, and so that we can give him a lot of the strength that comes from this House. We'll be negotiating with them later, but we'll be negotiating two very good bills. We want to go first.

Mr. ELLISON. So that will close us out.

I just want to say thank you, Chairwoman WOOLSEY, for being here and for always being supportive of our special hour and of our progressive message.

The Progressive Caucus is committed to values of shared community, of shared responsibility, of making sure that the least of us are cared for and are looked out for, of making sure that America is a country that supports peace around the world. This is what some of our essential values are: The Progressive Caucus. The progressive message. Thank you very much.

I yield back the balance of my time.

AMERICA'S ECONOMY AND HEALTH CARE

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

Mr. GINGREY of Georgia. Mr. Speaker, I thank you, and I thank the minority leader, JOHN BOEHNER of Ohio; the minority whip, ERIC CANTOR of Virginia; and the minority conference chairman, MIKE PENCE from Indiana—our leadership—for giving me the opportunity to take this hour this afternoon as the designee of the Republican Party, the minority party.

Like my colleagues on the other side of the aisle, the Democratic majority that you've just heard from concerning health care reform, my hour also will be spent discussing this topic of tremendous importance to the American people. Certainly, we were home during the August recess for almost 5½ weeks, and I think, for each and every Member on both sides of the aisle, if they didn't know health care was the number one issue when they went home to their districts, they found out pretty quickly. I think, Mr. Speaker, you would agree with me on that. Certainly, it was all over the television news—cable news and the networks.

So we are in a time of this 111th Congress where we're dealing with something that is just as important as almost anything that you can think of. There are other issues, of course, that are on people's minds, issues which are equally as concerning. One of those, Mr. Speaker, is the economy. The economy has been pretty rough, and we all know it. For the last year and a half, we've been in a pretty deep recession, and it seems like no matter what we do that we're not able to pull ourselves out of that ditch.

So I would say to my colleagues on both sides of the aisle, while the health

care reform issue is important—and it is important that we lower the cost of health insurance so that everybody in this country can have affordable, accessible health insurance plans and can have the opportunity to see physicians when they need to—there are other great concerns. One of those great concerns, of course, is the economy.

I looked at some polls earlier today, and when 1,000 people were asked to list in the order of their own priorities what their greatest concerns were, 44 percent of them said, My greatest concern is the economy.

□ 1545

In second place was reforming health care at 14 percent of the respondents, and our national defense tied in third place when 14 percent also said that was their greatest concern. It is important that we keep this issue as high a priority as it has, and as important as it is to people in this country, that the economy is the number one issue.

Mr. Speaker, I think it was President Clinton that said, It's the economy, stupid. Or maybe somebody said to President Clinton, remember, that it is the economy.

And it is. There is no question about it. When you are looking at an unemployment rate bumping up to 10 percent, and people losing jobs since February, when we passed the economic stimulus act, Mr. Speaker, $787 billion, I believe, of borrowed money, a third of that money borrowed from the Chinese government. That was going to stem the tide; we were going to make sure that unemployment did not get worse than 8.5 percent, and that we stopped the hemorrhaging of jobs and, indeed, began to grow jobs.

Well, now, here we are, some 6 months later in the process. We haven't spent it all, but appropriated that much money again, $787 billion, to try to get things going to stimulate the economy. We have lost another 2 million jobs, and the unemployment rate is approaching 10 percent.

I think that one thing that I wanted to share with my colleagues this afternoon, Mr. Speaker, is the revision of our health care system. The revision of our health insurance system, while important, and important to our economy, it's not the number one issue. The number one issue is to get people back to work and start creating some jobs and do something about the homebuilding industry, where sales are down. Prices of homes are down 40 percent, probably, in some parts of the country.

Jobs are lost in that industry, and there are so many things we could be doing, should be doing, to stimulate this economy. Yet the President's attention has been diverted so much that he is going all across the country, doing his own town hall meetings, almost like in a campaign mode, lobbying for this idea of a comprehensive, total reform of our health care system such that the government has more involvement. Maybe not total involvement, but from my perspective, Mr. Speaker, and those of us on the Republican side of the aisle, we have great fear that these plans—my colleagues that spoke in the aisle before were comparing the Senate version versus the House version.

I would say, Mr. Speaker, that I have concern about both versions, about both versions leading to a total takeover of the health care system by our government. Ms. WOOLSEY and Mr. ELLISON are very good people, compassionate Members, as we all know, and you could tell from hearing them speak, that they have good hearts.

But if you ask them, or, and I have heard, actually—I am not going to put words in their mouths, but I have talked to a number of the members of the Progressive Caucus, of which they are a part, Mr. Speaker, and what many of them have said, and don't deny it, is that they are not going to be satisfied until the Federal government completely takes over the health care system in this country. That is similar, if not identical, to the Canadian system, or the UK system, a nationalized, socialized medicine, is actually what we are talking about.

And so we feel, on the Republican side of the aisle, first of all, that's not desirable. The people don't want it. The town hall meetings told us that they don't want it. The recent polling tells us that they don't want it.

They clearly want lower prices for health insurance, they want us to do something about that, and they want to make that opportunity to have health insurance more accessible to each and every one of them and the members of their families. But they don't want a government takeover, Mr. Speaker.

I say to my colleagues, look, the President, in the joint session of the Congress, where our colleagues on the House side, our Chamber, were obviously here. Our colleagues on the other body, United States Senate, were here. Cabinet members, Supreme Court justices were here as the President addressed the Nation in prime time.

You know, you can't have a better bully pulpit than that opportunity for the President to make his case. During that 45-minute speech, another great speech by President Obama, he said one thing that I agreed with, well, probably several things that I agree with, many things that I don't agree with, like a public option, which is a euphemism for a government takeover of our health care system.

But President Obama did say that one thing, one area of reform that he has not yet seen in any bill is medical liability reform, and that he felt that that would bring down the cost and that he was willing to listen, Mr. Speaker, to ideas presented to him. His door was open—I don't know about those three or four levels of gates before you get to the door—but I am really hopeful, Mr. Speaker, that his door is open to Republicans and Democrats, and rank and file, leadership, to every Member of this body.

In fact, even, it would be great if his doors were open to the citizens of this country that have great ideas and where we get most of our great ideas, if the truth be known. But this, this idea of medical liability reform, I have sent him a letter based on what he said in that speech. He also, Mr. Speaker, said the same thing to the American Medical Association annual meeting in his hometown of Chicago this past June.

Mr. Speaker, I know you know this, but some of my colleagues may not know that in my prior life, before I came to this body 7 years ago—I am now serving in my fourth term—I spent 31 years practicing medicine, 26 as an OB/GYN specialist in my 11th District of Georgia, where I still live and will spend my entire life. It's a wonderful, wonderful community in northwest Georgia.

This issue of health care—I am as compassionate about it as anybody, just as compassionate as my friends on the Democratic side that had the previous hour. This idea of doing something about medical liability reform—I am so glad that the President said to the American Medical Association at that annual meeting, Yes, in response to a question from one of the doctors, We do need to do something, and I will take that into consideration.

Now, he wasn't specific, just like the other night he wasn't specific in regard to what he would be amenable to in regard to liability reform.

Mr. Speaker, tonight, I am going to spend some time talking about a bill that I have introduced every year since 2003, that was the 108th Congress. I have been a Member of the 108th, 109th, 110th and 111th and hope to be a Member, Mr. Speaker, of many more Congresses to come. I love this place. I love this body, I love my colleagues on both sides of the aisle.

But each year I have introduced the bill called the HEALTH Act, and it is about medical liability reform. The bill number, for those of you who would like to look it up—and I hope you will, because I have got about 60 cosponsors right now, Mr. Speaker. I want cosponsors on both sides of the aisle, because I want this to be a bipartisan effort. I think that's the only way we can really accomplish things that the people will be happy with.

But H.R. 1086 is called the HEALTH Act, and it's modeled after a bill that was passed in California. California, with its 35 million people, passed a bill back in 1978. The acronym for the bill is MICRA. The most important aspect of that bill, Mr. Speaker, was to put a cap on awards from a jury to a plaintiff for pain and suffering.

Now, when a medical case is brought before a jury, and there is alleged malpractice, and the patient has been harmed or injured in some way, there is all kinds of evidence given to the jury in regard to what the patient has

lost, how much they are disabled and whether or not they can continue to work, and if they can't continue to work over a lifetime, you know, maybe 25 more years, that they expected to work. How much is that worth? That's called compensatory damages, and those awards can be in the millions of dollars and sometimes are.

In most of those cases, I would say, bravo, Mr. Speaker, that the patient was injured by some physician or some hospital practicing below the standard of care, and they have got just compensation. We call it a redress of their grievances. Maybe it doesn't make them whole, but it helps.

Well, this bill, though, doesn't say anything about that, doesn't take away one scintilla of their right to redress of those grievances. It simply says that if it's a minor situation, a minimal injury or even, in some cases, where the jury says we know, based on 2 weeks of the attorneys, the plaintiff's attorneys and the attorney defending the physician, that the doctor didn't do anything wrong, that this was really just an unfortunate outcome; the doctor followed all of the standard practices, best practices in the community. But, golly, you know, we just feel sorry for the patient and, after all, the doctor is not really going to pay this. He or she pays a high malpractice premium to be insured, but it's that old insurance company, and we are just going to go ahead and award $4 million for pain and suffering.

Well, that's what drives up the cost of health insurance, Mr. Speaker, for everybody else. And it is estimated that if we limit that kind of opportunity, just out of compassion, not based on any factual evidence, that these sort of runaway jury awards are given, if we limit that, then we could save, in this health care system of ours, Mr. Speaker, up to $120 billion a year, $120 billion a year, that estimate by the RAND Corporation.

It just seems to me, Mr. Speaker, that if we go in this direction, that we wouldn't have to say to the American people, we are going to pay for health care reform by taxing the so-called wealthy an additional $800 billion a year. My friends, we are talking about, well, it's okay if you had a lot of money, why not give to the poor and the downtrodden and follow the Good Book. That's fine. I mean, I understand.

But there is another perspective on that. You teach a man to fish, you feed him for life. You give a man a fish, you just give him one meal. And many of these people, these so-called rich that are going to be taxed in the House bill that they were praising so much, I think the number is H.R. 3200, there's a surtax on people with a combined income, I forget, something like $250,000.

□ 1600

Well, many of those people, Mr. Speaker, are small business men and women who pay their taxes just like an individual, like a small business, sole proprietor. And when you add that surtax on top of their marginal rate and on top of their State and local taxes and FICA, they are paying 52 percent, more than half of their income, in taxes.

So many of them will just simply say, you know, this little company that we started years ago, this little roofing company, this sheet metal company, this real estate shop, and we created these 10, 15, 20, 25 jobs, and we have been good to our employees and provided them health insurance, we are now in our fifties and we have been prudent and frugal and saved back and we planned on working another 10–15 years and keeping this company going and maybe turning it over to our children or grandchildren, but this is crazy. We are not working for ourselves or employees, we are working for the Federal Government so they can totally reform health care and turn it into a socialized medicine system. Well, we are just not going to do it and we are going to close the doors, and we are going to have that many more people on the unemployment rolls and that many more people without health insurance.

I have been hearing my colleagues talk about, and I think President Obama, Mr. Speaker, said it just last week in his speech, this is a crisis; 14,000 people every day, 14,000 people every day are losing their health insurance, and we have to do something about it.

Mr. Speaker, 14,000 people are losing their health insurance every day not because of the cost of health insurance. They are losing it because they lost their job, 6 million of them in the last couple of years, 2 million since February when we passed the so-called economic stimulus bill. So we have to put all of these things in proper perspective.

So this bill that my colleagues were praising, H.R. 3200, I am on the committee, I have read the bill, the 1,100 pages. The pay-for of $1.5 trillion over 10 years, and that is a very conservative estimate as told to us by, as they said, the nonpartisan Congressional Budget Office, $1.5 trillion, $8 billion coming from taxation on those small business men and women, that job-killing taxation and another $500 billion, Mr. Speaker, taken out of what, the Medicare program.

Do you think, my colleagues, that we can afford to cut Medicare by $500 billion when we have already been told by the trustees that by 2017 there will be less money coming in from Medicare FICA than is going out in benefits to our 45 million, I think there are, Medicare beneficiaries? And that the long-term unfunded liability of Medicare out to the year 2075 is $35 trillion, and that is with a ''T,'' $35 trillion.

So we say, oh, well, we need the money because the President said we are not going to do this bill, either the Senate bill or the House bill, whatever is the one that is ultimately chosen, we are not going to spend one dime, no, I think he even said one penny, I think he said one penny. We are not going to spend one penny of Federal money; it is all going to be paid for. So that's the pay-for, the $800 billion worth of taxes and the $500 billion cut to Medicare.

Mr. Speaker, $500 billion over 10 years. I heard someone from AARP say that is a small cut. Well, in 2008 we spent $480 billion on the Medicare program. So if we cut it $500 billion over 10 years, that, my colleagues, is $50 billion a year. Divide 500 by 10, $50 billion a year. Well, $50 billion as a numerator over $480 billion as the denominator, I believe that is more than 10 percent a year. Mr. Speaker, cutting Medicare when it is about to go broke by the year 2017, over 10 percent a year for the next 10 years, you tell me that makes sense, so we can guarantee insurance for another 5 percent of our population, many of whom don't want it but yet we are going to force them to take it, to buy it. Certainly it is not going to be free.

But what happens to our Medicare recipients, our moms and dads and grandparents who are let's say on Medicare Advantage. Medicare Advantage is that option that you have under Medicare, you have to pay a little bit more, but it covers prevention and wellness and you get to go to the doctor and have an annual physical and Medicare pays for it. And you have screening for a lot of dreaded diseases, and Medicare pays for it. And a nurse calls you back, maybe a week after your appointment, to make sure that you got your prescriptions filled or that your fever went down or that you checked your blood pressure and it is okay.

All of that is provided under Medicare Advantage that is not available to the 80 percent who get Medicare as traditional fee-for-service. It doesn't pay for a physical except the entry physical to Medicare when you first turn 65, but you need one when you are 68. You need one when you are 72, and then you might need one every year thereafter.

So Medicare Advantage, my colleagues, we may be paying too much and we may need to sharpen our pencil. I'm not saying that we don't look at everything very, very closely. We should do that on everything, every dime. As the President said, Mr. Speaker, every penny of taxpayer dollars that we spend should be well spent, and we should be sure that we are not overpaying the insurance companies that provide the Medicare Advantage option.

But it must be pretty popular, Mr. Speaker, because 11 percent of those seniors pick Medicare Advantage. Well, to pay for that $500 billion out of Medicare, guess where the biggest chunk comes from? It comes from Medicare Advantage to the tune of about $170 billion. It literally guts Medicare Advantage. It literally guts Medicare Advantage.

So when the President says, Mr. Speaker, you and I and all of our colleagues have heard him say it many times, if you like what you've got in regard to your health care, nothing will change. If you like what you have, you can keep it.

Well, try to convince those 10–11 million people, senior citizens, precious senior citizens who are on Medicare Advantage. They may want to keep it, but if the providers of the Medicare Advantage are losing money on the programs—and they will if you cut 17 percent of their reimbursement—they will simply say, look, I have other business lines. I sell property and casualty. I sell automobile, homeowners, catastrophic, I sell life insurance; but I'm out of this. There is no way.

So that is 11 million people, potentially, not all of them, but a large number of them who will lose their health insurance, what they like; they wanted to keep it, but they didn't get to. So it is an indirect taking it away from them.

When you talk about, well, this is a way we are going to pay for it and not spend one extra dime, it is very important. It is just very important that people understand what the pay-for is. That is why I say in regard to medical liability reform, the current system of the runaway awards given to patients for pain and suffering, there are a couple of other provisions in my bill, the provision of course that we cap the award for pain and suffering at $250,000. Several States have done that. Several States have actually done that and expanded that number to $350,000. And it has worked fine.

My mind is open in regard to some changes because the bill, H.R. 1086 that I am talking about, is based on a California law that was passed 30 years ago. So, you know, to say today, well, $350,000, I think is a reasonable thing. And I would be willing in a heartbeat to talk to the President about that, to talk to the leadership of the Democratic majority party about that.

Mr. Speaker, there are a couple of other things about medical liability tort law that I think our colleagues need to understand. There is something called joint and several liability. So here's the scenario. A patient suffers an injury and the plaintiff's lawyer names everybody that had anything to do with that patient during a hospital stay. Let's say it is a patient that is scheduled for surgery on Monday, a routine operation. And the doctor who is going to perform the surgery says to her partner, I'm going to be at church Sunday morning with my family. Do you mind when you are making rounds seeing your patients, would you stop in and see Mr. Smith and just make sure that everything is okay and tell him that I will come by this afternoon and check on him and see if he has any last minute questions before the surgery?

So the doctor's partner does that. He kind of sticks his head in the door and says hello, and your doctor will be by this afternoon.

Well, that doctor could, under current law, be just as liable of any adverse outcome of that next day surgery as the operating surgeon. The way the current law says, if that doctor who all he did was say hello, I'm your doctor's partner and I just wanted to stop in and tell you that she will be by this afternoon, if he has the most coverage, maybe he bought a more expensive malpractice policy, Mr. Speaker, and he has—well, you have heard the expression, he has the deepest pockets, then in a lawsuit, he could be liable for everything, although he never even laid a hand on the patient. Well, that's wrong and that ought to be corrected.

That's why we need to eliminate this policy. It is called joint and several liability. In other words, everybody who is named is equally liable. Clearly, as that analogy I just presented shows, that's not the case. It ought to be very specific, and it ought to be proportioned.

I would think, Mr. Speaker, that would be plain as the nose on your face. There is another provision of H.R. 1086, the Health Act. It is called collateral source disclosure. I mentioned earlier, Mr. Speaker, about the evidence that is presented to a jury so they can figure out what award, if any, is appropriate for a patient who is injured by a physician or a hospital, medical facility, that has practiced below the standard of care, and it is a very scientific approach.

If the patient had to come back in the hospital and stay for another 2 weeks or month, if the patient had to have another surgical procedure done, if the patient had to be put to sleep and had to have the services of an anesthesiologist, if the patient went home and had to have a specialized wheelchair, if the patient had to have an assistant to help them with daily living, all of that stuff is—and I'm sorry, Mr. Speaker, I use the word ''stuff.'' That is improper. But all of those things, items of cost, are used to calculate what the total amount of a judgment should be if in fact it is determined that what the doctor did led to this terrible, unfortunate outcome.

□ 1615

Well, if the patient has disability income insurance, and when the injury occurred they were 30 years old, that disability income compensates them for 80 percent of their salary for the rest of their life. If the patient has health insurance that covers anything else that had to be done, that information should be known to the jury because, if not, we're looking at a situation we sometimes call double dipping. All of these things, Mr. Speaker, drive up the cost of health care and health insurance for everybody else. For everybody else.

So, Mr. Speaker, that's why I was so pleased to hear the President say that he acknowledges that and something ought to be done about it. His mind is open. And I will say to him and to my colleagues in this body and in the Senate that my mind is open as well. And we should sit down, if necessary, Mr. Speaker, with a blank sheet of paper and just say, Look, certain things in Representative GINGREY's bill, H.R. 1086, we don't agree with, but here are some other sections that we think are very good. And, by the way, we have some ideas here—the majority certainly, because it would be their bill—and would say, Look, let's put this in and that in, and let's get to a point where we can all agree.

If we take this attitude, Mr. Speaker, on every aspect of health care reform and health insurance reform, I can name, and, in fact, I would like to name, several things that I just know that there would be bipartisan agreement on in regard to how the insurance companies treat their clients.

We, on my side of the aisle, we Republicans absolutely would prohibit insurance companies from canceling or rescinding a person's health insurance coverage after the fact by saying, Oh, you know, 5 years ago when you took out the policy, you didn't answer every question just right. You had a lab test that you didn't tell us about or you had hepatitis when you were 16 years old in playing high school football and you completely recovered, but still, you didn't tell us about it and so now you're 45 and you have to have your gall bladder taken out and, lo and behold, that $20,000 bill, estimate of benefits that you got, we're not paying a dime of it. You're paying all of it. That's got to stop. That absolutely has to stop.

We are in total agreement that insurance companies should not be allowed to deny coverage for preexisting conditions. We are in agreement that setting up exchanges, insurance exchanges in every State where a person who doesn't have insurance or works for a small company that doesn't offer it can shop. And you've got multiple insurance companies. There are 1,300 of them, I think, across the country, that offer health insurance products that they can compete and that a person could go online and know exactly what is covered, what the deductible is, what the copay is, who the doctors are in the provider network. Even go online and check and find out if the doctors have a good record, if they're cost-effective, and make a decision. If their income is lower than 300 percent of the Federal poverty level—for a family of four, that's about $65,000 a year—then to supplement them so that they can afford to buy those policies.

We're in agreement with that, Mr. Speaker. My colleagues, we don't disagree. We have compassion, too. The two Democrats who were here earlier may be two of the most compassionate Members of this body, but we have a heart as well, and we want to help people. We want to help the downtrodden. But we don't want to, as I said at the outset, to just simply say we can't solve this problem.

Golly, we put a man on the Moon in 1969. It took us about 8 years to do it. We caught Russia and passed them because we had the determination, the will to do that. And you tell me now, 50 years later, that we can't solve this problem without just saying, Look, we throw up our hands. We can't do it. The Federal Government, you take it over and run our health care system and let's have everybody on Medicare or Medicaid.

No. We have a lot of things that we can work together on, and we need to do that.

This idea of medical liability reform and the savings that it brings, certainly it should be on the table, and heretofore it has not been. There's not one section in any of the three bills that came through the House or the two bills that came through the Senate. We need that, just as we need, Mr. Speaker, a comprehensive electronic medical records system. That's another cost saver of maybe $150 billion a year.

Yes, there's some upfront costs. Indeed, I think the President put $19 billion into the economic stimulus package to make sure the government continues its efforts to set the standards so that all these computer systems, hardware, software, for every specialty and every subspecialty, can talk to the Medicare system, can talk to the Medicaid system, can talk to the VA, can talk to the military, can talk to every private insurance company across this country.

So if you go on vacation and if you have a little card about the size of a VISA card or American Express card that's got your identification in there, very secure and encrypted, and you're at the South Pole, for goodness sakes, and you fall and hit your head on the ice and you're in a coma and they take you to the emergency room, somebody can reach in your back pocket, get your wallet out, swipe that card and know exactly what your medical history is, what medications you're on; if you're taking Plavix, not inadvertently give you Coumadin and kill you. So electronic medical records is something that we can, should, and I think do agree on.

Mr. Speaker, I think that if we put the bickering, as the President said, try to put the bickering aside and listen, and the majority party allows the minority party in the room, we can do this. We can do this. And I think the American people would be proud of it.

There's one other thing that I have been proposing and my colleagues on this side of aisle, this idea of why is it that people can only buy health insurance in their own State. Their own State may have passed all kinds of mandates on health insurance that require a test for this, a test for that, coverage for this, coverage for that. All of these things that sound nice when you propose them, but they are part of a basic policy, and so every policy that's sold in the State has to include all those things.

Well, these people can't afford health insurance in that particular State. Maybe it's my own State of Georgia, or Alabama, Louisiana, or Florida, Massachusetts. But yet, they are forced to buy insurance in their own State—and many of them don't because they can't afford it.

Well, let's let them go online and shop in a neighboring State or anywhere in the country that they want to look and see. Just like on Medicare part D, the prescription drug plan, you will see that the competition in the free market will keep those prices down and make them competitive and that an individual can pick a policy that's almost tailor-made for him or her, just as they do in the prescription drug plan.

In the prescription drug plan, part D of Medicare, my mom goes online and she makes a list of the six medications that she's on and she gives her Social Security number, she gives her zip code so that she would know which pharmacies are close to her and what plans are available, and she looks and sees how much the different plans charge for the medications that she's on. She doesn't care what they charge for something that she's not taking. That doesn't matter to her. It's the uniqueness of her that allows her to shop in that way and get the best price.

We can do that with these health plans through these exchanges. We can set up these high-risk pools so that people that have birth defects or they come down early in life with type 1 diabetes or they have osteoporosis or multiple diseases, they can become part of a high-risk pool in each State. And we can say to the insurance companies once again, You have to participate and you can't charge more than 1½ percent—1½ times what the standard rates are.

Again, I started out the hour specifically talking about medical liability reform and the significant savings. I think I even referred to it as a silver bullet worth of savings. And I think that that is something that certainly ought to be—if we pass health reform this year, that certainly should be a major provision; electronic medical records, of course, as well, and many of the things that I mentioned. But to just throw up your hands and say, We can't do it.

We have got 435 of the best and brightest people in this country serving this Congress. All walks of life, all educational levels, all previous professions, and we can't do this? We have to just literally toss up our hands and say, Let's let the Federal Government do it?

There yet is not one word in this Constitution that talks about health care and the requirement of the Federal Government providing health care, not one word, and I look at it often, my colleagues. I look at the glossary often.

I look at things like: Arms, the right to bear; assembly, the right of; counsel, the right to; grievances—we talked about that earlier, didn't we—redress of; petition the government, the right to; the press, freedom of; religion, freedom of; speech, freedom of. But not one word about health care.

I want to just close by saying to my colleagues, we don't want to let the Federal Government take over our health care system. There's an art to medicine. It's not an exact science, and we don't need bureaucrats getting between our doctors and our patients.

The American people are telling us that. And I say woe be unto us if we turn our back on them and force a government-run health care system down the throats of the American people by some parliamentary trickery. I hope, Mr. Speaker, that my colleagues are smarter than that. I know they are. I know they are.

In the final analysis, we're going to do the right thing, and I hope and pray that we do it in a bipartisan way.

□ 1630

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. CARSON of Indiana). Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again it's an honor to come before the House, and I look forward to always coming to the floor. As you know, the 30 Something Working Group, we've been working now not only through the 108th Congress but all the way up through the 111th Congress. We pride ourselves on coming to the floor, talking about issues that are not only facing Americans but the challenge that we have as policymakers here in Washington, D.C., to make sure that we provide the kind of leadership that the constituents in our various districts, the people in our States and, of course, the entire country deserve. To try to achieve that is definitely a hard thing to do at times but very easy to do when we work together.

As I start off every Special Order, Mr. Speaker and Members, I just want us to continue to stay focused on what's going on not only here domestically but also throughout the world, not only our men and women in uniform but those that work in the Diplomatic Corps and the State Department who are deployed throughout the world. We do know that we have individuals who have to clean sand out of their boots and stand up on behalf of our country in the theater of war in two areas.

As of today at 10 a.m., the death toll in Iraq is 4,347 troops and soldiers; those who were wounded in action and have returned to duty is 17,633; also wounded in action, not returning to duty is 3,861. The death toll in Afghanistan, Operation Enduring Freedom, is 830; wounded in action and have returned to duty is 1,506; wounded in action but not returning to duty is 2,390.

I think it's important, Mr. Speaker, that every time we get the opportunity, we definitely appreciate not only those that are enlisted now, but the Reservists, National Guard units, the many veterans out there who have served and also their families. We must show them a great deal of appreciation to allow us to salute one flag. My uncle served in the Korean War and saw a little action in the Vietnam War. He recently passed on. He was not only honored to get medical health care at the end of his life over at Bay Pines Medical Center in Bay Pines, Florida, but he also had the honor, along with many heroes and sheroes, to have his final resting place be over at Arlington National Cemetery.

Mr. Speaker, there has been a lot of discussion about this issue of health care, and I think that it's important that we continue to have not only that discussion but some action. When I first came to the floor last week and we reconvened as a Congress, we talked about a number of the issues that are facing not only Americans, but we have talked about what happened at town hall meetings, and we have talked about that we wondered where the President stands. We had a lot of discussion going back and forth, whether it be members of the Republican Caucus or members of the Democratic Caucus and even our two Independents who are over in the U.S. Senate, a great discussion, a great discourse, a lot of CONGRESSIONAL RECORD statements made. A lot were entered without an official statement on the floor, but just in writing.

And still this debate continues. We know that we have at least four working documents that are out there right now. We know that the chairman of the Finance Committee in the Senate has been working, along with Senators on both sides of the aisle, to be able to come to some sort of resolution where Americans will be able to say that those of us here in Washington are working and that we will get to a final resolution more sooner than later to make sure that the insurance companies are no longer doing what they have been doing to the American people and what they are doing to the American people. That is, pushing up rates, pushing up copays, and denying coverage for some Americans when they have worked very, very hard. Some people pay $300, $400 in a paycheck, some personal testimonies, $1,200 for a 4-week period to insure their families.

Now I'm not going to stand here and tell you that they were able to do that on their own. They are able to keep not only the CEO's benefits at the levels that they are—benefits that an average American would never see or paychecks that the average American would never see. The average American will never be able to live in the type of gated community that some of these insurance executives are living in right now. And the executives will never be able to understand what it means to visit their doctor and be denied coverage for a procedure that is needed. They would never have that opportunity. But I'm not going to even blame it on the insurance executives, to say that they have set forth the environment in which they are able to stand in judgment of an individual's health care, even when there is a doctor that is recommending that their patient receive a certain procedure or a test that has to be carried out.

The environment would not be what it is today if the Congress was to do its job. If we were to do our job, then we wouldn't have some of the horror stories that we've been hearing over a period of time. We would not have constituents calling their Congressman or Congresswoman saying, I need you to call this 1–800 number for me because I need an operation or my husband needs an operation or my child needs an operation. We cannot operate that way because everyone can't call their Member of Congress or their elected official or the mayor to be able to stand for them. It is important, and I come to the floor today to say that it's imperative—even adding on to important, even more—that we follow through.

Mr. Speaker, I'm speaking here with a bipartisan voice because something that I saw when the President came to speak to us last week—it seems like it was 2 weeks ago but it was last week—he talked about passing a health care package that would not add one red cent to the debt. I think that's important. I think that's a value that this Congress can embrace on both sides of the aisle. He also said that he would not sign a bill that would allow insurance companies to deny people based on preexisting conditions or family history. That's a value. That's something sound that we can both agree with. I was pleased to see my colleague on the Republican side of the aisle in the Republican response after the President's speech say, There are some things that we agree on, and that was one of them—no longer allowing insurance companies to deny individuals on family history or preexisting conditions. That was major, as far as I'm concerned.

I was, once upon a time, a public worker, a State trooper in Florida; and even before I was a student at Florida A&M, I was a skycap at the airport. I used to carry furniture at the Jewish Home for the Aged down in Miami. I have worked in the thrift shop. And even though part of that time I enjoyed being on my mother's health plan, I knew what it meant to kind of be in that area where, ''I hope I don't get hurt because I don't have the kind of insurance that I need as a skycap.'' Now it's important that we take this ''no longer being denied on preexisting conditions or family history'' and look at that as a bipartisan move from this point on. There should no longer be a debate on whether we agree on that or not. That's a softball.

But I want to say, Mr. Speaker and Members, that it took us decades to get to that point. The reason why Members are now emboldened to say, Well, I agree with that provision, is that the leadership was provided to set the environment for them to say yes to that, for Democrats to say yes to that, for Republicans to say yes to that, and for our two Independents in the Senate to say yes to that, that they agree with that as a principle and a bedrock of this health care reform.

I think something that's also so very, very important—many times here on this floor, we have had discussions of urban versus rural. When you look at this health care debate, and you look at how Members are coming to the table, needing not only the resources to be able to bring about a medical home for individuals that do have insurance—and in this bill we're achieving that, of making sure that a super, super majority, into the high nineties, have an insurance card and that they're able to go in and get preventive care and to also go in and get a procedure that they need and cannot be denied—but to be able to have that, they have to have a medical home. In the legislation, we're talking about community health centers having more capacity to be able to take on everyday Americans, not just indigent, not just individuals that don't have a primary doctor. This is to allow individuals that are in the top 1 percent or the top 2 percent of income gatherers here in this country to be able to go to their medical home, whether it be a community health center or they can go to their own doctor, but they'll at least have the capacity to be able to have that medical home. This is important in rural America and in rural Florida.

Right now as I travel throughout the State of Florida, there are a number of people saying, You know, KENDRICK, I kind of like this health care thing, but I don't have a car, and I have to drive 2 or 3 hours to go see a primary doctor. The reason why that primary doctor is not there is because of the lack of Medicare or Medicaid reimbursement or a constituency that will help keep that practice afloat. So when you have in not only H.R. 3200 but in other work products that are here in Congress these community health centers as a foundation, as a base, as a bedrock of this health care reform package, I think we would look at it from the standpoint of saying that people will have a medical home to go to, but they will no longer have to drive for miles and miles and miles and lose doctors that come in and do their residency but cannot afford to stay in that rural or emerging county as it relates to that population because they don't have the backing and the incentives.

I can tell you in that House product that those incentives are there to be able to not only encourage those doctors and medical professionals to stay there but to provide a medical home.

Now I want to let you know that as we look at the different proposals—and

we know that Members have their own version of what they feel health care reform should be—I can tell you with the proper leadership, I know that Democrats, Republicans and Independents can come together on making sure that we work with a public and private system as we see in both proposals, in both House and Senate, one that has a private exchange along with a public option that will allow those who cannot afford to be a part of the private exchange to no longer find themselves in the ranks of the uninsured.

Now why do I say that, Members? I say that that is key and that is important so that the individuals that do have insurance—like myself and probably everyone in this Chamber because we are public workers—that they will no longer take our premiums up throughout America to 250-plus million Americans that do have insurance because of the uninsured ranks there because someone has to pay for their health care. And that's the reason why we have the $20 tablet of aspirin. That's the reason why a box of tissues in the hospital is far beyond anything that you would ever pay for, even if you were to go into the gift shop in a Ritz-Carlton to buy a box of tissue. It costs more in that public hospital or that private hospital than it costs at some five-star hotel because that cost has to be covered someway, somehow.

It's very, very important that everyone understands, as it relates to this overall application of health care, that we have to make sure that we provide a public and a private opportunity for individuals to be able to receive insurance. I come from a State, Mr. Speaker, where you have over 3,500 Floridians that lose their insurance every week. That's the reality. That's what's going on. And to just use that statistic as some sort of backdrop for a political speech or a backdrop to just make a point is really robbery to those individuals of the 3,500 and the 80 percent of Floridians that do have insurance. It's robbery to be able to use that as a talking point without following it up to say that action will take place; and we will have a paradigm shift to make sure those 3,500 Floridians—which adds up to a little bit over 80,000, 85,000 Floridians that are losing their insurance every year. And that automatically we know for that 80 percent or a super majority of Floridians that do have insurance, many of whom, I must add, Mr. Speaker, are on Medicare, which I must say is a public option and a lot of people would have a lot of choice words if you tried to do away with Medicare now.

□ 1645

I think that it's important that we also understand that in this debate Members are going to be misunderstood, but the foundation of the debate should be about action. I have a book full of statistics, both pro and con. The statistics are not going to help bring insurance costs down or make sure that people have health care or make sure that individuals do not find themselves becoming bankrupt because one of their family members has a medical emergency and their insurance ran out in the first 10 days and now they're on their own and they're in open water.

And we have some facilities, believe it or not, legal or illegal, denying care to individuals that are Americans, those that have paid their taxes and have done all of the things we've asked them to do, but based on the fact that they don't have enough coverage, are underinsured, and those that find themselves uninsured because they cannot afford the premium or they can't afford the copays, they find themselves waiting. We have a lot of 50-somethings and early 60-somethings that are waiting to make it to Medicare for them to get a procedure that they should have gotten 7 years ago. And now the situation is even worse. It's going to cost not only me more, but it's going to cost everyone that I represent back in Florida more because of the paralysis of analysis that has taken place here in the halls of Congress.

Let me tell you there were some things that I was very pleased to hear during the joint session. I was happy to hear that the President was determined to be the last President to deal with this issue because I have been in politics now, or, you may say, elected service, as a public servant now for 15 years, going on 16 years. I am a second-generation Member, Mr. Speaker, as you can also appreciate. My mother before me served in this House for some 10 years. Then before that she served in the legislature and the senate and the House of Representatives and worked at a community college. So we come from a family of public servants. I was a State trooper, served in the legislature for 8 years, came here and am serving to the best of my ability.

I can't remember an election, Mr. Speaker, that I didn't have somewhere in a stump speech that I wanted to make sure that we can make health care affordable for all Americans and bring down the costs of health care for those that are paying too much and getting too little.

This health care reform package is more of a bill of rights for those of us that are out here punching in and punching out every day, signing in and signing out every day, making sure that we raise our children and do the things that we need to do to make this country strong. This bill and this concept of reform is not only for health care insurance but making sure that no American that pays for insurance finds themselves in a situation where they've sacrificed what kind of milk they buy, need it be soy milk or regular milk; or what kind of bread they buy, need it be the bread on sale or whole wheat bread; or what kind of eggs they buy, need it be organic or nonorganic eggs. It should not be based on the fact that, well, I have to pay $400 or $300 out of every pay period to be able to cover health care costs for my family, for it to be there when we need it, and then they find themselves in a situation when they need it and they pull that card out of their wallet, Mr. Speaker, thinking that they're on their way to getting something, to only find out that the card that they had in their wallet wasn't even worth the plastic that it was made out of.

They find themselves paying out of pocket, even before, some $25 to $3,000 or $1,600 of money that they didn't have in the first place—I'm going to break this down—going to the credit union trying to get a signature loan. This is for real. This is what happens in America. This is what happens in Florida every day. Calling family members, disclosing to third cousins the personal medical crisis that they're going through that's quite personal in many cases, to be able to swallow pride and ask them for help when they've been paying $200, $300 out of their pay period for health care insurance. That's not what it's about.

So I'm seeing, Mr. Speaker and Members, and I'm pleased to see, that the debate is now moving forward. We agree that something should happen, and something will happen. And the leadership, from the executive branch to legislative leaders, are saying if there are constructive components that can be placed into this insurance reform legislation, then we definitely would like to hear it.

Now, I, for one, have not and will not in this debate come to the floor to advocate any Canadian-style plan that's just a public plan. That's not what it's about, even though we know that Medicare is a plan that's similar but not the same. Medicare has private entities that are there that are helping to close the gap, but the Federal Government is making sure that our seniors that have paid into it have something to fall back on.

I can tell you also that when we look at this issue of health care and we look at the experience that real Americans and, I would add, Floridians are going through today, I wanted to come here today with really a voice of what the everyday individual is paying and what they're getting. 535 Members between the House and Senate. I think it's important that people understand that our experience is totally different from the everyday American or our constituents' experience. In 7 years in Congress, I must say that I have had some family members that have had a medical dilemma. I haven't been denied anything. I'm a Member of Congress. I don't think my constituents, and I said this last week and I will say it this week, elected me to say, Kendrick, I want you, your wife, and your two children to have better health than I could ever have. I just want you to have that, and that's the reason why I'm showing up early at seven o'clock on a Tuesday morning to vote for you.

No. I think they voted to say that I know that you know what I'm going

through, and I'm sending you to Washington, D.C., to give voice to my cause. And the cause of the everyday American is making sure that government will not be a part of the handshake deal, need it be a Democrat or Republican administration.

The fact that doctors are spending more and more time on the phone talking to someone in Sioux City, Iowa, like David Letterman would say, in a cubicle, trying to convince them that their patient needs a procedure or a test and that they need to cover it, they should not look at that person's file and say, Oh, well, you've had this, that, and the other. Well, I don't think that you're eligible for it. If you're paying for it, you get it. That's the school I come from.

So I think that it's important that no matter what your economic background is, you go into work every day and you buy health care insurance, you're in an exchange, and you have put forth the sacrifice, that you weren't able to put dollars into a college fund, that you were not able to do the things that you wanted to do, need it be whatever your religion may be, that when it comes around to that time of year, you weren't able to provide the kinds of things you wanted to provide. You were not able to have that vacation that you were looking forward to that you feel you needed to do. You could not go off to the church or synagogue or what have you, off to camp to study more, or the mosque, that you could not go because financially you're too busy paying more every year into your health care insurance.

It's not on that individual that's trying to have adequate health care, Mr. Speaker and Members; it's on us. We have the responsibility, Democrats and Republicans, to meet that common ground to be able to make it happen.

Now, for those leaders, I must add, need it be here in Congress or in a State or in a local community, sitting on the sideline of the biggest debate that has everything to do with the multinational companies that are U.S.-based being at a competitive disadvantage because of the lack of policy here on this floor to set the stage so that health care costs are not where they are right now, they're at a disadvantage. And when they're at a disadvantage, that means that they cannot provide jobs. That goes all the way down to that small business.

I talk to small businessmen and women every day, need it be through e-mail or by talking on the phone. And they say, You know, Kendrick, it pains me when I try to buy insurance as an employer, and people don't talk about that a lot, based on the individuals that I employ and based on their health care background, I pay more because I'm in a rural part of Florida where, probably, the diet is not what it should be or whatever the case may be or family history or what have you, and that plays a factor.

I have talked to businessmen and women that have a plant here and a plant there, and it costs more for the plant over here in this county versus the other county. So I don't know what goes into this whole insurance coverage and what the executives look at, but I can tell you this: That's painful for that individual that's providing jobs, because they know that their insurance is not adequate enough to make sure that their employees who helped build their company to where it is today, who allow them to live in the house that they live in, who allow them to celebrate the kind of life that they celebrate—they care about those individuals because those individuals made their company and built their family name, if that company is named after their family, to what it is today. So there is an attachment that's there.

So I think it's important when we look at this health care issue, we have to look at it from the perspective that not only does it deal with everyday Americans, it deals with everyday business, and it deals with everyday health care workers.

I will close out this segment on this point: It's nothing like a health care worker, need it be a CNA, a certified nursing assistant, or an RN, a registered nurse, or a specialist, a doctor who has been in the profession and even primary care doctors; we are going to need a army of these primary care doctors in residency spots to be able to create what we call this medical home, so that people will have somewhere to go with their insurance card.

To have them in a profession that they know that's bleeding constantly and that's hooked up and that's in ICU because of the cost of insurance and the cost of coverage and the level of coverage that everyday Americans are receiving—we have public hospitals that are going under and that are finding themselves in budget crisis and even private hospitals where staffing levels have been cut back. And when you come to a State like mine in Florida, I helped pass the legislation as it relates to nursing home staffing levels, making sure that our frail and our most vulnerable have the kind of staffing that they deserve. But when it becomes a challenge on the reimbursement rate to be able to make sure that that staffer is there for that individual that has put their loved one in a nursing home or in a hospital, they should not have to watch.

I was in Gainesville just a week ago over the Labor Day holiday, and I talked to a young lady who came up to me at a picnic and said, Congressman, my mother is in the hospital.

She didn't know me. But she said, Since you're the congressman, I want to talk to you. My family works a schedule out to go sit with my mother in the hospital because the staffing level is not what it should be. That's what's going on out there.

Now, if something were to happen to me right now, Mr. Speaker, and I hope it doesn't, but if something were to happen to me, I don't have to worry about anything. I will get over to Bethesda or somewhere. I don't have to worry about it because I'm covered. I'm a congressman.

□ 1700

People are going to put me in a room somewhere, I'll probably have a private room and an open mic, press the button, there will be no waiting for my care. But that's not what this is about.

So if we were to replace Members of Congress with people who have health care crises, then maybe we will have a better situation as it relates to bipartisanship to be able to find some common ground on health care.

So I challenge our Members here in this Congress, you can talk about the sideshows, you can talk about the small things that are going on—or they could be important back home—but when you have an issue like health care reform that's before this Congress, it took great courage against the naysayers to create Social Security, which is providing opportunities for individuals that, when they lose everything else, Social Security is there; when someone passes on and they're able to leave their survivor benefits, even if they didn't make the kind of money they would like to have made, they didn't leave the kind of inheritance that they would like to leave to their children, to be able to leave a survivor benefit for a child or a spouse.

Or when someone is injured on the job and they fall into disability, that Social Security is there. It's not going to pay for everything, but it's going to pay for something. You've been paying for it out of your check. You mess with Social Security now, you have a problem.

I'm so glad, Mr. Speaker, the 109th Congress, when the previous administration wanted to privatize Social Security and we fought it back with not only dialog on the floor, amendments in committee, holding town hall meetings back home, we fought it back. And if Social Security—and if folks had private accounts out there running in the stock market last September, where would Social Security be right now in the trust fund? Members, I want to make sure that everyone understands that it takes courage.

Medicare, in the sixties, you know, some naysayers, oh, the government is trying to—no one is trying to take over anything, just want to make sure that the seniors have coverage in their time when they need it at 65, that they can take the option. If they want to use their Medicare or they want to use their private insurance, that this country will not turn their back on them.

And now in this legislation we expand the Medicare trust fund and really work towards stomping out not only waste, but corruption, and also bringing it under some sort of control so that we don't find ourselves in a situation like what happened with Medicare

part D prescription drugs. Let's pass a great idea; let's not worry about how we're going to pay for it and increase the debt.

So I go back to saying, when the President said he would not sign a bill that would raise the deficit more than where it is right now, that was music to my ears because we're here—and I've been on the floor for almost 7 years now talking about these issues. Some of the individuals have been talking about the debt. I'm like, where were you when all of this was happening and you said nothing about it and you did nothing about it? And now we're trying to do something about it in a bipartisan way to make sure that we don't put on to the debt, which I think makes perfect sense.

But Medicare, looking at it from where it is right now, it is a public option. And the public option, I must say, Mr. Speaker, the small part of this bill is far more conservative than Medicare: A, you have to fall under a certain income requirement; B, you have to first go into the exchange to get the private insurance. But you also have to be insured and covered.

That means individuals that don't have skin in the game now, people that are saying, hey, I'm going to throw the dice, I'm going to go to CVS, I'm going to go to Walgreen's, I'm going to go to whatever store they go to and I'm going to medicate myself, and then I'm going to find myself in a situation to where I've got to go to the doctor because I have this lump in my neck or I have this pain in my side, or I finally went to the doctor after my wife or my significant other pushed me to go only to find out that now I have a situation that I must go in, now they find themselves in the emergency room. And everyone that has insurance can look forward to $1,000, $1,200 either in copays or premiums the following year because that individual was not insured. Now, some people make that choice of saying I just want extra money to spend; most make that choice because they can't afford insurance.

I think it's important that we note that Congress had courage to start Medicare; and because of that courage, so many seniors, 65 years old, have a Medicare card in their wallet. It's first up right under a driver's license or right under their debit card to pull out because it's the card that they pull because they have it. And now every town hall meeting that I had—and Mr. Speaker, I had town hall meetings, there were no requirements, you didn't have to come to my office and show that you live in the 17th Congressional District in Florida. You didn't have to go through the magnetometer before you came in; 500 seats, come in, sit. We're going to have a civil discussion, and if you disagree with any position that has been taken, respect the next person and allow that individual to speak.

That's American, that's bipartisan, and that's what we will continue to do, Mr. Speaker, because when we pass this insurance reform as it relates to health care, that's not going to be the end. This plan right now, the way it stands, will not be fully implemented until 2013. That's a long time. Some of it will be implemented as it relates to patient rights and insurance rights faster than other components of the bill.

But I want to tell the Members and I want to share with the Members, as we go and we talk to our constituents, we should not just fall for the low-hanging fruit of saying, well, if someone is perfectly healthy and says, well, you know, I don't feel we need to do this, I think that it's important as a leader—because sometimes you have to share with people things that they may not see from a broader perspective—to say, yeah, I don't know what they're doing in Washington, they don't need to do—I mean, this Congress is made up of individuals that have been elected—especially here in the House, you have the greatest democracy here in this Chamber because you cannot be appointed to this unless you're appointed to be the Chair while we're trying to find a Speaker or what have you.

But as it relates to a general Member of Congress, there is a special election called. If someone was to come to the well and say, I'm resigning, there are no appointments; you have to be elected to this body. So this is democracy at its best, and nine times out of 10 come from the ranks of the legislature or some city council or an individual that just got fired up on an issue and started knocking on doors and found themselves in this Chamber.

But so many times in Washington we look at this change agenda, we get stuck on this thing of who we had lunch with last or how leaders get drawn out. I don't think that leaders come to Washington, D.C. to sell out; I think they're drawn out. And what I'm saying about being drawn out is that you find yourself walking around the Halls here in Washington, D.C. and you get enough people, how are you doing, Congressman, Senator, good to see you, you know, great speech, it was good, you know, you start listening to those individuals—even though it's okay to get compliments—versus those individuals that are back home that are fighting this health care crisis. We have to make sure that everyone understands that.

And so I tell my constituents, if you agreed with the last word out of my mouth or not, you tell me what you feel and we will have a discussion on it, and we will do the best to try to give you the kind of representation that you deserve. So I think it's important that we bring reality to this debate.

Mr. Speaker, I'm going to close by saying that it's important that we continue to get input from the public. It's important that we continue to share with our colleagues the importance of bipartisanship. It's important that we are responsible for what we say and put into the CONGRESSIONAL RECORD. It's important that we allow this process to move forward so that we can have a working document from both House and Senate that can then go to Congress and that we can vote on this floor in the affirmative for.

In every piece of landmark legislation, Mr. Speaker and Members, there will always be sections and components of that legislation that a Member will disagree with. I haven't seen a Member say, you know, everything in that bill, I love it. That's like reading a book and saying, I agree with every chapter; I thought it was a good read. There is always some comment about that eighth chapter could have been a little better or more work could have gone into the twelfth chapter.

But I think it is very, very important that everyone understands, in the final analysis, when we look at health care reform, that every Member, every Governor, every mayor, every city council person, every Member of Congress has to be engaged and has to make sure that it is not about their health care; it's about the health care of the people that they represent.

So if you have health care, I'm bringing your health care costs down because you will have more of a choice and competition will be there to bring your health care down. If you have health care, the quality of your health care will go up, and you will be able to see your doctor and you will be able to continue to move on. And in the bill we have here under consideration in the House, if you leave your job, you can keep your health care.

The ongoing bleeding of Medicare will be repaired and reformed. The ongoing health care crises in so many communities that are weighing down small businesses will be better because of action. And so I think that there are some principles there that those of us that have been elected to lead—I'm not talking about standing on first base looking at second and saying I'm not going to try to steal second. I'm going to stand here and I'm going to let that person, when they hit, they may get a single, but I'm going to stand here to make sure that I can make it to second base. It's not time for that kind of leadership. It's time for you to cheat up to second base and try to take it because you're taking it because you want to win.

And we want to make sure that the people in this great country of ours win. We want to make sure that they have health care. We want to make sure that small businesses are able to provide health care for their employees. We want to make sure that health care providers can provide the most professional health care that they can. We want to make sure that we, as leaders here in Congress, that we go see the wizard and go get some courage, and get a heart while we're there, and share with people the things that should be shared with them even if it's the minority view. Discourse is good, action is better.

Mr. Speaker, it was, once again, an honor to come before the House, and I look forward to coming back. As we break for this week, hopefully we will come back ready to do business at the top of next week.

I feel good about the direction that this debate is going in; the Republican response after the President's address, a lot of things that we agree on. That means that we are heading north on this issue.

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

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. CARSON of Indiana). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, as always, it is an honor to address you on the floor of the House of Representatives.

I came down to get my material. I had prepared to rebut the gentleman from Florida, and I found myself a little bit void with major objections with what he had to say; in fact, I appreciate the tone of the gentleman in his presentation, his delivery. We will find places where we disagree, and it's important that we find places also where we can agree.

I would say, Mr. Speaker, that it did not contribute to bipartisanship to have the resolution that addressed JOE WILSON here this week. That dropped a partisan divide down between this Chamber. And if anybody thinks we are more likely to get a good solution for America on health care or anything else because of that, they would be completely mistaken, Mr. Speaker. So I make that point at the beginning of this.

I appreciate the bipartisan dialogue of the gentleman from Florida. We recognize that we come from two different places philosophically. The world looks entirely different if you look at it from the side of constitutionalism and free enterprise and individual responsibility than it does if you look at it from the standpoint that the government should be providing the resources to people for whatever reason might be their misfortune.

In fact, I serve on the Judiciary Committee, and I've been on that committee, between Congress and my time in the Iowa Senate, my 13th year. I'm one of those rare nonlawyers on the Judiciary Committee, Mr. Speaker, and so I tell the lawyers that that gives me a decided advantage in my approach.

□ 1715

In any case, this country is a country that is established on the rule of law, on our constitutional values and on personal responsibility. When we do those things that take away personal responsibility and when we punish the people who are the most productive among us and when we take away their incentives to continue to be more productive, they have more of a tendency than to slow down their productivity. Some of them stop. Some of them will decide, well, I can't keep funding this government that's asking for more and more of the sweat from my brow or is asking for the return on the capital that they have formed, so they give up or they move their companies overseas to places like China or India or they simply don't add onto the production line of the factory. Whatever the case may be, we get less growth in our economy when we punish the people who are producing.

Ronald Reagan had a way of expressing that, and I don't know if I can get it exactly right: If you tax something, then you are punishing it. If you subsidize something, you can expect it to grow because whatever you subsidize will grow, and whatever you tax will shrink. Reagan had a clear understanding of this, and we need to have a better understanding here amongst the consensus in the House of Representatives. There always is another story. There always is another anecdote. There always is another tear-jerking way of looking at an individual case or even at aggregating some smaller cases that may not represent the broader whole.

We need to be a wise body in the House of Representatives, a wise body that looks at empirical data and that understands the psychology of the people in this country. Our job is to improve the average annual productivity of the people in the United States of America. If we do that, we will increase then the average annual productivity, of course, and it will improve the quality of life, the standard of living, and it will expand technology and medicine—anything you want to address. Yet, if we turn the safety net into a hammock, if we take that net that keeps them out of the bottom and we crank it up to the point where it becomes a hammock, then people will lay in that hammock and will take it easy, and they won't be using their best skills. Their incentives go away as you raise the safety net up and as it turns into a hammock.

So we've had an intense health care debate going on here, and I'm very grateful for this. I'm grateful that we're able to have the time throughout the month of August to have town hall meetings all across this country—town hall meetings in Florida as the gentleman previous just said. There have been all kinds of town hall meetings in Iowa. In every State that I know of, Members of Congress have had town hall meetings.

Mr. Speaker, at this point, I want to thank my senior Senator, CHUCK GRASSLEY from Iowa, for engaging in the negotiations, in the debate and in the dialogue on the health care issue on the Senate side. It may well have been the single most important key factor that allowed for the debate in health care to be extended through the month of August and past Labor Day to get us to this point in September where we are. If it hadn't been for Senator CHUCK GRASSLEY'S having negotiated these health care issues within that Gang of Six in the United States Senate, it's possible and maybe even likely that they would have found a way to ram a bill through this Chamber, to put it through the Senate and through the House and on President Obama's desk before the August break.

If that had happened, the TEA party people would have had a different reason to come to town if they'd come at all. If that had happened, the town hall meetings never would have taken place in that way. They would have seen that they'd gotten run over by Big Government. By the way, this getting run over by Big Government isn't something that has just to do with health care at all. It's the current issue of Big Government's seeking to run over the individual freedoms of the American people.

We have watched—and this would be the 17th of September, today. Now, the day after tomorrow will mark the 1-year anniversary that Secretary of the Treasury Henry Paulson came to the Capitol and insisted that we present him with a $700 billion check so that he could buy up the toxic debt that's on the financial markets and could avert a financial meltdown, a loss of confidence in our currency and in the financial institutions, which could have caused the global economy to crash. That's how it was presented to us by the Secretary.

He said, Give me $700 billion, and I can't have any strings attached. If you have any ideas, don't try to offer them, he said, because I've been working on this for 13 months, and you've only known about it for 24 hours. So, therefore, whatever you come up with will only make my good idea worse, so just be quiet, and give me the money. That was essentially it.

We advised him, when you ask for $700 billion in taxpayer dollars, you've stepped into the political arena. It isn't just a matter of being shielded in the U.S. Treasury, so it was a little harder for him. In the end, he got $350 billion with another $350 billion that was earmarked for the next year, which was to be approved by a Congress to be elected later and to be signed by a President to be elected later. This is what was going on almost a year ago today: Henry Paulson's trip to the Capitol at a time when he predicted that there was going to be a major financial meltdown of global finances, the U.S. economy being at the heart of it and leading it.

Now, he couldn't guarantee us nor could he predict that his effort and strategy with the TARP money, with the $700 billion in TARP money, would actually be successful, but he did predict that, if we didn't do that, we would have an economic meltdown at least to some significant degree. That was a year ago.

Since that period of time, by the way, President Obama flew into town

to meet with President Bush. We had the Presidential candidate JOHN MCCAIN who did the same. They sat around the table at the White House, along with the Speaker of the House, the Republican leader, JOHN BOEHNER, and the leadership in the Senate. They came out of there with, I'll say, not quite a unanimous position but one that was to go forward with the TARP funding.

About half of the Republicans in this House voted ''no.'' Most of the Democrats voted ''yes.'' About half of the Republicans voted ''yes.'' It split the party over here. It didn't really split the party over here. Spending money doesn't bother those folks on that side as much as it does on this side, would be my view.

So the TARP money was released, at least half of it in the beginning last year, closer into October, and it was followed by an election. By the way, this TARP money was voted for and was supported by the then-Senator and candidate for President Obama, who certainly asked for the balance of that TARP funding as President and got it. So this TARP money is President Obama's economy. It's a component of his solution, and it's part of the negotiations, and it answers why they were taking place with the Presidential candidates in the White House. President Bush knew there had to be a handoff that went to the next President, and the next President was sitting at the table in the negotiation room of the White House. It could have been either JOHN MCCAIN or President Obama—they were both there—but the next President was sitting at the table.

So, as they bought into this, this responsibility for the $700 billion in TARP lays at the feet right now of the President of the United States, Barack Obama. He supported this program. He advocated for it. He voted for it. It's a matter of the CONGRESSIONAL RECORD.

Behind that, many argued, came the necessary nationalization of Fannie Mae and Freddie Mac, two government-sponsored enterprises. The chairman of the Financial Services Committee, BARNEY FRANK, had argued just in October of 2005 that he would not support a government bailout or subsidy of Fannie and Freddie. Yet, just 3½ years later, that's what happened.

Additionally, Fannie Mae and Freddie Mac received about $100 billion in taxpayers' money each. Plus, about $5.5 trillion in contingent liabilities went along with the deal of the Federal Government's finally nationalizing the balance of Fannie Mae and Freddie Mac, formerly a private organization/quasi-government at the time but now nationalized, nationalized by the White House and by the leadership of this government.

With that came the large investment banks. Just a couple of days ago was the anniversary of Lehman Brothers' going under if you'll remember. Then we saw the nationalization of three large investment banks—AIG, which was the huge insurance company that was insuring the risk of the mortgage lenders as they packaged up and tranched and marketed these mortgages off on the secondary and tertiary markets. They broke them up, repackaged them—cut and shuffled them, so to speak—and sent them on up through the financial chain. The value of those mortgages and the risk of their default were evaluated by AIG. There really wasn't anybody looking over the shoulder of AIG.

There are other things that went wrong with the financial institution. There was the nationalization of Fannie Mae and Freddie Mac and of three large investment banks and AIG. This was flowing along, the President having been engaged in this all of the way.

Then we saw a $400-and-some billion omnibus spending bill get passed off the floor of the House of Representatives without debate or examination. It was just simply: we've got to keep the government running, so we'll kick the can down the road, and here is a big stack of paperwork. In it is the spending of over $400 billion.

At right about that same time, we had President Obama calling on this Congress to give him $787 billion in the stimulus package. I remember that discussion as he came forward to our conference and was about to talk about and ask for $787 billion. He said that Franklin Delano Roosevelt lost his nerve and didn't spend enough money. I might be paraphrasing slightly here. It isn't exactly a quote. Yet the theme of it is very consistent with what the President said. He said that President Roosevelt lost his nerve, and got to worrying about balancing the budget, and didn't spend enough money.

The result was, in the second half of the decade of the Great Depression, we had a recession within a depression, which brought unemployment up again in the latter half of the thirties. Then along came World War II, which was the largest stimulus plan ever, which got us out of the Great Depression.

That's not just it in a nutshell. That's almost all of the nutshell that was delivered by the President that day. As I listened to that, I thought: Mr. President, you and I took a completely different lesson from the Great Depression. Wherever his economic studies came from and where he evaluated this—mine, among other things, came from reading a significant amount of material and analyses of the Great Depression. Of course, my parents grew from that and out of that, and the things that they learned also were branded within myself and within all of my siblings. They told stories about how difficult it was during the Great Depression.

I went back into the public library with the intention of writing a paper about how FDR's New Deal was a good deal and how it brought us out of the Great Depression. As I read through every newspaper that was published in my hometown newspaper—and that was twice a week, not a daily paper—from the stock market crash in October of 1929, I went through every paper, looking for the stories that had to do with the New Deal, with the CCC, with the WPA, and with the other programs that FDR brought through in the New Deal. I was preparing to write a paper that would show how the New Deal got us out of the Great Depression and how it moved America forward—how farms were saved, how businesses were saved and how jobs were saved.

As I read through each newspaper throughout all of those years, from 1929 up until the Japanese attacked Pearl Harbor in December of '41, I got ready to write that paper. I had all of these notes that came from story after story, and I looked at the ceiling, Mr. Speaker, and I began to wonder: How am I going to write this? I can't find evidence here in the contemporary works in the newspapers that support what I've been told by the people who talked to me in the classroom.

So I wrote the paper. I wish I had a copy of it today. I'd love to have that and introduce it into the CONGRESSIONAL RECORD and give some other people some insight into what I was thinking at the time.

I remember clearly that I couldn't justify that the New Deal was a good deal, and I've certainly looked at a lot of materials since those years—that's 40 years ago, perhaps. The conclusion that I drew was that the Federal Government spent a lot of money. They borrowed a lot of money, and they set up a debt that was hard to recover from. The government wasn't willing to tighten its belt, but instead, it got the idea that they could borrow money and could spend money and could stimulate the economy—the Keynesian approach to economics. I couldn't buy that. I couldn't submit to that.

I came with a different philosophy, a philosophy that, for me, grows out of The Wealth of Nations, the book that ADAM SMITH wrote, which is the very foundation for free enterprise. In the 1,057 pages, which I think were in my book, you go through them in a fashion to understand how ADAM SMITH articulated it, and you can see that, even though he doesn't use the term ''invisible hand,'' the expression is ''the invisible hand of the consumer makes those decisions.''

I talked about this last night on the floor, Mr. Speaker. Let's just say, if you're a bakery and if you're baking bread and if there's somebody out there who is selling bread for a buck and a quarter a loaf and it goes on the shelves in the store and if you can bake bread that is of similar or better quality and can sell it for a dollar, then you might get your little spot on the shelf where you get to put six loaves of bread, and the guy who has got the name brand has got two or three shelves, which are all full of his loaves at a buck and a quarter, and yours are at a dollar a loaf.

□ 1730

Well, then, in comes the consumer, and they look at that and they think, I can save a quarter if I just buy that other brand of bread that I have never heard of. Why don't I try that. I will take that risk.

So they bring home this new loaf of bread. Well, that's good. If it's good bread, they will go back and buy that same brand over and over again, especially if it's cheaper. Meanwhile, the store owner realizes he is running out of those six loaves of bread that he is selling that are going like hot cakes, and the other bread is sitting there getting stale on him. He widens his shelf space for the bakery that is selling a high-quality product for a competitive or lower price.

That's how the good bread takes over the bread that is not as good at a higher price. That's how free enterprise works. That's how the invisible hand works. It goes in and pulls that loaf of bread off the shelf. It will look at the prices and the quality and those decisions that get made millions, and, in fact, billions of times across the country and across the globe. That demand, created by the discernment of the consumer, is what drives the production signals into all of our production in the country.

That is, how many loaves of bread are you going to bake? Well, the demand is such if you can only produce, let's say if you can produce 10,000 loaves of bread a day, and now the demand has gotten so great that you can't meet that demand any longer as a producer, someone who is marketing, then you would make the decision on whether you want to expand your operations, perhaps double them and produce 20,000 loaves of bread a day.

Or you might decide, I am as big as I want to be, and I think I can get a little more money for the bread that I have. You can raise the price. Then the price of that dollar loaf of bread could go to $1.10, $1.15, maybe even $1.25, back to where the other competitors are.

Now you have a choice again, the consumer chooses on quality but not price. It can transition back and forth in a myriad of ways. This invisible hand is a wonderful foundation that has built Western civilization, free enterprise economy, and is often misunderstood by people that never got involved in commerce, didn't ever hire anybody, didn't ever make a capital investment or try to produce something, a good or a service that had value, and had to compete against somebody else that was getting up every morning and trying to figure out how to produce a good or a service that was of higher quality for a lower price than their competitor. That is a blessing to our country, to our economy, to Western civilization, the free enterprise economy.

This, the majority in this Congress, the President of the United States, and probably the majority in the United States Senate, see this world differently. They think they can manage an economy. They think they can go through and nationalize these entities that I have talked about, and a government can manage better than individual consumers and people can manage.

To me, that is a breathtaking concept. All of my training and my experience and my life goes back to if consumers can make the decision and people that are engaged in business can do so for a profit, and the selection process is what makes it all work, why would we inject government in to make decisions? Government can't make better decisions than consumers can or individuals can or individual patients can.

There is no history of that happening anywhere in the world that I know of—government making better decisions. Now, it's true, the government has to do some things. We have to take care of the broad utilities out of the common good. We have got to take care of the transportation links. We have got to do as Abraham Lincoln said, defend our shores, carry the mail. He also said, Do for people that which they cannot do for themselves and otherwise leave us alone.

We are a long ways away from leaving us otherwise alone, and now the government wants to engage in taking over roughly one-sixth of this economy, the entire health care system in the United States and perhaps replace the entire health insurance industry and perhaps, and likely, replace the entire health care delivery system, with the single-payer one-size fits all. That's what's going on in the United States of America.

Mr. Speaker, I am just going to ask your attention to a little flashback I am about to offer here that will take us back to 1993 and 1994. This, Mr. Speaker, in the flashback mode, takes me back to September 22, 1993, which was the last time that a President of the United States spoke to a joint session of Congress on an occasion other than a State of the Union address. Otherwise, most recently we could go to last Wednesday evening when President Obama spoke to a joint session of Congress and advocated his national health care act.

But this was September 22, 1993, Bill Clinton right back there in front of where you are, Mr. Speaker, and he gave a speech that was about the national health care act that they wanted to get passed. Then Hillary Clinton was engaged in often closed-door meetings to try to find a way to put out a health care bill that could be a single-payer plan that would set up all the health care in America and make it work.

This is the infamous poster that shows HillaryCare with the network of new government agencies all tied together. This is a real and legitimate flow chart. In fact, this is lifted off of the archives of The New York Times.

I had one similar to this, and probably identical to it, that hung on my office wall throughout the 1990s and on past the turn of the millennium. But this shows this massive growth in government, the government agency and programs here along this side, Mr. Speaker, shows patients and a global budget, the HMO provider plan, which doesn't have a lot of support these days. Here is an ombudsman, another ombudsman, so that we have liaisons between people and government, a regional health alliance, a corporate health alliance.

They took some existing and wired them together; accountable health plan here and accountable health plan there, wired through to a provider plan. It gets pretty complicated. Here is your HMO plan down here to the global budget and the patients.

Here are more government agency programs. Some of these acronyms I don't recall any more. But I remember that they were all quite a conglomeration of acronyms, and the growth in government is what scared the living daylights out of me as a man who was running a construction company, which I founded. And we had a number of families that worked for me, and we worked together. We provided health insurance for our employees and a retirement plan for our employees.

But I didn't want the government to come in and tell me what I could buy and couldn't buy. I didn't want them to take away my choices to work with my employees. I wanted to be able to offer them the best plan I could, the best employment package possible, because good people are good policy are good production, and a good product comes out of that. You simply cannot do a good job unless you have the right people in place.

We wanted the best people that we could hire. We wanted to provide them the best benefits package possible. I didn't want the government to limit that.

Yet here is this flow chart that I said scared the living daylights out of the me. This is HillaryCare. This is 1993 and 1994. This is the bill that brought Senator Phil Gramm to the floor of the United States Senate right down this hallway directly ahead of you, Mr. Speaker, to the other end of this building, when he stood on the floor of the United States Senate and he said, This will pass over my cold, dead political body.

This is what, again, scared the living day lights out of me, 1993–1994, and it scared the living daylights out of the American people, who eventually shut down and killed this initiative that was brought to the floor of the House here by Bill Clinton, September 22 of 1993. They really thought that they had put the plan in place, they had the constituency base and a method to get this bill passed. But the American people rose up and said ''no.'' They have had enough, they wanted to maintain their freedom. They have done so with regard to health care for another 15 years or so, I guess I will say 16 years.

But, Mr. Speaker, things have changed. This is the old bill. The House has passed out of committees a new health care bill.

Now if you think black and white, all of these new agencies, the weight of government that a patient would have to wade through and the hoops they would have to jump through—we all know what it's like to deal with the government. That level of frustration with bureaucracy is ever present.

One of the reasons for that is the government ends up with a monopoly, and no one that works for a monopoly has the motivation to treat you—and to me there is no competition there to improve the quality or the service.

And so, here is the black and white HillaryCare flow chart, here is a new, modern, Technicolor, some call it the jelly bean flow chart, that comes from H.R. 3200, the main bill that has passed out of several committees here in the House, including the Ways and Means and the Energy and Commerce Committee.

This new flow chart shows a bill that's different than HillaryCare in some respects. It doesn't take it all with one giant bite. It takes a great big step towards a direction of socialized medicine, in my view. It doesn't guarantee that it ends up being socialized medicine, but it certainly will cause a significant concern that that is what it ends up being.

Each of these black and white circles or squares or boxes here are existing programs or government agencies. The color ones are new government agencies that have to be created in order to have the bureaucracy to manage this H.R. 3200, the government option plan.

The part of this flow chart, Mr. Speaker, that concerns me the most resides down here in the center bottom of this chart, this chart which is available on my Web site. If you are interested, Mr. Speaker, you can simply just Google Congressman STEVE KING. On the front page, the homepage of my Web site, is a link that will take you directly to this flow chart and one or two others that are quite instructive.

But on this flow chart, here is the part that I would ask attention to. The bill, and this is the vehicle that we are working with here in the House, this isn't something that's not been legitimized by committee passage; it has been. Here is a new agency, the Health Choices Administration. It creates a Health Choices Administration to determine what choices the American people might have when it comes to health insurance. A new government agency to determine what health insurance is legitimate, takes it out of the hands of the States and puts it into the hands of the Federal Government. I think the States take too much authority there myself.

The boss, the person that heads up the Health Choices Administration, is the new Health Choices Administration commissioner. Now, he is not named, and it could be a she. This individual is not named as a czar, because I believe the people that wrote this bill understood that America is full up to here with czars, we are over-full with czars. The President has at least 32 czars by most definitions and perhaps as many as 47 by other definitions.

They are circumventing the confirmation process that vets these candidates for Cabinet positions and other confirmation-level appointments. Instead the President is appointing people that circumvent and eclipse the authority of people in Cabinet positions.

How about the Middle East peace czar who has stepped above the Secretary of State when it comes to negotiating peace in the Middle East? How about the former, what do we call him, the green economy czar, the former czar, Van Jones? A lot of us had something to say about him when we found out that he was a self-avowed Communist, and he had some very radical ideas. Finally, when the Americans found out about Van Jones, the pressure that came caused him to step down rather than the President to dismiss him.

But, how about the executive pay salary czar? What is the White House doing with a position that doesn't exist in the Constitution, but someone who is going to look over the shoulder of executive pay for major corporations in America and determine if the CEO can be making a million dollars a year, but having no heartburn about what Michael Jordan made or, let me say, how about, how much money Tiger Woods makes playing golf? No heartburn over that, but a lot of heartburn over somebody that is actually making money and concerned that they are making too much and want to tax that. That's class envy.

Remember if you are making less than $250,000 a year you don't have to worry, because this President won't raise your taxes. That's clearly a class envy statement, and Joe the Plumber drew the line really clear. He did that in a way that I know it wasn't planned in advance, it just came from his heart; he wants freedom. I am looking forward to maybe sharing the stage with Joe the Plumber next week in St. Louis.

But these czars, we have too many, and we shouldn't have any. There should be congressional oversight over these high-level positions.

But the President of the United States can appoint Cabinet-level people, and they go through the confirmation process, according to the Constitution in the United States Senate, and that happens. That's a good thing. But when he appoints people that have authority over czars that aren't subject to congressional oversight, that's a bad thing.

□ 1745

This Health Choices Administration commissioner would be, for all intent and purposes, a czar, a czar with authority to be able to write all kinds of rules. A commissioner is what they call him. I sometimes call him the ''commiczar-issioner'' to be able to describe it a little more accurately. This commiczar-issioner, the Health Choices Administration commissioner, would make the decision about what private insurance policies would be approved. These are the private insurers right now in this white box. In order for them to become—and they are traditional health insurance plans, these are the companies here in this little box, 1,300 health insurance companies are in the United States. There are 1,300 separate companies selling health insurance in the United States.

Remember when President Obama said we need more competition in the health insurance industry? Did he say he thinks the appropriate number for health insurance companies would be 1,301, because that is really what he is talking about conceptually. There are 1,300 private insurance companies selling, in this white box here, policy combinations; so the variety is extended to approximately 100,000 different policy varieties that are offered by 1,300 companies. And the President's view is we need to put some competition in place.

I think we can do that in some easy ways, but I want to make sure that we understand what this means. The Health Choices Administration commissioner would write the rules. The commission would approve them. But they would write the rules on what health insurance policies would qualify under this bill to be sold in the United States.

So I could guarantee you that if this bill passes in this kind of form, then there will not be 100,000 policy varieties for people to choose from because the Health Choices Administration commissioner would regulate them in such a way that a number of them would become disqualified. They couldn't become qualified plans. We know that is true otherwise there would be no reason to create the Health Choices Administration commissioner, and there would be no reason to have language in the bill that establishes the qualified health benefits plans.

That is this purple circle. The qualified health benefits plans. So that 100,000 plans number would be reduced I think by a significant number. I think that the health choices commissioner would write regulations that would chop those 100,000 policy varieties down dramatically and reduce the numbers that are offered. They would argue that it confuses the consumer. So, therefore, we have to consolidate that and offer something that the consumer can understand.

Over here in this other circle is the public plan. The government option is over here in this health insurance exchange. So the government option then has to compete with what is left of the private insurance companies and the private health insurance policies, those that aren't regulated out of existence by the new health insurance czar.

Now let's just pick a number here. I don't think anybody has any idea; but if these 100,000 policies that are available today become 50,000 policies almost at the beginning of the new regulations, and as the competition from the government option begins to take hold, those 100,000 policies that became 50 are reduced to 25, and maybe 10,000 policy varieties; and then you can divide that by the number of States, and you get one-size-fits-all for all of the States, and you can reduce your 10,000 again to maybe a thousand. And then if you divided by five again, you end up with 200 policy options maybe, if you took the 10,000 policies and divided by the 50 States.

I believe that is about the 200 policy opportunities that one can buy. You reduce the number of companies as well. Companies would consolidate and they would merge and they would start writing policies that were at the direction of the Health Choices Administration commissioner, the czar.

So the Federal Government would write new regulations for two reasons. In the end, it would be so they could compete with the private sector that has been decimated by the new rules. They will then set the premiums of the government option. Those premiums will have to be competitive with what's left of the private health insurance. They will set their premiums, and then they will write the regulations so the private health insurance has difficulty meeting those standards so that the Federal Government can compete in this business. And in the end, this purple circle here with 1,300 companies and 100,000 policies gets shrunk down to a tiny circle of its former self.

This circle here created by the bill, the public health plans, the government option grows bigger and bigger and bigger until it encompasses perhaps all of the health insurance in America.

Now, some will say, Mr. Speaker, this is radical reactionary talk. I will submit that it is not. There are patterns that have gone before us that we can learn from. In 1968, the Federal Government passed the Federal flood insurance program. There were private property and casualty companies that were selling flood insurance at that time. There wasn't as much demand in the marketplace as there is today. We had had a number of floods and natural disasters that had taken place over the previous generation that had brought this to a head in Congress, and so they passed legislation that set up the Federal Government in direct competition with the property and casualty insurance companies that were in the private sector selling flood insurance to people in the floodplains.

Now this is complicated, and there are lots of ways you can make this argument on either side, whether the Federal Government should or should not have engaged in flood insurance. But they engaged in flood insurance; and when they did, they also directed that national banks that were writing, loaning money on mortgages on real estate that were in a floodplain, those loans had to include flood insurance as part of the loan. So if you went out into a floodplain—and by the way, I have one county that I represent that is 40 percent floodplain, the Missouri River bottoms area of Monona County is about 40 percent floodplain. To invest in anything in that floodplain, you had to buy flood insurance. That was a Federal law.

So over time, and a shorter period of time than one might imagine, from 1967 when there wasn't any Federal flood insurance available but only through private until a few years after that, the bill passed in 1968 and it took a while to get it implemented, a few years after that, there is no private flood insurance left in America. The Federal Government squeezed out all of the private and took it all over for themselves. Not only that, they created a market by setting a mandate that if you are going to borrow money from a national bank that goes into real estate in a floodplain, you have to pay the premium, their premium for flood insurance.

Now the Big Government people will argue that is a good idea and that it provided flood insurance for people that didn't have it and it took us somewhat out of the business of sending disaster money. Well, guess what, it didn't get us out of the business of sending disaster money. We sent, the first round was $10.5 billion down to New Orleans after Katrina. The second round was $51.5 billion to New Orleans. There were several other bites at the apple, and I am confident that the total is over $100 billion, and there are still requests to go to that area.

So the flood insurance that existed in that area didn't solve the problem completely. I think it has helped. But that is an example. Flood insurance is an example of what can happen and probably is likely to happen to the private health insurance market in the United States.

When the Federal Government engages, they write regulations that favor the Federal Government and disfavor the private sector and set their premiums so that this purple circle shrinks, that is, the private plans. This purple circle, that is the government plans, grows.

Oh, and by the way, the Federal flood insurance program is $19.2 billion in the red with no way to pay for it except to come back to this Congress and ask for that $19.2 billion, which we have to borrow from the Chinese.

So wouldn't we be better off with a private sector solution? And maybe if the premiums that were paid on flood insurance would have reflected the real risk, we might have built a lot more buildings up above the floodplain so they didn't have to pay the flood insurance premium or they could afford a premium at a higher elevation.

I know these things because I have spent my life working in a floodplain and with drainage projects and hydrology.

That is what can happen with health insurance, and this ought to scare us. It should scare the living daylights out of us. If it begins to scare us at all like it did during HillaryCare in the early 1990s, the American people will continue to do what they did, come to the town hall meetings, fill them up, write letters, get on the radio. Go see your Congressman. Let them know that you are intense about maintaining your freedom. That is a portion of this.

Now, the President of the United States has made the argument that we have to fix health care before we can fix this economy, this economy, by the way, that has had 30 percent of its profits nationalized by the Federal Government within the last year. That is again the components of the nationalization that took place in between the TARP and some of it that came out of TARP when they started buying up and nationalizing large investment banks.

But $700 billion in TARP, three large investment banks were nationalized. Lehman Brothers went down. AIG, the large insurance company, nationalized. Fannie Mae, Freddie Mac, nationalized. General Motors, Chrysler, all nationalized. You add that all up, we are looking, Mr. Speaker, at 30 percent of the profits of the private sector in the United States now under the control of the Federal Government. And that is nationalized.

On top of it, there is an attempt here, right here in this chart, H.R. 3200 or the Senate version of the bill or whatever you would like to look at, that seeks to nationalize eventually another 17.5 percent of our economy. When you round that to the nearest percentage, that becomes, at least by one analysis, 48 percent of the private sector nationalized by the Federal Government. And when the private sector is nationalized, the freedom of the American people is diminished. That is what is going on, Mr. Speaker.

And the President has said health care costs too much money. We have to fix an economy that is in an economic crisis, and we can't fix that economy unless we first fix health care because health care costs too much money at 14.5 percent of our gross domestic product. The average of the industrialized world is about 9½ percent of their GDP. We don't know that they are comparing apples to apples because there are many government-sponsored enterprises and the nationalization that has taken place in those other countries, we are a different people, Mr. Speaker. We are a Nation that lives and breathes freedom. We want our choices. We want our freedom. We are willing to take some risks. We want to reward people that take risks and succeed. But if we spend too much money on health care, let's have a debate on how to fix that. Perhaps I will come back to that in a moment.

But I want to take us to the next point, the President's next point,

which is the other big problem. The first one is we spend too much money on health care. The other big problem is we have way too many that are uninsured: 47 million Americans are uninsured. Well, I happen to have a little poster that helps illustrate that, Mr. Speaker.

This poster illustrates the universe of the 47 million uninsured. It says that the uninsured are not all the same and you have to break it down. The 47 million number is not on here. The other poster that I had last week does. This data is produced by the Republican Conference in the United States Senate. Down that hallway, not out of this shop, but on their side. That is the source of it. This is 47 million. Now do we want to cover all of the people in this 47 million? We would believe that the 47 million are all middle and lower-middle class working families that are working for some—they want us to believe this, I don't believe it, that are working for some miserly employer that is pocketing the profits but won't provide health insurance for his employees.

First, I will say that many employers do. They do so to be competitive because they want a high-quality standard of people that will come to work for them. We all want the highest level we can, and so we want to pay as much money as we can and the best benefits as we can. The 47 million that are uninsured at any given time, that is a snapshot, Mr. Speaker, and aren't comprised 100 percent of the middle- and lower-income working poor. To some degree they are, but we start with 47 million and we start to subtract.

First, those who are in the United States illegally, this chart says undocumented, noncitizens. Those are illegal aliens in the United States. This chart says 6 million. The other data I was looking at which comes from the Senate Conference is 5.2 million. In any case, the next level of immigrants here are noncitizens who may not be eligible for government-sponsored health care. They are probably not eligible because the law in the United States, if you come to the United States, you are barred for 5 years from receiving welfare benefits. We don't want to be a magnet for people who come in here and see the United States as just a giant ATM that they can cash in on. So this is 4 million. In any case, the old chart was 5 million. So we are at 10 million people. We don't want to cover this. We don't want to reward illegals to come to the United States and cash in on ObamaCare. We would rather say to them, why don't you wake up in your home country and go build the economy in your own nation or get in line and do it the legal way behind the people who are in line waiting to come in the legal way right now.

□ 1800

So we have 10 million people of immigrants that don't qualify. They're part of the 47 million. Then we have, of the people that are earning over $75,000 a year, we have 9 million of those. They could presumably find a way to write a check and take care of their own premiums.

Then we have those eligible for government programs but are not enrolled. Generally, that's those eligible for Medicaid that didn't bother to sign up. That says 10. It's 9.7 million. We've got to split a couple hairs here because we're going to get down to decimal point, Mr. Speaker.

Also, of those that we don't want to insure—at least I don't—are those eligible for employer-sponsored insurance but not enrolled in it. They turned down their employer's policy or didn't bother to sign up. That's 6 million.

So, of 47 million—and when I say I don't want to insure them, I think that they should take their own responsibility to do that. They have affordable options or they're disqualified because they're illegally in the United States or barred by law.

Those left, the Americans without affordable options, aren't 47 million. They're 12.1 million people. Now, that's still a lot, but it's less than 4 percent of the population. It's a little larger than the population of Iowa. But here they are right here in orange.

Now, there's one more point to make. Out of these 12.1 million people, the Americans without affordable options, what the people who are proposing ObamaCare would like you to believe is 47 million and a crisis now become a little sliver of the American society, and I'll show you how.

This is the population of the United States, Mr. Speaker. This bluish circle represents about 306 million, perhaps as many as 307 million Americans. These people that are in—well, all this whole circle does. This big chunk of the pie, the blue chunk of the pie, represents 84 percent of the population. Those are the Americans that are covered by a plan, whether it's a private plan, employer-provided plan, Medicaid and Medicare. Americans that are covered by a plan, 84 percent of the population. Sixteen percent are not. The number is around 15.5 when you start splitting the hairs.

But here are the categories that they come in. Yellow are the illegal immigrants. Now, we already know that the President has said even that he's not going to support funding illegals in the health insurance exchange. It's pretty interesting. It really did infuriate a lot of the open borders people in the country. But the President has said so, and we're going to hold him to his words that we're not going to fund illegals.

Another 2 percent of those are under the 5-year bar. That's the black. Those are legal immigrants that are barred by law. Now we're at 4 percent. Here's 3 percent, which are individuals earning more than $75,000 that didn't take the trouble to get insured.

And here's another 3 percent in green. Those are those that are eligible for the government programs. These are the Medicaid eligibles, for the most part, that didn't bother to sign up. And in blue are those eligible for employer-sponsored, those 6 million, but they didn't bother to sign up or they opted out.

So when we look at this chart, we're trying—I think this is where the bipartisan outreach comes in. We're trying to fix a problem of the Americans without affordable options who are not insured and they don't really have an option, affordable option. That's that orange. That's the less than 4 percent that I mentioned when you start to subtract the others.

So think of this chart as everything but the orange is covered in one way or another or else they can take care of themselves and are, by law, with the case of illegal immigrants, required to do so. We're only down to this original sliver, less than 4 percent of the population.

Now I will submit, Mr. Speaker, that this bill, this jelly bean chart, H.R. 3200, scare-the-living-daylights-out-of-someone-in-technicolor chart right here is designed to completely transform 100 percent of the health insurance that exists today in the United States and 100 percent of the health care delivery system in the United States, the best system in the world being transformed completely by H.R. 3200. Thirty-one new agencies and a new health choices insurance czar who would write regulations and wipe out a lot of health insurance in America, all of that, a hundred percent transformation by this flowchart bill, to address this little less than 4 percent of Americans without affordable choices.

Mr. Speaker, I will submit that that is a radical approach to a problem that isn't nearly as bad as the people who want to have a socialized medicine plan would like to have the American people believe. And I'm going to list the things that the Republicans want to do about it, and then I want to yield to the gentlelady from Minnesota.

We want tort reform on this side of the aisle. We're not on the side of the trial lawyers. We want people to buy health insurance across State lines everywhere in America. We want portability so you can take your policy with you.

We want to expand health savings accounts so they can become retirement accounts if you have a healthy life and you manage your health. We want to have full deductibility for everybody's health insurance premium. We want electronic medical records with protection of people's integrity of their record so it doesn't leak out.

We want to have expansion of associated health insurance policies so groups of professionals can join together to buy insurance. And we want transparency in billing so we can see who's charging who what. And, again, the consumer can make those decisions. And we need to also take a look at long-term care so people can manage their lives in a more efficient way.

That's what Republicans want to do. That's what I want to do. And now I want to do something else, and that is I'd love to yield to the gentlelady from Minnesota, MICHELE BACHMANN, who is always in here fighting for truth, justice, and the American way.

Mrs. BACHMANN. I must have my cape on. To the stunning gentleman from Iowa, the great STEVE KING, I want to thank you for allowing me to be a part of this discussion that you're broaching. And you've done a wonderful job all week on different occasions talking about the true depth of this problem and the positive alternatives.

I appreciate the fact that you've tried to lay context about truly how many people are in need of insurance and how many people are without coverage. That's a very important part. We can't make true decisions unless we actually have the facts on the table. And I'm also extremely grateful that you're trying to give a positive alternative.

We're looking at a couple different options here to deal with health care. One would be President Obama's option, and the option that's been offered here in the House with essentially about a trillion dollars of spending on health care, and in the Senate, with something like $850 billion worth of health care from Senator BAUCUS that was just released.

Senator BAUCUS' plan so far has not engendered much bipartisan support. I think there's a reason for that. It's because of the tremendous tax burden on the middle class of the Senate plan, and I'm sure we'll be talking about that as we go forward.

But here's a part of our positive solution. We can have one plan that will burden future American taxpayers with trillions of dollars in unfunded mandates, trillions of dollars of spending, borrowing, taxing, and that is a burden as we go forward when our country can least afford it. Or, we can take an alternative that would free up our economy and give free choices to the American people and not add to the burden of our Treasury.

It's very simply this: As my colleague STEVE KING of Iowa has said, we want freedom for the American people. We want the American people individually to own their own health care. Just like they own car insurance, just like they own their house insurance, we don't want the government to own their insurance policy. We don't want the government to call the shots or have control over people's health care decisions, or their employer. We want people to own it individually.

Then, next, we want people to have the freedom to band together with whomever they prefer, whether it's Realtors or teachers or farmers or maybe a community, like a credit union. You come together in a geographic area. You join together with whomever you want to buy or purchase a policy. So you have purchasing power.

Next, we want people to have freedom to buy any policy they want, anywhere they want in the country, from anyone they want to purchase the policy from. True choice in purchasing insurance.

Then, as my colleague STEVE KING said, we want people to be able to set aside in an account, whether it's $5,000 a year or $10,000 a year or $15,000 a year, tax free. In other words, you take that money out of your earnings or out of your savings and you put it tax free in an account up to a certain amount.

If you spend more than that account, then you can deduct those health care savings off of your income tax return. That would include eyeglasses, dental work, hearing aids, chiropractic care. Whatever your health care would be, you get to fully deduct that.

Finally, we want lawsuit reform so that we don't have unnecessary spending so that doctors can try to protect themselves from frivolous lawsuits.

These are very simple, commonsense solutions. And you notice not one of these solutions requires a vast infusion of Federal tax money. That's because it's called freedom. That's the American way. And that will solve about 95 percent of our health care problems.

Will we need a government supported safety net? Always. We will always have one because there will always be people who, through no fault of their own, have physical conditions that won't allow them to work, that won't allow them to be able to pay their premiums or pay for their health care. We can afford—and we must pay for those people. But for the vast, overwhelming majority of people we can make health care affordable. That's why the proposal that was just offered by Senator BAUCUS is so concerning on the Senate side.

Congressman STEVE KING has made an excellent case against the House measure, H.R. 3200, and he made an excellent case why this option is so expensive and so burdensome on the individual. The reason why the Senate plan is equally negative in our eyes is for this reason.

I take this out of the Wall Street Journal. It said: The centerpiece of the Obama-Baucus plan—because, remember, it was just a week ago here in this Chamber when President Obama essentially backed the Senator BAUCUS version of the health care plan.

But this is what the Wall Street Journal has to say today: The centerpiece of the Obama-Baucus plan is a decree that everyone purchase heavily regulated insurance policies or pay a penalty.

Now, imagine that. I don't even think this survives a test of constitutionality. The Federal Government would make the American people purchase a product or service that people don't want to buy, and the government would fine them and tax them with penalty of going to jail if they don't buy the product or service that the government tells them they have to buy.

Think of how incredible this is. The enforcement of this mandated, brute force health care policy would be enforced by the Internal Revenue Service. So we would be forced to buy services and products we don't want to buy at a cost we can't afford, and the Internal Revenue Service would be the enforcement mechanism.

This is not what the American people want to have, which is why the Republicans' positive alternative makes so much sense. You own it, you band together with anyone you want to purchase in any amount of policy from anyone you want, anywhere you want, with tax-free money or money that you deduct on your income tax policy, and then we have lawsuit reform.

I think it's a great alternative, and I yield back to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady from Minnesota. I couldn't have asked for a better composite rendition of what we're looking at here from the health care industry and what's being driven on one side of the aisle versus that of the other and the choices that we have and the options that are there.

I think, Mr. Speaker, the things are that are not considered are that good ideas don't get debated when the wrong people hold the gavel, and I'm not speaking of you. I know my time has run out.

I appreciate your indulgence, the gentlelady from Minnesota, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COSTA (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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS of Texas, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HEINRICH, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, September 24.

Mr. JONES, for 5 minutes, September 24.

Mr. BURTON of Indiana, for 5 minutes, September 22, 23 and 24.

Mr. SOUDER, for 5 minutes, today and September 22.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's

table and, under the rule, referred as follows:

S. 1677. An act to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Financial Services.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Monday, September 21, 2009, at 4 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3459. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-32) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3460. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-43) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3461. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-40) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3462. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Transmittal No. 09-25) pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3463. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting (Trans. No. DDTC 66-09) of a proposed sale or export of defense articles to a Middle East country, pursuant to Sec. 201 of P.L. 110-429; to the Committee on Foreign Affairs.

3464. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting report pursuant to Section 36(a) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3465. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hwy 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-022] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3466. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; GICW MM220 to Brooks Bridge, Fort Walton Beach, FL [COTP Mobile-07-023] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3467. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-024] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3468. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-025] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3469. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marathon Super Boat Grand Prix, Marathon, FL [COTP Key West 07-015] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3470. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USS Spiegel Grove Dive Site, Atlantic Ocean off Key Largo, FL [COTP Key West 07-063] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3471. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Off the Coast of Vandenberg Air Force Base, Pacific Ocean, CA [COTP LA-LB 07-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3472. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pier 239/76 to the Vincent Thomas Bridge, Port of Los Angeles, CA [COTP LA-LB 07-009] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3473. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 520 to 303 [COTP Lower Mississippi River-07-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3474. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 440 to Mile Marker 422, Vicksburg, MS [COTP Lower Mississippi River-07-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3475. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 364 to Mile Marker 362, Natchez, MS [COTP Lower Mississippi River-07-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3476. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River (LMR), Mile Marker 440 to Mile Marker 409.5, Vicksburg, MS [COTP Lower Mississippi River-07-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3477. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 438.0 to 303.0 [COTP Lower Mississippi River-07-006] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3478. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Columbia Drawbridge, Mile 110.2 Ouachita-Black Waterway [COTP Lower Mississippi River-07-010] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3479. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, MM 649.5 to 650.5, Westover Bend [COPT Lower Mississippi River-07-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3480. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Neptune Florida Yacht Club Blessing of the Fleet, Intracoastal Waterway, Lummus Island Cut, Government Cut, and Meloy Channel, Miami, FL [COTP MIAMI 07-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3481. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Point O'Woods Fire Company Fireworks, Great South Bay, Point O'Woods, NY [CGD01-07-087] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3482. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Nahant 4th of July Fireworks — Nahant, Massachusetts [CGD01-0-083] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3483. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Nahant 4th of July Fireworks — Nahant, Massachusetts [CGD01-07-083] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3484. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Stars Over the Bay Fireworks, Bellport, NY [CGD01-07-081] (RIN: 125-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3485. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Portland, Maine, Gulf Blasting Project [CGD01-07-033] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3486. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Cape Fear River, New Hanover County, Wilmington, North Carolina [CGD05-07-036] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3487. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Jupiter Island Club Fireworks Display, Hobe Sound, Florida [COTP Miani 07-020] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3488. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Manasquan River, Manasquan, New Jersey [CGD05-07-041] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3489. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Cruising Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-032] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3490. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special local Regulations for Marine events; Mill Creek, Fort Monroe, Hampton, Virgina [Docket No.: CGD05-07-044] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3491. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Cruising and Full Moon Races, Biscayne Bay, Miami, FL [COTP MIAMI 07-034] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3492. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Queen of England Visit, Jamestown Island, VA [CGD05-07-054] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3493. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jaguar Mid-Winter Regatta Regatta, Biscayne Bay & Intracoastal Waterway, Miami, FL [COTP MIAMI 07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3494. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Langley Air Force Base, Back River, Hampton, Virginia [CGD05-07-057] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3495. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bacardi Cup Regatta, Biscayne Bay & Intracoastal Waterway, Miami, FL [COTP MIAMI 07-041] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3496. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Founders Day, Cheasapeake Bay, Hampton, VA [CCGD05-07-064] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3497. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Washington Channel, Washington, DC [Docket No.: CGD05-07-067] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3498. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Curtis Creek, Baltimore, MD [CGD05-07-068] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3499. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: 30th Annual Virginia Lake Festival, John R. Kerr Lake, Clarksville, VA [CGD05-07-073] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3500. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Liverpool Point to Goose Bay, Charles County, MD [CDG05-07-076] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3501. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Severn River and College Creek, Annapolis, MD [Docket No.: CGD05-07-078] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3502. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Chesapeake Bay, Cape Charles Harbor, Cape Charles, Virginia [Docket No.: CGD05-07-079] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3503. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; M/V Odyssey III, Global Air Chiefs Conference, Upper Potomac River, Washington, DC [Docket No.: CGD05-07-080] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3504. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Hopewell Celebration 2007, Appomattox River, Hopewell, VA [CCGD05-07-082] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3505. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Atlantic Ocean, Virginia Beach, Virginia [Docket No.: CGD-05-07-086] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3506. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chesapeake and Delaware Canal, MD [CGD05-07-091] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3507. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biscayne Bay Yacht Racing Association Full Moon Races, Biscayne Bay, Miami FL [COTP MIAMI 07-103] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3508. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone on the waters of the Newport River and Morehead City Turning Basin [CGD05-07-096] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3509. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-07-097] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3510. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; M/V Semper Fidelis III, Chesapeake Bay and its tributaries, MD and San Domingo Creek, Talbot County, MD [CGD05-07-102] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3511. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: APM Terminal, Portsmouth, VA [CGD05-07-103] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3512. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Presidential Visit, Key Biscayne, Florida [COTP Miami, Florida 07-109] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3513. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Miami, Florida [COTP Miami, Florida 07-133] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3514. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; USS Harry S. Truman Visit, offshore Port Everglades, Florida [COTP MIAMI 07-167] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3515. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale and Miami, Florida [COTP Miami, Florida 07-178] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3516. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale, Florida [COTP Miami, Florida 07-179] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3517. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM161 to

MM163, bank to bank [COTP Morgan City-07-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3518. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Lafourche, from Valentine, Louisiana to Ludeville, Louisiana, bank to bank [COTP Morgan City-07-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3519. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards north to 200 yards south of the Bayou Boeuf Swing Bridge at Mile Marker 2.0 of the Morgan City Port Allen Landside Route, bank to bank, Amelia, LA [COTP Morgan City-07-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3520. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Biloxi Ship Channel, Biloxi, MS [COTP Mobile-07-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3521. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico off of Orange Beach, AL [COTP Mobile-07-009] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3522. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Pensacola Beach, FL [COTP Mobile-07-014] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3523. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mobile Ship Channel from Mid Bay Light House to Channel Marker 37, Mobile, AL [COTP Mobile-07-018] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hwy 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-019] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3525. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Austal Barge, Chickasaw Creek, AL to Austal Shipyard, Mobile, AL [COTP Mobile-07-0211] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tonawanda/North Tonawanda Fireworks Display, Niagara River, Tonawanda, NY [CGD09-07-075] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3527. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lake Erie, Ohio. Lakeview Park Lorain Sprint International Triathlon [CGD09-07-086] (RIN: 1625-AA00) received September 11, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3528. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Roar on the Shore Fireworks, Lake Eire, Eire, PA [CGD09-07-096] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. RANGEL (for himself, Mr. SKELTON, Mr. BLUMENAUER, Mr. KIND, Mr. JONES, Mr. KAGEN, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. TANNER, Mr. BECERRA, Mr. DOGGETT, Mr. POMEROY, Mr. THOMPSON of California, Mr. LARSON of Connecticut, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. MEEK of Florida, Mr. VAN HOLLEN, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. ETHERIDGE, Ms. LINDA T. SÁNCHEZ of California, Mr. HIGGINS, Mr. YARMUTH, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 3590. A bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; to the Committee on Ways and Means.

By Mr. CUMMINGS (for himself, Ms. NORTON, Mr. CONYERS, Ms. WATSON, Mr. RANGEL, Mr. MEEK of Florida, Ms. WATERS, Mr. PAYNE, Mr. CARSON of Indiana, and Mr. WATT):

H.R. 3591. A bill to establish a grant program to enhance existing secondary education programs for the purpose of teaching high school students about the Constitution of the United States and the constitutions of the individual States; to the Committee on Education and Labor.

By Mr. PASCRELL (for himself, Mr. REICHERT, Mrs. CHRISTENSEN, and Ms. JACKSON-LEE of Texas):

H.R. 3592. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for producing oil from recycled waste; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Ms. ROS-LEHTINEN):

H.R. 3593. A bill to amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BACHUS (for himself, Mr. BOEHNER, Mr. KANJORSKI, Mr. GARRETT of New Jersey, Mr. MOORE of Kansas, Mr. LEE of New York, Ms. HERSETH SANDLIN, Mr. ROGERS of Alabama, Mr. JONES, Mrs. BACHMANN, and Mr. PAULSEN):

H.R. 3594. A bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes; to the Committee on Financial Services, 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. GARRETT of New Jersey:

H.R. 3595. A bill to amend the Internal Revenue Code of 1986 to reduce the Federal tax on fuels by the amount of any increase in the rate of tax on such fuel by the States; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. JOHNSON of Georgia, and Ms. DEGETTE):

H.R. 3596. A bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Mr. HINCHEY, Mr. OBERSTAR, Mr. WEINER, Ms. SCHAKOWSKY, and Mr. SABLAN):

H.R. 3597. A bill to extend certain economic recovery payments, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Veterans' Affairs, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee:

H.R. 3598. A bill to ensure consideration of water intensity in the Department of Energy's energy research, development, and demonstration programs to help guarantee efficient, reliable, and sustainable delivery of energy and water resources; to the Committee on Science and Technology.

By Mr. CLEAVER (for himself and Mr. FRANK of Massachusetts):

H.R. 3599. A bill to amend the Federal Deposit Insurance Act to provide for deposit restricted qualified tuition programs, and for other purposes; to the Committee on Financial Services.

By Mr. CLEAVER:

H.R. 3600. A bill to prohibit the sale and counterfeiting of Presidential inaugural tickets; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 3601. A bill to amend the Credit CARD Act of 2009 to provide an earlier effective date, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY:

H.R. 3602. A bill to allow certain newspapers to be treated as described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; to the Committee on Ways and Means.

By Mr. MARSHALL:

H.R. 3603. A bill to rename the Ocmulgee National Monument; to the Committee on Natural Resources.

By Mr. NADLER of New York (for himself, Mr. SERRANO, Mr. FILNER, Mr. WEINER, Mr. FRANK of Massachusetts, Mr. STARK, Mr. MORAN of Virginia, Mr. GUTIERREZ, and Mr. ENGEL):

H.R. 3604. A bill to amend the Immigration and Nationality Act to exempt certain elderly persons from demonstrating an understanding of the English language and the history, principles, and form of government of the United States as a requirement for naturalization, and to permit certain other elderly persons to take the history and government examination in a language of their choice; to the Committee on the Judiciary.

By Mr. ROONEY (for himself and Mr. PUTNAM):

H.R. 3605. A bill to amend title 23, United States Code, to authorize States to issue special permits to allow the operation of vehicles of up to 95,000 pounds on Interstate System highways for the hauling of livestock; to the Committee on Transportation and Infrastructure.

By Mr. WELCH:

H.R. 3606. A bill to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. BARTLETT, Mr. BISHOP of Utah, Mr. SCALISE, Mr. SMITH of Texas, Mrs. BACHMANN, Mr. MARCHANT, Mr. GINGREY of Georgia, Mr. MANZULLO, Mr. SHADEGG, Mr. GOHMERT, Mr. CULBERSON, Mr. HERGER, Mr. MILLER of Florida, Mr. KINGSTON, Mr. WESTMORELAND, Mr. DEAL of Georgia, Mr. HALL of Texas, Mr. KING of Iowa, Mr. AKIN, Mr. GARRETT of New Jersey, Mr. BROWN of South Carolina, Mr. FRANKS of Arizona, Mr. PENCE, Mr. HENSARLING, Mr. FORBES, Mr. BOOZMAN, Mr. HARPER, Mr. ROE of Tennessee, Mr. LINDER, Mr. RYAN of Wisconsin, Mr. HELLER, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. BURTON of Indiana, and Mr. PRICE of Georgia):

H. Res. 748. A resolution recognizing the importance of the property rights granted by the United States Constitution; affirming the duty of each Member of this body to support and defend such rights; and asserting that no public body should unlawfully obtain the property of any citizen of the United States for the benefit of another private citizen or corporation; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. PENCE, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. MACK, Mr. MCCAUL, Mr. LAMBORN, Mr. BILBRAY, Mr. SMITH of New Jersey, Mr. GINGREY of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BILIRAKIS, Mr. BARTLETT, Mr. ROYCE, Mr. POE of Texas, Mr. TIAHRT, and Mr. SCHOCK):

H. Res. 749. A resolution expressing the sense of the House of Representatives regarding the November 29, 2009, elections in Honduras; to the Committee on Foreign Affairs.

By Mr. MCDERMOTT (for himself, Mr. DICKS, Mr. BAIRD, Ms. HIRONO, Mr. COHEN, Mr. SMITH of Washington, Mr. LARSEN of Washington, and Mr. HONDA):

H. Res. 750. A resolution congratulating Ichiro Suzuki, outfielder for the Seattle Mariners, for becoming the first player in the history of Major League Baseball with at least 200 base hits in nine consecutive seasons; to the Committee on Oversight and Government Reform.

By Mr. CHANDLER:

H. Res. 751. A resolution encouraging States to adopt laws that set clear guidelines for contact protocols for personal emergency response systems used by the Nation's senior citizens; to the Committee on Energy and Commerce.

By Mrs. HALVORSON (for herself, Mr. HARE, Ms. BEAN, Mr. QUIGLEY, Mr. FOSTER, and Mr. COSTELLO):

H. Res. 752. A resolution recognizing the tragic loss of life that occurred at the Cherry Mine in Cherry, Illinois, on its 100th anniversary and the contributions to worker and mine safety that resulted from this and other disasters; to the Committee on Education and Labor.

By Mr. HINCHEY (for himself, Mr. SERRANO, Mr. MASSA, Ms. SLAUGHTER, Mr. HALL of New York, Mr. ENGEL, and Mr. MURPHY of New York):

H. Res. 753. A resolution honoring the Hudson River School painters for their contributions to the United States; to the Committee on Oversight and Government Reform.

By Mr. HOLDEN (for himself, Mr. SHUSTER, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. DENT, Mr. CARNEY, Mr. ALTMIRE, Ms. SCHWARTZ, Mr. DOYLE, Mr. PLATTS, Mr. KANJORSKI, Mr. GERLACH, Mr. FATTAH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. THOMPSON of Pennsylvania, Mrs. DAHLKEMPER, Mr. PITTS, Mr. SESTAK, and Mr. TIM MURPHY of Pennsylvania):

H. Res. 754. A resolution honoring the citizen-soldiers of the National Guard of the State of Pennsylvania, including the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard on its return to the United States from deployment in Iraq; to the Committee on Armed Services.

By Mr. MCMAHON (for himself and Mr. ROONEY):

H. Res. 755. A resolution celebrating the 30th anniversary of the creation of the Office of Special Investigations of the Department of Justice; to the Committee on the Judiciary.

By Mr. RUPPERSBERGER (for himself and Mr. SOUDER):

H. Res. 756. A resolution supporting the goals and ideals of Red Ribbon Week; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. CARSON of Indiana.
H.R. 16: Mr. COHEN.
H.R. 208: Mr. COFFMAN of Colorado, Mrs. BLACKBURN, Mr. ACKERMAN, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. GOHMERT, Mr. HONDA, Ms. MCCOLLUM, Ms. MARKEY of Colorado, Mr. HEINRICH, Mr. LATTA, Mr. MINNICK, Mr. THORNBERRY, Mr. BOCCIERI, Mr. PIERLUISI, Mr. ROE of Tennessee, Mr. ARCURI, Mr. INGLIS, Mr. PETERSON, Mr. DAVIS of Kentucky, Mr. HIMES, Mr. HODES, and Mr. DAVIS of Tennessee.
H.R. 219: Mr. MARSHALL.
H.R. 233: Mr. JOHNSON of Georgia.
H.R. 272: Mr. PRICE of North Carolina.
H.R. 275: Mrs. MYRICK and Mr. RYAN of Wisconsin.
H.R. 333: Mr. CARSON of Indiana.
H.R. 413: Mrs. DAHLKEMPER, Mr. DAVIS of Kentucky, Mr. SNYDER, Mr. LATOURETTE, Mr. HOLDEN, and Mr. LEWIS of Georgia.
H.R. 422: Mr. HODES.
H.R. 444: Mr. NADLER of New York.
H.R. 450: Mr. GINGREY of Georgia.
H.R. 571: Mr. WELCH.
H.R. 621: Mr. COHEN.
H.R. 653: Mrs. CAPPS.
H.R. 678: Mr. LATHAM.
H.R. 690: Mr. PRICE of North Carolina.
H.R. 775: Mr. RUPPERSBERGER, Mr. THOMPSON of Pennsylvania, Mr. KRATOVIL, Mr. DOGGETT, and Mr. HODES.
H.R. 783: Mr. HODES.
H.R. 836: Mr. RUPPERSBERGER.
H.R. 932: Mr. CONYERS, Ms. KAPTUR, Mr. SESTAK, and Mr. DRIEHAUS.
H.R. 948: Mr. COHEN.
H.R. 953: Mr. INGLIS.
H.R. 977: Mr. COHEN.
H.R. 1079: Mr. LINCOLN DIAZ-BALART of Florida, Mr. PAULSEN, Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. MURPHY of Connecticut, Mr. GENE GREEN of Texas, and Mr. ROGERS of Alabama.
H.R. 1086: Mr. SCOTT of Georgia, Mr. CHAFFETZ, and Mr. KINGSTON.
H.R. 1132: Mr. PRICE of North Carolina, Mr. SCHRADER, Mr. BURGESS, Mr. BOREN, Mr. COURTNEY, Mrs. DAHLKEMPER, Mr. GALLEGLY, Mr. GEORGE MILLER of California, and Mr. PAULSEN.
H.R. 1182: Mr. PETERSON, Mr. INGLIS, Mr. BARTLETT, Mr. BRALEY of Iowa, Mr. FORBES, Mr. HIMES, and Mr. LOBIONDO.
H.R. 1194: Mr. TOWNS, Ms. BERKLEY, and Mr. CAO.
H.R. 1203: Mr. MCNERNEY, Mr. HEINRICH, and Mr. PRICE of Georgia.
H.R. 1207: Mr. NYE.
H.R. 1229: Mr. GERLACH.
H.R. 1250: Mr. POSEY.
H.R. 1283: Mr. KAGEN, Mr. MCNERNEY, and Mr. NEAL of Massachusetts.
H.R. 1346: Ms. TITUS.
H.R. 1402: Mr. MOORE of Kansas.
H.R. 1454: Mr. MINNICK.
H.R. 1507: Mr. FRANK of Massachusetts.
H.R. 1549: Mr. HASTINGS of Florida, Mr. SESTAK, Mr. COHEN, and Ms. DEGETTE.
H.R. 1570: Ms. WASSERMAN SCHULTZ.
H.R. 1585: Mr. THOMPSON of Pennsylvania and Mr. ROE of Tennessee.
H.R. 1587: Mr. SHIMKUS and Mr. MINNICK.
H.R. 1623: Mr. DANIEL E. LUNGREN of California.
H.R. 1670: Ms. BEAN.
H.R. 1695: Mr. OBERSTAR, Mr. GRIFFITH, and Mr. TIBERI.
H.R. 1706: Mr. WATT.
H.R. 1799: Mr. BISHOP of Utah.
H.R. 1826: Mr. PRICE of North Carolina.
H.R. 1829: Mr. BROWN of South Carolina and Mr. LARSEN of Washington.
H.R. 1864: Mr. HEINRICH, Mr. FILNER, Mr. MICHAUD, Mr. GRIFFITH, and Mr. ROE of Tennessee.
H.R. 1970: Mr. MELANCON.
H.R. 1987: Ms. BORDALLO and Mr. PETERSON.
H.R. 2000: Mrs. DAVIS of California.
H.R. 2006: Ms. WOOLSEY and Mr. JOHNSON of Georgia.
H.R. 2137: Mr. PLATTS.
H.R. 2139: Ms. KAPTUR and Mr. STARK.
H.R. 2194: Mr. CLAY, Mr. THOMPSON of California, Mr. TONKO, Mr. DAVIS of Illinois, Mr. MATHESON, and Mr. MURPHY of New York.
H.R. 2195: Ms. KILROY.
H.R. 2266: Mr. MURPHY of Connecticut.
H.R. 2267: Mr. MURPHY of Connecticut, Mr. CLAY, and Mr. SCHIFF.
H.R. 2279: Mr. COHEN.
H.R. 2299: Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. MCCOLLUM.
H.R. 2373: Mr. ELLSWORTH and Mr. FORBES.
H.R. 2378: Ms. DELAURO.
H.R. 2429: Mr. BRIGHT.
H.R. 2446: Mr. BOSWELL.
H.R. 2452: Mr. WILSON of Ohio and Ms. KILROY.
H.R. 2485: Mr. CUMMINGS, Mr. WU, and Mr. ROTHMAN of New Jersey.
H.R. 2555: Mr. PAYNE.
H.R. 2584: Mr. PENCE, Mr. EHLERS, Mr. THORNBERRY, Ms. KILROY, Mr. BISHOP of Utah, Mr. MILLER of North Carolina, Mrs. CAPITO, Mr. BARROW, and Mr. CAMPBELL.
H.R. 2607: Mr. DENT.
H.R. 2639: Ms. HERSETH SANDLIN.
H.R. 2708: Ms. SCHAKOWSKY.
H.R. 2746: Mr. GENE GREEN of Texas, Mr. SESTAK, Ms. BALDWIN, Ms. WOOLSEY, Mr. BOCCIERI, Mr. KAGEN, Mr. PASTOR of Arizona, and Mr. CONYERS.
H.R. 2766: Mr. HALL of New York.
H.R. 2782: Mr. BOCCIERI and Mr. WILSON of Ohio.
H.R. 2801: Ms. GINNY BROWN-WAITE of Florida, Mr. PAUL, and Mr. GRIFFITH.
H.R. 2894: Mr. CARSON of Indiana.
H.R. 2909: Mr. MCGOVERN.

H.R. 2932: Ms. FUDGE, Mr. COHEN, and Mr. AL GREEN of Texas.

H.R. 2935: Mr. THOMPSON of California, Mr. QUIGLEY, Mrs. EMERSON, Mr. KRATOVIL, and Mr. BOREN.

H.R. 2941: Mr. HALL of New York.

H.R. 3007: Ms. KAPTUR and Mr. MASSA.

H.R. 3012: Mr. MAFFEI.

H.R. 3017: Mr. HINCHEY and Mr. SABLAN.

H.R. 3044: Ms. TSONGAS, Mr. CAMPBELL, Mr. LUCAS, Mr. WALDEN, and Mr. BERRY.

H.R. 3101: Mr. STARK, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. VAN HOLLEN, Mr. LEWIS of Georgia, and Mr. TOWNS.

H.R. 3105: Mr. MCKEON.

H.R. 3184: Mr. SESTAK.

H.R. 3212: Mr. MOORE of Kansas.

H.R. 3217: Mr. DANIEL E. LUNGREN of California and Ms. GRANGER.

H.R. 3226: Mr. THOMPSON of Pennsylvania, Mr. FLAKE, Mr. INGLIS, Mr. GUTHRIE, Mr. BARTON of Texas, and Mrs. CAPITO.

H.R. 3227: Mr. MCGOVERN.

H.R. 3238: Mr. CARSON of Indiana.

H.R. 3250: Mrs. MCCARTHY of New York and Mr. MCMAHON.

H.R. 3255: Mr. BLUMENAUER.

H.R. 3266: Mr. NYE.

H.R. 3284: Mr. SMITH of New Jersey.

H.R. 3307: Mr. POSEY.

H.R. 3308: Mr. MATHESON and Mr. TIM MURPHY of Pennsylvania.

H.R. 3324: Mr. SNYDER.

H.R. 3337: Mr. SCHRADER.

H.R. 3340: Ms. HERSETH SANDLIN.

H.R. 3355: Mr. SESTAK and Mr. FILNER.

H.R. 3381: Mr. BISHOP of New York.

H.R. 3383: Mr. BISHOP of Utah.

H.R. 3400: Mr. THOMPSON of Pennsylvania.

H.R. 3407: Mr. PETERSON.

H.R. 3421: Ms. VELÁZQUEZ.

H.R. 3438: Mr. AUSTRIA.

H.R. 3458: Mr. WAXMAN, Mr. SESTAK, and Ms. WOOLSEY.

H.R. 3472: Mr. MURPHY of New York, Mrs. HALVORSON, Ms. BEAN, and Mr. CONNOLLY of Virginia.

H.R. 3502: Ms. SLAUGHTER.

H.R. 3508: Mr. MARCHANT and Mr. SESSIONS.

H.R. 3510: Mr. SESTAK, Mr. MCGOVERN, and Mr. MEEKS of New York.

H.R. 3519: Mr. CARTER, Mr. RODRIGUEZ, and Ms. WOOLSEY.

H.R. 3548: Ms. WOOLSEY, Ms. DELAURO, Mr. HINCHEY, and Mr. BLUMENAUER.

H.R. 3549: Ms. SHEA-PORTER and Mr. PALLONE.

H.R. 3553: Mr. LUJÁN.

H.R. 3554: Ms. TSONGAS and Mr. PETERSON.

H.R. 3567: Mr. LUJÁN and Mr. SARBANES.

H.R. 3569: Mr. CHAFFETZ, Mr. BARTON of Texas, Mr. FLEMING, Mr. BRADY of Texas, and Mr. SHIMKUS.

H.R. 3571: Mr. SENSENBRENNER, Mr. HOEKSTRA, Mr. SMITH of Nebraska, Mr. FLEMING, Mr. PITTS, Mr. REHBERG, Mr. BARTON of Texas, and Mr. FORBES.

H.J. Res. 47: Mr. LANCE and Mr. JORDAN of Ohio.

H. Con. Res. 49: Mr. BAIRD.

H. Con. Res. 98: Mr. AL GREEN of Texas.

H. Con. Res. 151: Mr. INGLIS and Mr. COHEN.

H. Con. Res. 158: Mr. BOOZMAN, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. LEWIS of California, Mr. CONNOLLY of Virginia, Mr. REYES, Mr. ISRAEL, Mr. CHILDERS, Mrs. EMERSON, Mrs. MALONEY, Mr. SERRANO, and Mr. CONYERS.

H. Con. Res. 160: Mr. DANIEL E. LUNGREN of California, Mr. COHEN, and Ms. HERSETH SANDLIN.

H. Con. Res. 168: Mr. MCDERMOTT.

H. Con. Res. 169: Mr. BUCHANAN, Mr. BOOZMAN, and Mr. SOUDER.

H. Con. Res. 170: Mr. HALL of Texas, Mr. BOUSTANY, Mr. COBLE, and Mr. NYE.

H. Con. Res. 181: Mr. ROGERS of Michigan and Ms. KAPTUR.

H. Con. Res. 183: Mr. CARTER, Mr. HINOJOSA, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. BERRY, and Mr. BARTON of Texas.

H. Con. Res. 185: Mr. LUETKEMEYER, Mr. BOOZMAN, Mr. TIBERI, Mr. SESSIONS, Mr. WILSON of South Carolina, and Mr. SENSENBRENNER.

H. Con. Res. 186: Ms. CORRINE BROWN of Florida, Mr. HARE, Mr. MASSA, Mr. KISSELL, Mrs. KIRKPATRICK of Arizona, Mr. PERLMUTTER, Mr. ETHERIDGE, Ms. TSONGAS, Mr. VISCLOSKY, Mr. BERRY, Ms. LORETTA SANCHEZ of California, Mr. PASTOR of Arizona, Mrs. CAPPS, Mr. SARBANES, Mr. SALAZAR, Mr. SIRES, Ms. FUDGE, Mr. TOWNS, Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, Mr. YARMUTH, Mr. THOMPSON of California, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. CARSON of Indiana, Mr. PAYNE, Mr. AL GREEN of Texas, Ms. PINGREE of Maine, Ms. EDWARDS of Maryland, Mr. CUMMINGS, Mr. BARROW, Mr. BLUMENAUER, Mr. MEEKS of New York, Mr. RUPPERSBERGER, Ms. NORTON, Mr. ANDREWS, Mr. BISHOP of New York, Mr. LARSEN of Washington, Mr. QUIGLEY, Mr. WALZ, Mr. JACKSON of Illinois, Mr. CUELLAR, Mr. KINGSTON, Mr. RUSH, Mr. CLYBURN, Mr. WATT, Mr. SCOTT of Georgia, Mr. CLAY, Mr. LYNCH, Mr. SCOTT of Virginia, Ms. LEE of California, Mr. CONYERS, Mr. LEVIN, Mr. COHEN, Mr. HASTINGS of Florida, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. ELLISON, Mr. DAVIS of Alabama, Mr. RANGEL, Mr. FATTAH, Ms. CLARKE, Mrs. HALVORSON, Ms. WATERS, and Mr. GUTIERREZ.

H. Res. 22: Mr. HALL of New York.

H. Res. 55: Mr. COBLE, Mr. DENT, Mr. MCHENRY, and Mr. MORAN of Virginia.

H. Res. 150: Mr. AL GREEN of Texas.

H. Res. 167: Mr. MCINTYRE and Mr. ROTHMAN of New Jersey.

H. Res. 291: Mr. PASTOR of Arizona, Mr. MCDERMOTT, Mr. PETERSON, and Mr. COOPER.

H. Res. 568: Mr. BARTLETT, Mr. BILBRAY, and Mr. SOUDER.

H. Res. 577: Mr. KLEIN of Florida and Mr. SHIMKUS.

H. Res. 581: Mr. BONNER, Mr. MARSHALL, Mr. GINGREY of Georgia, Mr. ADERHOLT, and Mr. KING of Iowa.

H. Res. 615: Mr. LANCE.

H. Res. 627: Mr. BOREN.

H. Res. 684: Ms. RICHARDSON and Mr. JACKSON of Illinois.

H. Res. 692: Mr. MICHAUD, Mr. BAIRD, Mr. WELCH, Ms. SLAUGHTER, Mr. LYNCH, Mr. HIGGINS, Mr. TAYLOR, Mr. MAFFEI, Mr. GRIFFITH, Mr. MINNICK, Mr. LANGEVIN, Ms. SCHWARTZ, Mr. BACA, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. LUJÁN, Mr. DOYLE, Mr. BERRY, Ms. WASSERMAN SCHULTZ, and Ms. KILROY.

H. Res. 709: Mr. MURPHY of Connecticut, Ms. SUTTON, Mr. BARROW, Ms. TSONGAS, Mr. COOPER, Mr. ALTMIRE, Mr. LOEBSACK, and Ms. PINGREE of Maine.

H. Res. 729: Mrs. MILLER of Michigan.

H. Res. 731: Mr. AL GREEN of Texas.

H. Res. 733: Mr. SCOTT of Georgia, Mr. ENGEL, Mr. HOLDEN, Mr. RYAN of Ohio, Mr. HONDA, Mr. MICHAUD, Mr. ROE of Tennessee, Mr. CONAWAY, Mr. SULLIVAN, and Mr. HARPER.

H. Res. 734: Mr. BROWN of South Carolina, Mr. MACK, and Mr. KLINE of Minnesota.

H. Res. 739: Mr. MASSA, Mr. NEUGEBAUER, Mr. PETERSON, Mr. SCOTT of Georgia, Mr. ROSS, Ms. JACKSON-LEE of Texas, and Mr. ELLISON.

H. Res. 740: Mr. CARNEY, Ms. MCCOLLUM, Mr. PUTNAM, Mr. SCHRADER, Mr. CHILDERS, Mr. INGLIS, Ms. HERSETH SANDLIN, Ms. HIRONO, Mr. MICHAUD, Mr. MARSHALL, Mr. MOORE of Kansas, and Mr. BOUCHER.

H. Res. 743: Mr. HODES, Mr. ABERCROMBIE, Mr. WELCH, Mr. HARE, Ms. HIRONO, Mr. MCMAHON, Mr. NEAL of Massachusetts, Mr. GEORGE MILLER of California, Mr. LARSON of Connecticut, Ms. DELAURO, Mr. YARMUTH, Ms. SHEA-PORTER, Mr. CONNOLLY of Virginia, Mr. WU, Mr. KAGEN, Ms. LINDA T. SÁNCHEZ of California, and Ms. SUTTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3226: Mr. CLAY.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, SEPTEMBER 17, 2009 No. 132

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Heavenly Father, thank You for our many freedoms. Help us to use them, not to hide behind safe walls but to make our world a better place. Teach us to live with eternity in our view and to refuse to let the world squeeze us into its mold.

Lord, give wisdom to our lawmakers. May they seek Your approval above the hollow applause of men and women. As the servants of this Nation, may they strive to be filled with Your spirit of wisdom, knowledge, and understanding. Use our Senators to reverse the spiritual and moral drift of our Nation by exemplifying righteousness, repentance, rectitude, and reconciliation in the lives they lead.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 17, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period for the transaction of morning business for 1 hour, with Senators allowed to speak for up to 10 minutes each. However, I ask unanimous consent that the full 30 minutes of the majority be controlled by the Senator from Pennsylvania, Mr. SPECTER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. The majority will control the first 30 minutes, the Republicans will control the second 30 minutes. Following morning business, the Senate will begin consideration of H.R. 2996, the Interior appropriations bill. Following the managers' opening statements, the floor will be open for Senators to offer amendments. At 2 p.m., we will resume consideration of H.R. 3288, the Transportation-HUD appropriations bill, and proceed to a series of up to six rollcall votes and complete action on that bill.

I think it is important to say to everyone that we are now in a mode of doing some legislation. I appreciate very much the cooperation of all Senators, Democrats and Republicans. We are now in the mode of, when a bill comes up, people can offer amendments. For a number of years, that simply was not the case. When there are circumstances and a decision is made not to allow amendments, I understand, after people are in the habit of being able to offer amendments, how concerned they become. We will approach that whenever it comes about, if there is a decision made to so-called fill the tree and not allow amendments.

In the way we are working, we are taking some tough votes. Democrats are offering some difficult amendments, Republicans are offering some difficult amendments. But that is OK. We are working through these bills. We could have been voting on cloture on the Transportation appropriations bill. We could have been invoking cloture on that bill this morning. It simply has not been necessary.

We have some nominations we are still working our way through. One Republican Senator has held up a nomination for quite some time. He came to me yesterday and said: You can go ahead and put that one through.

I am satisfied and confident this is the way the Senate should operate.

We have the health care bill on the horizon. If we are able to get 60 votes to proceed to it, it is going to take everyone's cooperation and patience to work through the amendments that will be necessary to go forward on that bill. I am hopeful and confident we can work through that bill. If not, we will have to go to reconciliation, which I hope we don't have to do, but if we have to, we have to do that.

Anyway, I feel good about what we have been able to accomplish this week. I repeat, it sets a pattern of how we should be legislating.

Behind me is Senator SPECTER. He came to me a number of times last year and said: Are there going to be amendments allowed? And I said yes. He said he would vote to move forward on the bill. I think there were other people who felt the same way, but they just were not as vocal as Senator SPECTER.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

I appreciate the good work, including that of my colleague, the senior Senator from Kentucky, who is one of the people who has stressed how important it is to have amendments. I recognize he cannot control his Senators all the time, nor can I. In spite of that, we have been able to work through legislation.

I want to get the appropriations bills done, as does Senator MCCONNELL. He and I have been members of the Appropriations Committee during our entire tenure in the Senate. It is important that we work through these bills. As of today, we will have completed five of them. We are going to do our utmost to do the conference reports before the first of October. We may have to—not may—we will have to have a short-term CR, and by the end of that short-term CR, hopefully we can complete all the appropriations bills.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Madam President, over the past few months, the American people have been sending us a clear message on health care. They want reforms that make health care more affordable and more accessible, that increase choice, and that keep government out of their health care decisions. What they don't want are so-called reforms that cut seniors' health care, force Americans off private health plans they have, cost hundreds of billions of dollars, raise taxes, and put government bureaucrats in charge of health care. But that is exactly what they would get under the plan released by the chairman of the Senate Finance Committee just yesterday. So while I appreciate the hard work of the senior Senator from Montana on this legislation—and he certainly has spent enormous amounts of time on it—I am extremely disappointed that it does not reflect the concerns Americans have been expressing for weeks about health care reform. That much is very clear.

Now it is time to let the American people study the bill themselves. Before we bring any legislation to the floor, we need to make sure the American people and all of our colleagues, every single one of them, have the time to carefully read it and evaluate its potential effects on our health care system and the economy in general. Americans got rushed on the stimulus. They will not be rushed on health care—not on an issue that affects every single American. Before we discuss or vote on any plan, we need to know what it does, how much it costs, and how it will be paid for.

Here is what we know now about the Finance Committee plan.

First, the Finance Committee proposal would cut hundreds of billions of dollars from seniors' Medicare benefits to pay for new government programs. America's seniors want us to fix Medicare, not take money from it to pay for a new, untested, trillion-dollar government program. This bill would also break the President's promise to seniors that they will not be required to change the coverage they have. Right now, 11 million seniors are enrolled in Medicare Advantage, a program that gives them more options and choices when it comes to their health care. Ninety percent of these seniors are satisfied with their plan. The Finance Committee bill would make massive cuts to Medicare Advantage and force some seniors to give it up, something that even one of our Democratic friends just yesterday called ''intolerable.''

Senators from both sides of the aisle are concerned about the new burdens this bill would impose on States in the form of Medicaid expansion. Unlike the Federal Government, many States are constitutionally—in fact, I think virtually all of them are constitutionally required to have balanced budgets. This means that if politicians in Washington force them to increase spending on Medicaid, they very likely will have to cut services or raise taxes right in the middle of a recession.

The Finance Committee bill would kill jobs by forcing employers to provide insurance, regardless of whether they can afford it. While advocates of the bill say it does not contain an employer mandate, their claims just do not square with the facts. If you tell an employer that they either have to provide insurance or pay a penalty, that is a mandate.

The Finance Committee bill contains approximately $350 billion in new taxes, and some of these taxes, such as those on medical devices ranging from MRIs to Q-tips and new taxes on insurance plans, will drive up insurance premiums and make health care even more expensive for American families. If there was one thing we thought everybody agreed on, it was that any reform should not make health care more expensive. Yet this Q-tip tax would actually increase health care costs. That is why Senators from both parties have warned that it would put thousands of jobs in jeopardy and actually deter innovation.

The Senate Finance Committee bill also contains a co-op, which is just another name for a government plan. It still gives the government far too much control over our health care system. It cuts seniors' benefits, spends hundreds of billions of dollars, and raises taxes to pay for another trillion-dollar government program. And it still does not contain the kind of commonsense reforms the American people support and Republicans have consistently recommended, such as meaningful reforms to get rid of junk lawsuits against doctors and hospitals and reforms to level the playing field when it comes to taxes on a health care plan.

There is no question that Americans want health care reform, but they want the right reforms and they want us to take the time we need to get it right. During the month of August, the American people sent us a clear message on health care. I am disappointed that many of my colleagues apparently were not listening.

CONSTITUTION DAY 2009

Mr. MCCONNELL. Madam President, the National Constitution Center in Philadelphia first opened its doors on July 4, 2003. Situated just steps away from the Liberty Bell and historic Independence Hall, it is the only museum in America solely dedicated to honoring America's Constitution.

Our Constitution was signed on this day—this very day—in 1787 by 39 brave, outstanding Americans. Now, 222 years later, we thank them for devising the finest system of government mankind has ever produced. By recognizing that rights flow from the people to their government and not the other way around, our Constitution is firmly dedicated to the preservation of liberty. That is why we celebrate every September 17 as Constitution Day. It is a day for all Americans to learn more about the Constitution, to understand how it works, and to appreciate how it has guided our Nation through growth and through change.

I thank the senior Senator from West Virginia, Mr. BYRD, for sponsoring this legislation 5 years ago to observe this historic day. We all know the love Senator BYRD has for his country and his country's history. He knows that you cannot truly understand how liberty is preserved in America without understanding the Constitution. Thank you, Senator, for your efforts to ensure that future generations also learn this important lesson.

On this day, we recognize citizens across the Nation who are honoring our Constitution by honoring its values and passing them along to our children and grandchildren. And we say a special thanks for the men and women in uniform who defend it. Thanks to them, the Constitution's promise will be there for the next generations of Americans.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 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 minority controlling the second half.

The Senator from Pennsylvania.

U.S. POLICY IN AFGHANISTAN

Mr. SPECTER. Madam President, I have sought recognition to comment about U.S. policy in Afghanistan. During the course of the August recess, and of course with my customary practice, I traveled to Pennsylvania's 67 counties to take the pulse of my constituents. While there are many problems, there was considerable concern about what our policy is going to be in Afghanistan. I note at this time, according to yesterday's New York Times, there have been 821 American servicemembers killed in Afghanistan, some $189 billion has been appropriated for Afghanistan, and by the end of this year there will be 68,000 American military personnel and an additional 38,000 NATO troops from other countries in Afghanistan.

Madam President, I ask unanimous consent that an extensive floor statement be included in the text of the CONGRESSIONAL RECORD at the conclusion of my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Madam President, I intend now to summarize the substance of my concerns.

The approach on our policy has been outlined in testimony earlier this week by ADM Michael Mullen, Chairman of the Joint Chiefs of Staff, in these two statements: Our policy

> . . . [is] to deny sanctuary to al-Qaida and the Taliban now and to generate a stable and secure Afghanistan capable of denying al-Qaida return after withdrawal of our combat forces and while we sustain partnership and commitment to political and economic development in that nation.

Admiral Mullen told the committee:

> A properly resourced counterinsurgency probably means more forces, without question more time and more commitment to the protection of the Afghan people and to the development of good governance.

While I think it is laudable to want to protect the Afghan people and to provide good governance there, it is my view that is not of sufficient national interest for the United States to put our troops at risk or to expend substantial additional sums there. The principal question, as I see it, is whether Afghanistan is indispensable to be secured to prevent al-Qaida from launching another attack against the United States. If that is the purpose, that is the necessity, then we must undertake anything, whatever it costs, to stop al-Qaida from again attacking the United States.

But I believe there is a series of questions which have to be answered before we can assess whether that is an indispensable part of U.S. policy. Toward that end, I have written to the Secretary of Defense, the Secretary of State, the Director of National Intelligence, and the Director of the Central Intelligence Agency on a series of questions which I think requires answers before we can make an informed judgment as to whether the expenditures in Afghanistan are in our specific and key national interests. These are the questions which I have posed for these leaders:

What are the prospects for military success in Afghanistan against al-Qaida and the Taliban? What will the requirements be in the next year as to additional U.S. troops and the cost of our involvement in Afghanistan? What may we reasonably expect NATO or other allies to contribute in troops and dollars to our efforts in Afghanistan? What other areas around the world are open to al-Qaida as potential bases for another attack on the United States? What will be done besides military action, such as nation building and stabilizing and developing Afghanistan, so that they will be prepared to handle their own problems so we can withdraw? What assistance can we reasonably expect from Pakistan in fighting al-Qaida and the Taliban and stopping both from seeking refuge by moving in and out of Pakistan? How does the questionable legitimacy of President Karzai's status as result of allegations of proof of election fraud impact on our ability to succeed in Afghanistan? How does the illegal drug trafficking and alleged involvement of high-ranking officials in the Karzai government in such drug trafficking impact on our efforts in Afghanistan? What does U.S. intelligence show as to any possible plans by al-Qaida to attack the United States or anyone else? What does U.S. intelligence show as to whether India poses a real threat to attack Pakistan? What does U.S. intelligence show as to whether Pakistan poses a real threat to attack India? What does U.S. intelligence show as to whether Pakistan could reasonably devote additional military force to assist us in the fight against the Taliban? What does U.S. intelligence show as to whether the Government of Pakistan or influential officials in the Pakistani Government would consider negotiating with India for reducing nuclear weapons or other confidence-building measures to diffuse the tension with India if actively encouraged to do so by the United States? What does U.S. intelligence show as to whether the Government of India or some influential officials in the Indian Government would consider negotiating with Pakistan for reducing nuclear weapons or other confidence-building measures to diffuse the tension with Pakistan if actively encouraged by the United States to do so?

We have learned a bitter lesson from Iraq—that we did not have answers to important questions in formulating our policy there. Had we known that Saddam Hussein did not have weapons of mass destruction, I think the United States would not have gone into Iraq.

These questions were posed by me when we had the debate on the resolution for authorizing the use of force. On October 7, 2002, I said the following:

> What was the extent of Saddam Hussein's control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequences in Iraq? Who would govern after Saddam was toppled? What would happen in the region, the impact on the Arab world, and the impact on Israel?

The President, as Commander in Chief, as we all know, has primary responsibility to conduct war but the Constitution vests in the Congress the sole authority to declare war. Regrettably, the congressional authority and responsibility has been dissipated with what we have seen in Korea and in Vietnam and in the authorizations for the use of force in the two incursions into Iraq. We do not have the authority under separation of powers to delegate that authority. And had we asked the tough questions and had we gotten correct, honest, accurate answers, it would have been a great help to President George W. Bush in formulating a policy as to Iraq. I think now it would be a great help to President Barack Obama for the Congress to exercise our persistence in finding correct answers to these kinds of tough questions.

We have a situation with Pakistan today which gives great pause. The United States has advanced $15.5 billion to Pakistan since 9/11. Some $10.9 billion of that money has gone for security, and there is a real question as to whether we have gotten our monies worth. The comments from the New York Times on December 24, 2007 raised these issues:

> Money has been diverted to help finance weapons systems designed to counter India, not al-Qaida or the Taliban . . . the United States has paid tens of millions of dollars in inflated Pakistani reimbursement claims for fuel, ammunition and other costs.

Dr. Anthony Cordesman, of the Center for Strategic and International Studies, wrote on April 10 of this year:

> Far too much of the military portion of the . . . past U.S. aid to Pakistan never was used to help fight the Taliban and al-Qaida or can't be accounted for. Future aid should clearly be tied to clearly defined goals for Pakistani action and full accounting for the money.

The New York Times, on August 30 of this year, pointed out:

> The United States has accused Pakistan of illegally modifying American-made missiles to expand its capability to strike land targets, a potential threat to India.

The questions which have been posed in the series of letters which I have outlined go to the issue as to whether India poses a threat to Pakistan. It is hard for me to contemplate that is a serious problem, but we ought to be informed and we ought to be putting our efforts to seeing if we cannot broker a peace treaty between India and Pakistan, which would enable us to get substantial help from Pakistan in our fight against the Taliban.

In 1995, when I was chairman of the Intelligence Committee, Senator Hank

Brown of Colorado and I visited India and Pakistan. When we were in India, we met with Prime Minister Rao, who brought up the subject of a potential nuclear confrontation between India and Pakistan and said he would like to see the subcontinent nuclear free. He knew we were en route to Pakistan to see Prime Minister Benazir Bhutto and he asked us to take up the subject with her, which we did. As a result, I wrote the following letter to President Clinton the day after we left India, and I think it is worth reading in full:

August 28, 1995.

Dear Mr. President: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last 2 days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto. Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on the subcontinent within 10 or 15 years, including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks, a regional conference which would include the United States, China, and Russia, in addition to India and Pakistan. When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said she had had no conversations with him during her tenure as prime minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India. From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems. I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

In my letter to Secretary of State Clinton, which I sent her last week, I asked her what efforts have been made to broker such a peace treaty between India and Pakistan.

I sent on to her a copy of a letter which I had written to President Clinton; if we could ease the tension between those two countries, if we could persuade Pakistan that India does not pose a threat so Pakistan would not have to marshal their forces along the Indian border but instead could aid the United States in our fight against the Taliban, it would be a very different proposition.

The suggestion has been made now to extend $7.5 billion in additional funding to Pakistan. It seems to me that is not a good use of our money if it is to follow the same trail as the $15.5 billion which we have expended in the immediate past. If we can get the assistance of Pakistan in fighting the Taliban, it would be one thing. If we could be assured that the money was being used for the intended purpose and not diverted for other purposes, as it appears the other $15.5 billion was, it would be a very different picture.

In sum, it seems to me that before we ought to commit additional troops to Afghanistan, it ought to be a matter of paramount importance, indispensable as a matter of stopping another attack by al-Qaida. But if al-Qaida can organize in some other spot, the issues raised by my questions, it would bear heavily on what our policy in Afghanistan should be.

In addition to the full text of my statement being printed in the RECORD, I ask unanimous consent that copies of my letters to Secretary of State Hillary Clinton, Secretary of Defense Robert Gates, CIA Director and the Director of National Intelligence, Dennis Blair, all be printed in the RECORD, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 9, 2009.

Hon. ROBERT M. GATES,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR SECRETARY GATES: Congress will be called upon to make important decisions on the war in Afghanistan. whether there is a realistic prospect of succeeding there, and the importance of Afghanistan in stopping al Qaeda from again attacking the United States. In a related matter, in evaluating foreign aid to Pakistan. Congress needs to know whether Pakistan could be persuaded to aid us in fighting the Taliban. In retrospect, important judgments were made on Iraq without sufficient accurate. factual information. I write to you, the Secretary of State, the Director of National Intelligence and the Director of the CIA (copies enclosed) on related issues within their purview.

Is U.S. success in Afghanistan critical in stopping al Qaeda from maintaining a base to plan and facilitate another attack on the United States?

What are the prospects for military success in Afghanistan against the Taliban?

What will the requirements be in the next year as to additional U.S. troops and the cost of our involvement in Afghanistan?

What may we reasonably expect NATO or other allies to contribute in troops and dollars to our efforts in Afghanistan?

What will be done besides military action, such as nation-building, in stabilizing and developing Afghanistan so that they will be prepared to handle their own problems so that we can withdraw?

What assistance can we reasonably expect from Pakistan in fighting the Taliban and stopping the Taliban from seeking refuge by moving in and out of Pakistan?

How does the questionable legitimacy of President Karzai's status as a result of allegations or proof of election fraud impact on our ability to succeed in Afghanistan?

How does the illegal drug trafficking and alleged involvement of high-ranking officials in the Karzai government in such drug trafficking impact on our efforts in Afghanistan?

Thank you for your consideration of this request. I am available to meet with you or your designee for a briefing on these questions.

Sincerely,

ARLEN SPECTER.

Enclosures.

U.S. SENATE,
Washington, DC, September 9, 2009.

Hon. HILLARY RODHAM CLINTON,
Secretary of State,
Washington, DC.

DEAR SECRETARY CLINTON: Congress will be called upon to make important decisions on the war in Afghanistan. whether there is a realistic prospect of succeeding there, and the importance of Afghanistan in stopping al Qaeda from again attacking the United States. In evaluating foreign aid to Pakistan. Congress needs to know whether Pakistan could be persuaded to aid us in fighting the Taliban. In retrospect. important judgments were made on Iraq without sufficient accurate, factual information.

I am writing to the Secretary of Defense, the Director of National Intelligence and Director of the CIA (copies enclosed) to obtain information principally on military and intelligence matters. My inquiries to you are principally on foreign relation issues involving Afghanistan, Pakistan and India.

In August 1995, Senator Hank Brown and I were told by Prime Minister Rao in a visit to New Delhi that India was interested in negotiating with Pakistan to make their subcontinent free of nuclear weapons. Prime Minister Rao asked Senator Brown and me to raise this issue with Pakistan's Prime Minister Benazir Bhutto which we did. I then wrote to President Clinton urging him to broker such negotiations. Those discussions are summarized in a letter which I sent to President Clinton:

AUGUST 28, 1995.

DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao. she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

Sincerely,

ARLEN SPECTER.

After returning to the United States, I discussed such a presidential initiative with President Clinton, but my suggestion was not pursued.

If the current tensions and hostilities between India and Pakistan could be eliminated or reduced. Pakistan might be persuaded to increase its military forces to aid us in the fight against the Taliban. I urge you and your Department to undertake an initiative to broker a peace treaty between India and Pakistan if you are not already doing so.

I am also interested in your view as to whether India poses a realistic threat to Pakistan which warrants Pakistan devoting military force to that potential threat, which diverts a military contribution which could aid the U.S. in our fight against the Taliban?

I am also interested in your view of a proposal for the U.S. to grant substantial foreign aid to Pakistan. I raise this question in the context of Pakistan's failure during President Musharaf's tenure to fulfill its commitments on the $10 billion aid granted by the U.S. from September 11, 2001 to 2007. When Representative Patrick Kennedy and I raised this subject with President Musharaf in a December 2007 meeting in Islamabad, he gave a very unsatisfactory answer.

I am available to meet with you or your designee on these subjects.

Sincerely,

ARLEN SPECTER.

Enclosures.

U.S. SENATE,
Washington, DC, September 9, 2009.

Hon. DENNIS C. BLAIR,
Director of National Intelligence,
Washington, DC.

DEAR DIRECTOR BLAIR: Congress will be called upon to make important decisions on the war in Afghanistan, whether there is a realistic prospect of succeeding there, and the importance of Afghanistan in stopping al Qaeda from again attacking the United States. In a related matter, in evaluating foreign aid to Pakistan, Congress needs to know whether Pakistan could be persuaded to aid us in fighting the Taliban. In retrospect, important judgments were made on Iraq without sufficient accurate, factual information. I write to you, the Secretary of State, the Secretary of Defense, and the Director of the CIA (copies enclosed) to obtain that information.

How important is Afghanistan to al Qaeda as a base for another attack on the U.S.?

Does al Qaeda have other bases which would be sufficient for them to plan and facilitate another attack on the United States?

What other areas are open to al Qaeda as potential bases for another attack on the United States?

What does U.S. intelligence show as to any possible plans by al Qaeda to attack the United States or anyone else?

What does U.S. intelligence show as to whether India poses a real threat to attack Pakistan?

What does U.S. intelligence show as to whether Pakistan poses a real threat to attack India?

What does U.S. intelligence show as to whether Pakistan could reasonably devote additional military force to assisting us in the fight against the Taliban?

What does U.S. intelligence show as to whether the government of Pakistan or some influential officials in the Pakistani government would consider negotiating with India for reducing nuclear weapons or other confidence-building measures to defuse the tension with India if actively encouraged by the U.S. to do so?

What does U.S. intelligence show as to whether the government of India or some influential officials in the Indian government would consider negotiating with Pakistan for reducing nuclear weapons or other confidence-building measures to defuse the tension with Pakistan if actively encouraged by the U.S. to do so?

What does U.S. intelligence show on the allegations that President Karzai and his associates acted fraudulently in the recent presidential elections?

What does U.S. intelligence show on the allegations that President Karzai and his associates are involved in illegal narcotics activity?

I am writing an identical letter to Director of the Central Intelligence Agency Leon Panetta.

Thank you for your consideration of this request. I am available to meet with you or your designee for a briefing on these questions.

Sincerely,

ARLEN SPECTER.

Enclosures.

U.S. SENATE,
Washington, DC, September 9, 2009.

Hon. LEON PANETTA,
Director, Central Intelligence Agency,
Washington, DC.

DEAR DIRECTOR PANETTA: Congress will be called upon to make important decisions on the war in Afghanistan, whether there is a realistic prospect of succeeding there, and the importance of Afghanistan in stopping al Qaeda from again attacking the United States. In a related matter, in evaluating foreign aid to Pakistan, Congress needs to know whether Pakistan could be persuaded to aid us in fighting the Taliban. In retrospect, important judgments were made on Iraq without sufficient accurate, factual information. I write to you, the Secretary of State, the Secretary of Defense and the Director of National Intelligence (copies enclosed) to obtain that information.

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I am writing an identical letter to Director of National Intelligence Dennis Blair.

Thank you for your consideration of this request. I am available to meet with you or your designee for a briefing on these questions.

Sincerely,

ARLEN SPECTER.

Enclosure.

EXHIBIT 1

STATEMENT OF SENATOR ARLEN SPECTER—U.S. POLICY REGARDING AFGHANISTAN

Mr. President: I seek recognition today to discuss our military presence in Afghanistan. We went into Afghanistan in 2001 following the barbaric attacks of September 11, 2001. Our forces swiftly toppled the Taliban and denied Al Qaeda leadership the safe haven it had enjoyed in Afghanistan. Both Taliban and Al Qaeda leadership survived the attack and were able to take refuge and reconstitute in the mountainous regions across the border in Pakistan.

The cost of the war has already been high: 821 American servicemembers have died (New York Times—9/16/09) and, according to the Congressional Research Service, $189 billion appropriated to the Department of Defense, the Department of State, the U.S. Agency for International Development, and the Veterans Administration for medical costs stemming from the war in Afghanistan. By the end of this year, there will be 68,000 American military personnel and an additional 38,000 NATO troops from other countries in Afghanistan (Los Angeles Times—9/4/09).

Today, according to the commander of U.S. forces in Afghanistan, General Stanley McChrystal, the Taliban again poses a serious threat. U.S. military personnel casualties are mounting and the Pentagon is calling for a build-up of U.S. forces there. Before Congress, or at least this member, can take a position on more U.S. troops for Afghanistan, there is a need for answers to critical questions. To help gather information to allow me to make informed decisions, I sent letters last week to Secretary of Defense Robert Gates, Secretary of State Hillary Clinton, Director of National Intelligence Dennis Blair, Director of the CIA Leon Panetta and Chairman of the Joint Chiefs of Staff Michael Mullen posing questions about the current situation in Afghanistan and Pakistan, whether there is a realistic prospect of succeeding there, the importance of the mission in Afghanistan to stopping Al Qaeda from again attacking the United States, and U.S. efforts to engage other regional players such as India to ease tensions in the region [letters attached]. These questions are posed in the context that Congress did not get candid, direct answers to questions posed before the resolution authorizing the use of force in Iraq. Had we known Saddam did not have weapons of mass destruction, the United States would not have gone into Iraq.

The paramount question is whether Afghanistan is indispensable for Al Qaeda as a base for organizing another attack against the United States? If so, the United States must do whatever it takes to stop that from happening, as there is no more important national security interest than protection of our citizens. Additional questions which need to be answered include:

What are the prospects for military success in Afghanistan against Al Qaeda and the Taliban?

What will the requirements be in the next year as to additional U.S. troops and the cost of our involvement in Afghanistan?

What may we reasonably expect NATO or other allies to contribute in troops and dollars to our efforts in Afghanistan?

What other areas around the world are open to Al Qaeda as potential bases for another attack on the United States?

What will be done besides military action, such as nation-building, in stabilizing and developing Afghanistan so that they will be prepared to handle their own problems so that we can withdraw?

What assistance can we reasonably expect from Pakistan in fighting the Al Qaeda and the Taliban and stopping both from seeking refuge by moving in and out of Pakistan?

How does the questionable legitimacy of President Karzai's status as a result of allegations or proof of election fraud impact on our ability to succeed in Afghanistan?

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What does U.S. intelligence show as to whether Pakistan could reasonably devote additional military force to assisting us in the fight against the Taliban?

What does U.S. intelligence show as to whether the government of Pakistan or some influential officials in the Pakistani government would consider negotiating with India for reducing nuclear weapons or other confidence-building measures to defuse the tension with India if actively encouraged by the U.S. to do so?

What does U.S. intelligence show as to whether the government of India or some influential officials in the Indian government would consider negotiating with Pakistan for reducing nuclear weapons or other confidence-building measures to defuse the tension with Pakistan if actively encouraged by the U.S. to do so?

In prepared testimony before the Senate Armed Services Committee on September 15, 2009, Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, defined the U.S. mission in Afghanistan as:

''. . . to deny sanctuary to al Qaeda and the Taliban now, and to generate a stable and secure Afghanistan capable of denying al Qaeda return after the withdrawal of our combat forces, and while we sustain partnership and commitment to political and economic development in that nation.''

Admiral Mullen later told the Committee:

. . . a properly resourced counter-insurgency probably means more forces, without question, more time and more commitment to the protection of the Afghan people and to the development of good governance.''

While it would be desirable to protect the Afghan people and see Afghanistan develop good governance, that mission alone does not constitute, in my judgment, a vital national security interest that would warrant putting U.S. troops in harm's way. What has not yet been made clear to me is that a larger U.S. military presence in Afghanistan will further our efforts to deny Al Qaeda a base from which to organize and launch attacks against the U.S. Conversely, I worry that further growing our force in Afghanistan risks committing ourselves to a costly counter-insurgency mission focused on building Afghan governmental institutions—a mission that would require years if not decades to prosecute—when what is in our nation's best interest may be a much more streamlined counter-terrorism mission focused on pursuing Al Qaeda leadership in Pakistan, Afghanistan, and elsewhere.

SECURING PAKISTAN'S COOPERATION

Understanding that the Taliban and Al Qaeda reside in both Pakistan and Afghanistan, any U.S. strategy in Afghanistan must account for conditions across the border in Pakistan, and Washington must effectively engage Islamabad as well as Kabul. Questions remain, however, about Pakistan's interest in pursuing a sustained campaign against the Taliban and Al Qaeda on its own soil.

Since 2001, the U.S. has given over $15.5 billion in overt aid to Pakistan, according to the Congressional Research Service, of which $10.9 billion has been security related. Where has this money gone? According to a December 24, 2007 New York Times article:

''Money has been diverted to help finance weapons systems designed to counter India, not Al Qaeda or the Taliban, the officials said, adding that the United States has paid tens of millions of dollars in inflated Pakistani reimbursement claims for fuel, ammunition and other costs.''

I raised this question during a December 27, 2007 meeting in Islamabad with then-president Pervez Musharraf. I asked Musharraf about Pakistan's record following through on its commitments on the $10 billion in aid granted by the U.S. between September 11, 2001 and 2007 and found his response wholly inadequate. There is a new regime governing in Islamabad now, and I think it crucial that Pakistan will participate fully in the fight against Al Qaeda and the Taliban if the U.S. is to finance it.

Before the U.S. sends billions more in aid—both civil and military—to Pakistan, what assurances do we have that it will go to the intended recipients? Dr. Anthony Cordesman, of the Center for Strategic and International Studies, wrote on April 10, 2009:

''Far too much of the military portion of the . . . past U.S. aid to Pakistan never was used to help fight the Taliban and al Qaeda or can't be accounted for. Future aid should be clearly tied to clearly defined goals for Pakistani action and full accounting for the money.''

Is it possible to get Pakistan to focus on the threat posed by Al Qaeda and the Taliban in its tribal regions when Islamabad perceives an existential threat to lie next door in India? Or, will Pakistan continue to divert U.S. aid to bolster defenses along its Indian border, as alleged in an August 30, 2009 New York Times article, which said:

''The United States has accused Pakistan of illegally modifying American-made missiles to expand its capability to strike land targets, a potential threat to India . . .''

I think we need to understand that any reorientation of Islamabad's strategic calculus—specifically a change of perception that the existential threat lies to its west in the form of Al Qaeda and the Taliban rather than to the east in India—will have to emerge internally. No amount of money we give Islamabad is going to convince it otherwise. The current proposal by Senators Kerry and Lugar to spend $7.5 billion over five years to strengthen Pakistan's civilian institutions is worth considering, but this alone would not guarantee Pakistan's cooperation in committing fully to the fight against Al Qaeda and the Taliban. More important than giving money, I believe, is the U.S. undertaking to broker a lasting peace between India and Pakistan.

TOWARDS AN INDIA-PAKISTAN PEACE

In August 1995, Senator Hank Brown and I were told by Prime Minister Rao in a visit to New Delhi that India was interested in negotiating with Pakistan to make their subcontinent free of nuclear weapons. Prime Minister Rao asked Senator BROWN and me to raise this issue with Pakistan's Prime Minister Benazir Bhutto which we did. I then wrote to President Clinton urging him to broker such negotiations. Those discussions are summarized in a letter which I sent to President Clinton:

AUGUST 28, 1995.

DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

Sincerely,

ARLEN SPECTER.

After returning to the United States, I discussed such a presidential initiative with President Clinton, but my suggestion was not pursued.

If the current tensions and hostilities between India and Pakistan could be eliminated or reduced, Pakistan might be persuaded to increase its military forces to aid us in the fight against the Taliban. On September 9, 2009, I wrote to Secretary Clinton to urge her to work to mediate dialogue between India and Pakistan in the hope of easing bilateral tensions to enable Pakistan to focus more intently on the problem posed by Al Qaeda and the Taliban along its western border.

CONCLUSION

Congress will be called upon to make important decision on the war in Afghanistan that will have consequences for years to come both in Southwestern Asia and here at home. As I said on the Senate floor on October 7, 2002, the authorization of the use of military force is a core duty of Congress which this institution must not delegate to the Executive Branch:

''. . . the doctrine of separation of powers precludes the Congress from delegating its core constitutional authority to the executive branch. . . . Congress may not delegate the authority to engage in war. If we authorize the President to use whatever force is necessary, that contemplates further action. While no one is going to go to court to challenge the President's authority, that is of some concern, at least to this Senator.''

Congress must ask the tough questions about what an expansion of the U.S. mission in Afghanistan would accomplish. On October 7, 2002, in the lead up to the authorization of the use of force in Iraq, I raised similar questions on the Senate floor:

''What was the extent of Saddam Hussein's control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequence in Iraq? Who would govern after Saddam was toppled? What would happen in the region, the impact on the Arab world, and the impact on Israel?''

In retrospect, Congress should have been more diligent and insistent on getting candid, accurate answers to such questions. It would have been a help to President George W. Bush to have had answers to these questions candidly and correctly in determining his policy. It would now be a help to President Obama to have congressional input on

posing relevant, tough questions and getting candid, correct answers. While the Constitution gives the President paramount authority as Commander-in-Chief, the Constitution gives the Congress the sole authority to declare war. That congressional authority and responsibility have not been appropriately exercised considering what has happened in Korea and Vietnam and in the resolutions authorizing the use of force in Iraq in 1991 and 2002, none of which constituted congressional declarations of war.

On the ultimate issue of increased U.S. forces: Congress should not, and this member will not, support a policy of increasing U.S. forces in Afghanistan until such policy is warranted by candid and correct factual information and preferable alternatives cannot achieve the desired objectives.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, could I inquire as to the regular order?

The ACTING PRESIDENT pro tempore. The minority has 30 minutes remaining in morning business.

Mr. INHOFE. I ask when the majority would then be recognized?

The ACTING PRESIDENT pro tempore. The majority has 12 minutes remaining.

Mr. INHOFE. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Madam President, if the Senator controlling the remainder of the majority time would like to reserve his time, I will go ahead and start.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENSE

Mr. INHOFE. Madam President, as we speak, there is an announcement coming from the White House, it is my understanding, that they are going to cancel the Eastern European sites we have been working on for such a long period of time. I think it is appropriate to quote something I saw many years ago and was foreseen by President Reagan when he was President. He said:

Since the dawn of the atomic age, we have sought to reduce the risk of war by maintaining a strong deterrent and by seeking genuine arms control. Deterrence: Making sure the adversary who thinks about attacking the United States or our allies or our vital interests concludes that the risks to him outweigh any potential gains. Once he understands that, he won't attack. We maintain the peace through our strength; weakness only invites aggression.

I wish people today would understand those words of Ronald Reagan quite some time ago and how prophetic they were as we look right now and see the administration is talking about canceling this program.

I arranged to be in Afghanistan at the time Secretary of Defense Gates announced the budget, I believe last February, the Obama budget, so far as defense was concerned. I was very much concerned. I was concerned about what happened to the F–22. Initially, we were going to have the only fifth-generation fighter that this country has. We, initially, were going to have 750 of them. He terminated the program at 187.

I was concerned about the termination of the C–17 program. I was concerned about the termination of the Future Combat System. The Future Combat System is the only ground system that has gone through a major change in probably 50 or 60 years. So we will not have that improved ground capability for our young men and women who go into harm's way.

Also, I made the comment that I suspected at that time, when he suspended the radar site in the Czech Republic and the interception capability in Poland, that that was easing into terminating that program. I think we are finding out today he is terminating that program.

On February 3, 2009, Iran launched a satellite, on the 30th anniversary of the 1979 Islamic Revolution. On July 9 of 2008, Iran tested nine missiles, including the Shahab-3, which has a range of 1,240 miles.

I recognize the threat to Western Europe—this wouldn't quite do it. It is 1,240 miles. I think the range in order to be able to get something to Italy would be about 2,000 miles.

On the other hand, we never guess these things right. I remember so well, in 1998, the Clinton administration made a statement in response to a question I asked on August 14, 1998: How long will it be until they have the multiple-stage capability in North Korea? The White House responded it was going to be between 10 and 15 years. Seven days later, on August 13, 1998, they fired it.

This is how far off we are in our intelligence. We don't know. I don't want to guess this thing too close. Riki Ellison from the Missile Defense Advocacy Alliance said:

The Islamic Republic of Iran has just proved for the first time that it has the capability to place satellites in space by successfully launching a 3-stage liquid fueled rocket that has placed two objects in low-Earth orbit. . . .Iran has demonstrated the key technologies of propulsion, staging, and guidance to deliver a weapon of mass destruction globally.

I am hoping the White House doesn't come out and say that is launching a satellite. It is the same technology, launching a nuclear warhead. This is getting very serious right now. The U.S. intelligence community has estimated Iran may have long-range ballistic missiles capable of threatening all of Western Europe and the United States by 2015.

Madam President, 2015, that sounds reminiscent of August of 1998, when they said it would be 10 to 15 years. Delaying this creates all kinds of problems for us. Our credibility in Eastern Europe is something that bothers me. I was recently in the Czech Republic. President Vaclav Klaus—they were cooperative in saying yes. The Parliament debated it and decided we could put a radar site there which would allow us to see something coming in; otherwise, we would not be able to do it. Then, next door in Poland, to have an interception capability—they agreed to do that. Parliament didn't want to do it. They were concerned about Russia's response and a lot of opposition that there might be. The thing I do not understand is why Western Europe is not lining up with us and saying we have to have those two sites. They are the ones who are naked now if we don't have that.

I am very much concerned about that. MG Vladimir Dvorkin, who is the head of the Center for Strategic Forces in Moscow, said: ''Iran is actively working on a missile program,'' adding that Iran is ''1 or 2 years'' from having a nuclear weapon. This concerns me. We have those individuals we seem to be catering to, the Russians, in order to leave ourselves without a type of defensive system to protect Western Europe and the Eastern United States. It is troubling to me.

In April 2009, North Korea furthered their missile and nuclear development by a Taepodong-2 missile in the China Sea. That has a range of over 2,000—about 2,500 miles. That would reach Rome. That would reach Berlin. There has to be a concern that they have this capability, they have demonstrated this capability very clearly.

NATO leaders stated in December of 2008, last Christmas, that:

Ballistic missile proliferation poses increasing threat to allied forces, territory and populations. Missile defense forms a part of the broader response to counter this threat. We therefore recognize the substantial contribution to the protection of allies from long range ballistic missiles to be provided by a planned development of the European-based United States missile defense assets.

That is what we are talking about. In Poland, the site in Poland would include up to 10 silo-based, long-range interceptors capable of shooting down hostile missiles from Iran in their midcourse. Let's put the chart up here.

A lot of people do not realize this is very sophisticated. Our missile defense system takes into consideration three courses. For the segment here, the boost phase, we don't have anything there yet. We are supposed to be working on it. I was disturbed that one of the things that was terminated by this administration is that effort.

The terminal defense segment is one we are working on right now. The airborne laser in the boost phase is one of the programs I believe the administration is canceling. The site in Poland would include up to 10 silo-based, long-range interceptors. The radar site in

the Czech Republic would house a narrow beam midcourse tracking radar that is currently used by our missile defense system in the Pacific. These are things we know work.

I am very concerned about it. I have not heard the statement from the White House, but I have a feeling we are going to hear the same thing we heard back in 1998, and it is very troubling. This is something that can be—should be an act of desperation in terms of Western Europe at this time.

CAP AND TRADE

Having said that, this is some good news. That was the bad news. The good news is we have notice this morning that the Democratic caucus, as reported in Politico, is split over the bill, the cap-and-trade bill we are talking about, with coal-, oil- and manufacturing-State Democrats raising concerns that a cap-and-trade system would disproportionately spike electricity bills for consumers and businesses in their regions.

There is a recognition now that this thing we have been talking about ever since the Kyoto treaty—the threat at that time that they were talking about is now. Everyone realizes that is not what it was. Science has changed dramatically and most scientists now are saying this is something that was overstated that one time.

The cost, though, is the big thing. I quit arguing about the science a long time ago. I gave a speech from this podium not too long ago. If anyone is interested, I ask my colleagues to go to the Web site inhofe.senate.gov, where we listed 700 scientists who were on the other side of the issue who are now on the skeptics' side, recognizing the science is not there. David Bellamy from Great Britain is one who was always talking about—he was on Al Gore's side on this thing. After going through and restudying and reevaluating the science, he agreed everything wasn't there.

The same thing is true with leaders in France and Israel. But what we have now is something people do understand and that is the cost of this, the consistent cost. Kyoto's cost, if we lived by the emission standard, would be somewhere, according to the Wharton Econometric Survey, I think it was called back during the Kyoto days, would be between $300 billion and $330 billion every year. As bad as the stimulus was, at least that is a one-shot deal and the people would not have to pay for it every year. This will be every year.

Then along came McCain-Lieberman in 2003 and 2005 and the same estimates came about that it would be a $300 billion tax increase. I remember 1993 when we had the Clinton-Gore tax increase, which was the largest tax increase in three decades.

During that time we looked at it, it was a $32 billion tax increase: increasing inheritance taxes, marginal rates, capital gains, and all of that. That is only $32 billion. This is 10 times that size.

Well, the White House was trying to say, and several of them on the other side in our committee—in fact, the chairman of our committee—it is going to cost a postage stamp a day. People are willing to pay for that.

Those postage stamps must be getting pretty expensive. Now we have found out there is an analysis released by the U.S. Department of Treasury that was held down, not released. Now we know what it is. They said the cost would be between $100 and $200 billion a year.

The cost—this is according to their figures now—to an American household would be an extra $1,761 a year. This is their analysis. I think that is right. In fact, we have seen the CRA report that shows the cost of this—and MIT agrees with this, I might add, because they evaluated the Warner-Lieberman bill 12 months ago—right now being closer to $366 billion a year, with a cost per family, the study has shown, in my State of Oklahoma and in the State of Texas, we would be the highest taxed. It would be $3,300 a year per family. That is huge. I know the east coast and the west coast is a little bit more than half of that, but still it is a huge tax increase.

Finally, this report that was put together by the Department of Treasury has been released. And they admit it. So we can quit talking about some of these things that are not realistic.

We know what the cost is. We know also the likelihood of it coming up this year is most unusual. I do not think it is going to happen. The Senate majority leader stated, I think 2 days ago, that the Senate may not act on comprehensive energy and climate change legislation.

Senator BEN NELSON from Nebraska, a Democrat, I might add, said: We have enough on our plate at the moment. With the fight over health care reform, it is questionable to open another front.

The Senate majority whip, DICK DURBIN, last week added that: It is a difficult schedule. Members are already anxious about health care reform. So I do not think it is going to come up. And I frankly will be ready here to fight to make sure it does not come up when the new year comes in.

I do not think there are too many people in the Senate who want to go into their reelection in 2010 having voted for the largest tax increase in the history of America. This is exactly what it would be. Let's keep in mind, what was the largest tax increase in the history of America was the 1993 tax increase. This would be 10 times greater than that. And the people now realize that. That was good news today.

TRIBUTE TO SENATOR MEL MARTINEZ

Mr. INHOFE. Madam President, I wish to add my comments to a few other comments on Mel Martinez whom we all loved so much. I do not think I have ever seen anyone since Jesse Helms who was loved by so many people as Mel Martinez. He had a way of smiling, and in talking about things in a way that others did not understand. My colleagues have already come to the floor and talked about his escape from Cuba and how he came over and how then he was able to get his father over. It is a story that America will always remember. It will always be in our history books.

He was always such a great guy. He will be missed around here.

One of the things that was not said much about him was his sense of humor. I have to say I enjoyed being around him because he was, in his own subtle way, a very humorous person. I can remember, and I have had the occasion, probably more than any other Member, going into the areas in Iraq and Afghanistan and Africa where there were hostilities. But I was making probably my 12th or 14th trip into Baghdad on a C–130. It happened to be Mel Martinez's first trip. So we were talking about: Once you get out, you are going to run over to the helicopter, and they are going to take you to the Green Zone, all of the things to anticipate. I said to him: One of the problems we are going to have is that when we leave, we have these old C–130E models. They should be re-engined. We should have J models, but we do not. Because of the cuts in the military, we have not been able to upgrade those systems.

So I said: When we climb out of here, it is going to be in a C–130E model. We are not going to be able to climb as high and as fast as we want, and there are surface-to-air missiles out there that we have to be concerned about. And, of course, they are all set up. We have very capable pilots and crews in these C–130s. So I said: We will be well taken care of if something happens. Sure enough, it happened.

The first thing you do when you get out of your helicopter in Baghdad to get on a C–130 to come back to Kuwait or wherever you might be going is you take your helmet, your life jacket, your vest off, because they are so heavy and uncomfortable—you get in there and you take them off. Well, we all did that.

I was sitting up with, as I do quite often, the pilots, when all of a sudden the explosion came, the light was there, and we deployed the heat-seeking devices that are on a C–130. Of course, that is already very loud. Someone who has never gone through that experience before would assume we were about to go down.

I ran downstairs and I saw Mel Martinez sitting there without his helmet, without his protective vest by him; he had put them back on. I said: Mel, what are you doing putting your vest and your helmet back on?

He said: Well, I assumed that we were going to be shot down. And if Kitty—that is his wife—if she found out that I did not have my vest and my helmet on, she would kill me.

Well, that is Mel Martinez. He had all of those jewels. I think he is going to be missed by a lot of us for all of the reasons we have articulated on the floor.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, how much time is remaining in morning business?

The ACTING PRESIDENT pro tempore. There is 12 minutes remaining.

CZARS

Mr. ALEXANDER. Thank you very much. Would the Chair please let me know when I have 1 minute remaining.

Monday on the Senate floor, I expressed my concern about the number of so-called czars in the White House and in the administration. I said then that the number of czars—I believe the number is now 32—is an affront to the Constitution. It is anti-democratic. It is a poor example of what was promised to be a new era of transparency. It is a poor way to manage the government. And it is the most visible symptom of this administration's 8-month record of too many Washington takeovers.

Yesterday, the White House blog and a White House press secretary objected to what I said on Monday, pointing out that I had supported manufacturing czars and AIDS czars 6 years ago. Of course I did; I acknowledged that in my remarks on Monday. As I said Monday, there have always been some czars in the White House and in the government since Franklin D. Roosevelt was President. Some of them were appointed by Presidents, some of them were created by statute, and a few of them were confirmed by the Senate. There's never been anything like we've seen with this administration.

Also on Monday, I joined in a letter from Senator COLLINS, Senator BOND, Senator CRAPO, Senator BENNETT, and Senator ROBERTS, making clear that not every czar is a problem. In that letter, we identified at least 18 czar positions created by the Obama administration whose reported responsibilities may be undermining the constitutional oversight responsibilities of Congress or express statutory assignments of responsibility to other executive branch officials.

In this letter from Senator COLLINS, in which the rest of us joined, we said: With regard to each of these positions, we ask that you explain: the specific authorities and responsibilities of the position, including any limitations you have placed on the position to ensure that it does not encroach on the legitimate statutory responsibilities of other executive branch officials.

Second, the process by which the administration examines the character and qualifications of the individuals appointed by the President to fill the position.

And, third, whether the individual occupying the position will agree to any reasonable request to appear before, or provide information to, Congress.

The letter goes on to say:

> We also urge you to refrain from creating similar additional positions or making appointments to any vacant czar positions until you have fully consulted with the appropriate Congressional committees.
>
> Finally, we ask that you reconsider your approach of centralizing authority at the White House. Congress has grappled repeatedly with the question of how to organize the Federal Government.

We went into some detail about that, and asked respectfully that the President consult carefully with Congress prior to establishing any additional czars.

I ask unanimous consent that this letter from six senators be included in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Senator COLLINS and the five of us who joined in her letter were not the only Senators to be concerned about this issue. On Wednesday, Senator FEINGOLD, the Democrat from Wisconsin, questioned President Obama's policy of policy czars and sent a letter to the President, just as we did. In that letter, Senator FEINGOLD urged the President to release information about the role and responsibility of these czars, which is what we asked him to do in our letter as well.

Senator HUTCHISON of Texas, in the Washington Post on September 13, wrote an excellent op-ed describing how the system of checks and balances is upset by an excessive number of Washington czars who are unconfirmed and unaccountable to the Congress, and who do not answer questions from those of us who are elected to ask such questions.

I ask unanimous consent that Senator FEINGOLD's letter to the President be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2).

Mr. ALEXANDER. On Monday, I pointed out that not only Senator HUTCHISON and Senator COLLINS and the other Republican Senators have these concerns. Now Senator FEINGOLD from the other side of the aisle has raised questions about these czars.

I mentioned this Monday, but I want to repeat it in case the White House press office missed it: Senator BYRD, our President Pro Tempore, widely considered by all of us in the Senate to be the constitutional conscience of this Senate, was the first to write the president expressing concerns over the increasing appointment of White House czars.

In his letter he said:

> Too often I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process.

Senator BYRD went on to say that:

> The rapid and easy accumulation of power by White House staff can threaten the constitutional system of checks and balances. At the worst, White House staff have taken direction and control of problematic areas that are the statutory responsibility of Senate-confirmed officials.

Senator BYRD continues:

> As Presidential assistants and advisers, these White House staffers are not accountable for their actions to Congress, to cabinet officials, and to virtually anyone but the President. They rarely testify before Congressional committees, and often shield the information and decision-making process behind the assertion of executive privilege.

In too many instances, White House staff have been allowed to inhibit openness and transparency, and reduce accountability.

Finally, I ask unanimous consent to print in the RECORD following my remarks a list of 18 new czars created by the Obama administration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. ALEXANDER. I want to make it clear to the White House Press Office that we are focused on those 18 new czars. We recognize there have been czars before, that for the reasons Senator BYRD, Senator HUTCHISON, Senator COLLINS, and others have described. We believe this is too many, and we take seriously our responsibilities under Article II of the Constitution to confirm officials who manage the government, to ask them questions, to approve their appropriations, and to withhold their appropriations when it's appropriate.

We have these positions in the Executive Office of the President; there are 10 of them: central region czar, Dennis Ross; cyber-security czar, domestic violence czar, economic czar, energy and environment czar, and health czar. Those are some of the biggest issues facing Congress, and here are these czars with authority for policy close to the President but unaccountable to us. We have a senior director for information sharing policy, urban affairs czar, WMD policy czar, a green job czar, who resigned recently. Those are the positions in the Executive Office of the President, 10 new ones. Then there are eight more that are in departments or agencies, including: Afghanistan czar, auto recovery czar, car czar, Great Lakes czar, pay czar, Guantanamo closure czar, international climate czar, and the border czar.

I described on Monday, as Senator BYRD has said more eloquently, the problems with too many czars. The first problem is the constitutional

checks and balances described by Senator BYRD. The second problem is that this is a poor way to manage the government. When I was a young White House aide, I was taught that the job of the White House staff is to push the merely important issues out of the White House so you can reserve to the President the handful of truly Presidential issues for his attention. His job is to set the country's agenda, to see an urgent need and devise a strategy, meet the need and persuade at least half the people he is right. He can do that more effectively if the government is managed by Secretaries and Cabinet officers.

Finally, czars are anti-democratic. Czars are usually Russian, not American. Czars are usually imperialists, not Democrats. The dictionary says czars are autocratic rulers or leaders. That is not consistent with the kind of government we want. It is alien to our way of thinking.

Czars are becoming the most visible symbol of this administration's determination to have an increasing number of Washington takeovers: banks, insurance companies, student loans, car companies, even farm ponds. Some want to take over health care. Many Americans believe we have a runaway government with too many Washington takeovers, and the last thing we need are 18 new czars unaccountable to elected officials whose job it is to check and balance that government.

I am glad in a way that the White House has noticed my comments and those of Senators COLLINS, BENNETT, HUTCHISON, and others. I hope they will respond to Senator COLLINS' letter, to Senator FEINGOLD's request, and to other admonitions. We call on the administration to answer questions posed by these Senators: Who are these czars? What is their role? What is their responsibility? How were they vetted? What limitations are on their positions to make sure they don't encroach on legitimate statutory responsibilities of other executive branch officials, and will they agree to a reasonable request to appear before Congress?

I yield the floor.

EXHIBIT 1

U.S. SENATE, COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS,
Washington, DC, September 14, 2009.

Hon. BARACK OBAMA,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We write to express our growing concern with the proliferation of ''czars'' in your Administration. These positions raise serious issues of accountability, transparency, and oversight. The creation of ''czars,'' particularly within the Executive Office of the President, circumvents the constitutionally established process of ''advise and consent,'' greatly diminishes the ability of Congress to conduct oversight and hold officials accountable, and creates confusion about which officials are responsible for policy decisions.

To be clear, we do not consider every position identified in various reports as a ''czar'' to be problematic. Positions established by law or subject to Senate confirmation, such as the Director of National Intelligence, the Homeland Security Advisor, and the Chairman of the Recovery Accountability and Transparency Board, do not raise the same kinds of concerns as positions that you have established within the Executive Office of the President that are largely insulated from effective Congressional oversight. We also recognize that Presidents are entitled to surround themselves with experts who can serve as senior advisors.

Many ''czars'' you have appointed, however, either duplicate or dilute the statutory authority and responsibilities that Congress has conferred upon Cabinet-level officers and other senior Executive branch officials. When established within the White House, these ''czars'' can hinder the ability of Congress to oversee the complex substantive issues that you have unilaterally entrusted to their leadership. Whether in the White House or elsewhere. the authorities of these advisors are essentially undefined. They are not subject to the Senate's constitutional ''advice and consent'' role, including the Senate's careful review of the character and qualifications of the individuals nominated by the President to fill the most senior positions within our government. Indeed, many of these new ''czars'' appear to occupy positions of greater responsibility and authority than many of the officials who have been confirmed by the Senate to fill positions within your Administration.

With these concerns in mind, we have identified at least 18 ''czar'' positions created by your Administration whose reported responsibilities may be undermining the constitutional oversight responsibilities of Congress or express statutory assignments of responsibility to other Executive branch officials. With regard to each of these positions, we ask that you explain:

The specific authorities and responsibilities of the position, including any limitations you have placed on the position to ensure that it does not encroach on the legitimate statutory responsibilities of other Executive branch officials;

The process by which the Administration examines the character and qualifications of the individuals appointed by the President to fill the position; and,

Whether the individual occupying the position will agree to any reasonable request to appear before, or provide information to, Congress.

We also urge you to refrain from creating similar additional positions or making appointments to any vacant ''czar'' positions until you have fully consulted with the appropriate Congressional committees.

Finally, we ask that you reconsider your approach of centralizing authority at the White House. Congress has grappled repeatedly with the question of how to organize the federal government. We have worked to improve the Department of Homeland Security and bring together the disparate law enforcement, intelligence, emergency response, and security components that form its core. We established the Director of National Intelligence to coordinate the activities of the 16 elements of the Intelligence Community, breaking down barriers to cooperation that led to intelligence failures before the terrorist attacks of September 11, 2001. The bipartisan review by the Homeland Security and Governmental Affairs Committee of the failures associated with the response to Hurricane Katrina led to fundamental reforms of the Federal Emergency Management Agency, improving our nation's preparedness and ability to respond to disasters. In each of these cases, the Congress's proposed solution did not consolidate power in a single czar locked away in a White House office. Instead, working in a bipartisan fashion, we created a transparent framework of accountable leaders with the authorities necessary to accomplish their vital missions.

If you believe action is needed to address other failures or impediments to successful coordination within the Executive branch, we ask that you consult carefully with Congress prior to establishing any additional ''czar'' positions or filling any existing vacancies in these positions. We stand ready to work with you to address these challenges and to provide our nation's most senior leaders with the legitimacy necessary to do their jobs—without furthering the accountability, oversight, vetting, and transparency shortcomings associated with ''czars.''

Sincerely,

SUSAN M. COLLINS,
LAMAR ALEXANDER,
CHRISTOPHER S. BOND,
MIKE CRAPO,
PAT ROBERTS,
ROBERT F. BENNETT,
U.S. Senators.

EXHIBIT 2

[From the Hill's Blog Briefing Room, Sept. 16, 2009]

FEINGOLD QUESTIONS OBAMA 'CZARS'

(By Jordan Fabian)

A liberal senator on Wednesday questioned President Barack Obama's policy ''czars'' after the senior advisers have taken heat mostly from Republican lawmakers.

Sen. Russ Feingold (D-Wis.) sent a letter to the president requesting the White House release information regarding the ''roles and responsibilities'' of the ''czars.'' The Senate Judiciary Committee member also requested that the president's legal advisers prepare a ''judgment'' on the ''czars'' constitutionality.

Feingold's letter represents one of the first examples of Democratic scrutiny of the president's ''czars,'' who are not required to be confirmed by the Senate.

Sen. Robert Byrd (D-W.Va.), who has been absent from the Senate since experiencing health issues, also expressed skepticism of Obama's use of policy ''czars'' in February.

Republicans in Congress ramped up criticism of the the appointed advisers following the resignation of former green jobs czar Van Jones after his signature was found on a petition implying the Bush administration played a role in the 9/11 terrorist attacks and making other controversial statements.

Earlier today, Reps. Darrell Issa (Calif.) and Lamar Smith (R-Tex.), the top Republicans on the House Oversight and Government Reform Committee and the House Judiciary Committee respectively, sent a similar letter to White House counsel Greg Craig.

Energy and Environment ''czar'' Carol Browner, and FCC Diversity ''czar'' Mark Lloyd have also faced flak after they made other questionable remarks.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: From the beginning of your administration, you have made an admirable commitment to transparency and open government. You showed the strength of your commitment by sending a memorandum to the heads of executive departments and agencies within a week of your inauguration, stating: ''My administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use.''

As you know, there has been much discussion about your decisions to create and assign apparently significant policy-making

responsibilities to White House and other executive positions; many of the persons filling these positions have come to be referred to in the media and even within your administration as policy ''czars.'' I heard firsthand about this issue on several occasions from my constituents in recent town hall meetings in Wisconsin.

The Constitution gives the Senate the duty to oversee the appointment of Executive officers through the Appointments Clause in Article II, section 2. The Appointments Clause states that the President ''shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise proved for, and which shall be established by law.'' This clause is an important part of the constitutional scheme of separation of powers, empowering the Senate to weigh in on the appropriateness of significant appointments and assisting in its oversight of the Executive Branch.

As a member of the Senate with the duty to oversee executive appointments and as the Chairman of the Senate Constitution Subcommittee, I respectfully urge you to disclose as much information as you can about these policy advisors and ''czars.'' Specifically, I ask that you identify these individuals' roles and responsibilities, and provide the judgment(s) of your legal advisors as to whether and how these positions are consistent with the Appointments Clause. I hope that this information will help address some of the concerns that have been raised about new positions in the White House and elsewhere in the Executive Branch, and will inform any hearing that the Subcommittee holds on this topic.

Thank you for considering my views on this important matter. I very much appreciate your commitment to transparency and open government and look forward to your prompt response.

Sincerely,

RUSSELL D. FEINGOLD,
United States Senator.

EXHIBIT 3

CZARS

POSITIONS IN THE EXECUTIVE OFFICE OF THE PRESIDENT (10)

Central Region Czar: Dennis Ross
Official Title: Special Assistant to the President and Senior Director for the Central Region
Reports to: National Security Adviser Gen. James L. Jones

Cybersecurity Czar: TBD
Reported Duties: Will have broad authority to develop strategy to protect the nation's government-run and private computer networks.
Reports to: National Security Advisor Gen. James L. Jones and Larry Summers, the President's top economic advisor

Domestic Violence Czar: Lynn Rosenthal
Official Title: White House Advisor on Violence Against Women
Reported Duties: Will advise the President and Vice President on domestic violence and sexual assault issues.
Reports to: President Obama and Vice President Biden

Economic Czar: Paul Volcker
Official Title: Chairman of the President's Economic Recovery Advisory Board
Reported Duties: Charged with offering independent, nonpartisan information, analysis and advice to the President as he formulates and implements his plans for economic recovery.
Reports to: President Obama

Energy and Environment Czar: Carol Browner
Official Title: Assistant to the President for Energy and Climate Change
Reported Duties: Coordinate energy and climate policy, emphasizing regulation and conservation.
Reports to: President Obama

Health Czar: Nancy-Ann DeParle
Official Title: Counselor to the President and Director of the White House Office of Health Reform
Reported Duties: Coordinates the development of the Administration's healthcare policy agenda.
Reports to: President Obama

Senior Director for Information Sharing Policy: Mike Resnick
Reported Duties: Lead a comprehensive review of information sharing and lead an interagency policy process to identify information sharing and access priorities going forward. (Perhaps performing functions statutorily assigned to the Program Manager for the Information Sharing Environment).
Reports to: Unknown

Urban Affairs Czar: Adolfo Carrion Jr.
Official Title: White House Director of Urban Affairs
Reported Duties: Coordinating transportation and housing initiatives, as well as serving as a conduit for federal aid to economically hard-hit cities.
Reports to: President Obama

WMD Policy Czar: Gary Samore
Official Title: White House Coordinator for Weapons of Mass Destruction, Security and Arms Control
Reported Duties: Will coordinate issues related to weapons of mass destruction across the government, including: proliferation, nuclear and conventional arms control, threat reduction, and terrorism involving weapons of mass destruction.
Reports to: National Security Advisor Gen. James L. Jones

Green Jobs Czar: TBD (Van Jones—Resigned)
Official Title: Special Adviser for Green Jobs, Enterprise, and Innovation at the White House Council on Environmental Quality
Reported Duties: Will focus on environmentally-friendly employment within the administration and boost support for the idea nationwide.
Reports to: Head of Council on Environmental Quality

POSITIONS IN A DEPARTMENT OR AGENCY (8)

Afghanistan Czar: Richard Holbrooke
Official Title: Special Representative for Afghanistan and Pakistan
Reported Duties: Will work with CENTCOM head to integrate U.S. civilian and military efforts in the region.
Reports to: Secretary of State (position is within the Department of State)

Auto Recovery Czar: Ed Montgomery
Official Title: Director of Recovery for Auto Communities and Workers
Reported Duties: Will work to leverage government resources to support the workers, communities, and regions that rely on the American auto industry.
Reports to: Labor Secretary and Larry Summers, the President's top economic advisor (position is within the Department of Labor)

Car Czar (Manufacturing Policy): Ron Bloom
Official Title: Counselor to the Secretary of the Treasury
Reported Duties: Leader of the White House task force overseeing auto company bailouts; worked on the restructuring of General Motors and Chrysler LLC.
Reports to: Treasury Secretary and Larry Summers, the President's top economic advisor (position is within the Department of Treasury)

Great Lakes Czar: Cameron Davis
Official Title: Special advisor to the U.S. EPA overseeing its Great Lakes restoration plan
Reported Duties: Oversees the Administration's initiative to restore the Great Lakes' environment.
Reports to: Environmental Protection Agency Administrator (position is within the Environmental Protection Agency)

Pay Czar: Kenneth Feinberg
Official Title: Special Master on executive pay
Reported Duties: Examines compensation practices at companies that have been bailed out more than once by the federal government.
Reports to: Treasury Secretary (position is within the Department of the Treasury)

Guantanamo Closure Czar: Daniel Fried
Official Title: Special Envoy to oversee the closure of the detention center at Guantanamo Bay
Reported Duties: Works to get help of foreign governments in moving toward closure of Guantanamo Bay.
Reports to: Secretary of State (position is within the Department of State)

International Climate Czar: Todd Stern
Official Title: Special Envoy for Climate Change
Reported Duties: Responsible for developing international approaches to reduce the emission of greenhouse gases.
Reports to: Secretary of State (position is within the Department of State)

Special Representative for Border Affairs and Assistant Secretary for International Affairs (dubbed ''Border Czar''): Alan Bersin
Official Title: Assistant Secretary for International Affairs
Reported Duties: Will coordinate all of the Department's border security and law-enforcement efforts.
Reports to: Homeland Security Secretary (position is within the Department of Homeland Security)

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, I am informed that there is 12 minutes remaining on the Democratic side for morning business. I yield back that time.

The ACTING PRESIDENT pro tempore. Time is yielded back, and morning business is closed.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2996, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, environment and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $965,721,000, to remain available until expended, of which not to exceed $69,336,000 is available for oil and gas management; and of which $1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $965,721,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $8,626,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $28,650,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $111,557,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Projects funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the bureau upon receipt of the written commitment. Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, $1,244,386,000, to remain available until September 30, 2011 except as otherwise provided herein: Provided, That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $22,103,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $11,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009: Provided further, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $39,741,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $82,790,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 460l–9, not more than $1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $85,001,000, to remain available until expended, of which $30,307,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which $5,146,000 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which $54,694,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,500,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401–4414), $45,147,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), $5,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4214, 4221–4225, 4241–4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), $11,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $80,000,000, to remain available until expended: Provided, That of the amount provided herein, $7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, after deducting $12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall, for fiscal year 2010 and each fiscal year thereafter, be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,261,309,000, of which $9,982,000 for planning and interagency coordination in support of Everglades restoration and $99,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $67,438,000, of which $3,175,000 shall be for Preserve America grants as authorized by section 7302 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $74,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which $20,000,000 shall be for Save America's Treasures grants as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including a portion of the expense for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $219,731,000, to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $118,586,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $35,000,000 is for the State assistance program and of which $4,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,104,340,000, to remain available until September 30, 2011, of which $65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $40,150,000 shall remain available until expended for satellite operations; and of which $7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $175,217,000, to remain available until September 30, 2011, of which $89,374,000 shall be available for royalty management activities; and an amount not to exceed $156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent $156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $156,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That the term ''qualified Outer Continental Shelf revenues'', as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), MMS in fiscal year 2010 may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

For an additional amount, $10,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2010, as provided in this Act: Provided, That to the extent that such amounts are not realized from such fees, the amount needed to reach $10,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $127,180,000, to remain available until September 30, 2011: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $39,588,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,309,322,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,915,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $154,794,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $566,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; of which $25,000,000 shall be for public safety and justice programs as authorized by the Emergency Fund for Indian Safety and Health, established by section 601 of Public Law 110–293 (25 U.S.C. 443c); and of which not to exceed $60,958,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and

the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2012: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $225,000,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, 109–379, 109–479, 110–297, and 111–11, and for implementation of other land and water rights settlements, $47,380,000, to remain available until expended.

INDIAN LAND CONSOLIDATION, BIA

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $3,000,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $8,215,000, of which $1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $93,807,956.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $118,836,000; of which not to exceed $25,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That, for fiscal year 2010 up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100: Provided further, That for fiscal years 2008 through 2012 the Secretary may reduce the payment authorized by 31 U.S.C. 6901–6907, as amended, for an individual county by the amount necessary to correct prior year overpayments to that county: Provided further, That for fiscal years 2008 through 2012 the amount needed to correct a prior year underpayment to an individual county shall be paid from any reductions for overpayments to other counties and the amount necessary to cover any remaining underpayment is hereby appropriated and shall be paid to individual counties using current fiscal year funds.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $81,095,000, of which: (1) $71,815,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by

law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,280,000 shall be available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c): Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under Public Law 104–134, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188: Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under section 104(e) of Public Law 108–188, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $65,076,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $48,590,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $185,984,000, to remain available until expended, of which not to exceed $56,536,000 from this or any other Act, shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Office of the Secretary, ''Salaries and Expenses'' account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $979,637,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the

Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,175,000, to remain available until expended: Provided, That Public Law 110–161 (121 Stat. 2116) under this heading is amended by striking ''in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act'' and inserting in lieu thereof ''including any fines or penalties''.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,462,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general benefit to the Department, $85,823,000, to remain available until expended: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No federally recognized tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

TWIN CITIES RESEARCH CENTER

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

PAYMENT OF FEES

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Salazar to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Salazar.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

PROHIBITION ON USE OF FUNDS

SEC. 109. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

USE OF COOPERATIVE AGREEMENTS

SEC. 110. For fiscal year 2010, and each fiscal year thereafter, the Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

CONFORMING AMENDMENT

SEC. 111. Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall, for fiscal year 2010 and each fiscal year thereafter, apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term ''royalty payment'' shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL SEASHORE

SEC. 112. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 113. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a nonrefundable inspection fee, which shall be deposited in the ''Royalty and Offshore Minerals Management'' account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

(1) $2,000 for facilities with no wells, but with processing equipment or gathering lines;

(2) $3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) $6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) MMS will bill designated operators within 60 days of enactment of this Act, with payment required within 30 days of billing.

YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS, AMENDMENT

SEC. 114. Section 101(a)(1) of Public Law 109–131 is amended by striking ''2009'' and inserting ''2013''.

NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 115. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking ''subsection (i)'' and inserting ''subsection (j)''; and

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

''(g) REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY IN HERITAGE AREA.—

''(1) NOTIFICATION AND CONSENT REQUIREMENT.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the later of the date on which—

''(A) the management entity of the Heritage Area submits to the owner of the private property a written notification of the proposed preservation, conservation, or promotion; and

''(B) the owner of the private property provides to the management entity written consent for the preservation, conservation, or promotion.

''(2) LANDOWNER WITHDRAWAL.—Private property included within the boundary of the Heritage Area shall immediately be withdrawn from the Heritage Area if the owner of the property submits a written notice to the management entity.''.

PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING

SEC. 116. (a) DEFINITIONS.—In this section:

(1) HISTORIC ATTRACTION.—The term ''historic attraction'' mean a historic attraction within the Pearl Harbor Naval Complex, including—

(A) the USS Bowfin Submarine Museum and Park;

(B) the Battleship Missouri Memorial;

(C) the Pacific Aviation Museum-Pearl Harbor; and

(D) any other historic attraction within the Pearl Harbor Naval Complex that—

(i) the Secretary identifies as a Pearl Harbor historic attraction; and

(ii) is not administered or managed by the Secretary.

(2) MONUMENT.—The term ''Monument'' means the World War II Valor in the Pacific National Monument in the State of Hawaii.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) VISITOR CENTER.—The term ''Visitor Center'' means the visitor center located within the Pearl Harbor Naval Complex on land that is—

(A) within the Monument; and

(B) managed by the Secretary, acting through the Director of the National Park Service.

(b) FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.—

(1) IN GENERAL.—In managing the Monument, the Secretary may enter into an agreement with any organization that is authorized to administer or manage a historic attraction—

(A) to allow visitors to the historic attraction to gain access to the historic attraction by passing through security screening at the Visitor Center; and

(B) to allow the sale of tickets to a historic attraction within the Visitor Center by—

(i) employees of the National Park Service; or

(ii) the organization that administers or manages the historic attraction.

(2) TERMS AND CONDITIONS.—In any agreement entered into under paragraph (1), the Secretary—

(A) shall require the organization administering or managing the historic attraction to pay to the Secretary a reasonable fee to recover administrative costs of the Secretary associated with the use of the Visitor Center for public access and ticket sales;

(B) shall ensure that the liability of the United States is limited with respect to any liability arising from—

(i) the admission of the public through the Visitor Center to a historic attraction; and

(ii) the sale or issuance of any tickets to the historic attraction; and

(C) may include any other terms and conditions that the Secretary determines to be appropriate.

(3) USE OF FEES.—The proceeds of any amounts collected as fees under paragraph (2)(A) shall remain available, without further appropriation, for use by the Secretary for the Monument.

(4) LIMITATION OF AUTHORITY.—Nothing in this section authorizes the Secretary—

(A) to regulate or approve the rates for admission to a historic attraction;

(B) to regulate or manage any visitor services within the Pearl Harbor Naval Complex (other than the services managed by the National Park Service as part of the Monument); or

(C) to charge an entrance fee for admission to the Monument.

(5) PROTECTION OF RESOURCES.—Nothing in this section authorizes the Secretary or any organization that administers or manages a historic attraction to take any action in derogation of the preservation and protection of the values and resources of the Monument.

ASSISTANCE FOR THE REPUBLIC OF PALAU

SEC. 117. (a) IN GENERAL.—Subject to subsection (c), the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2010 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the ''Compact'').

(b) PROGRAMMATIC ASSISTANCE.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2010 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) LIMITATIONS ON ASSISTANCE.—

(1) IN GENERAL.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) TRUST FUND.—If the Government of Palau withdraws more than $5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

GOLDEN GATE NATIONAL RECREATION AREA, FORT BAKER AMENDMENT

SEC. 118. Section 120 of title I of H.R. 3423 (Appendix C) as enacted into law by section 1000(a)(3) of division B of Public Law 106–113 is amended by striking the last sentence.

THEODORE ROOSEVELT NATIONAL PARK, ELK REDUCTION

SEC. 119. None of the funds made available in this Act shall be used to establish or implement a plan to reduce the number of elk in Theodore Roosevelt National Park unless such plan, notwithstanding any other provision of law, allows North Dakota residents possessing a State hunting license to be deputized by the Secretary as rangers in such numbers as the Secretary deems sufficient for purposes of culling the elk herd at the Park, and allows each such volunteer to cull one elk and remove its carcass from the Park.

POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT

SEC. 120. (a) Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit (''existing authorization'') within Drake's Estero at Point Reyes National Seashore, the Secretary of the Interior shall extend the existing authorization through a lease (or other legal instrument) with the same terms and conditions, except as provided herein, for a period of 10 years from November 30, 2012: Provided, That such extended authorization is subject to the Company's compliance with all applicable laws and regulations (excepting any that would prohibit the extended authorization) and permit conditions in effect on the date of enactment of this Act with any mutually agreed modifications to such permit conditions, including the maintenance of best practices as outlined in the National Academy of Sciences report expected in fall 2009 regarding (1) shellfish farming in Drake's Estero, (2) minimizing disturbance of marine mammals, and (3) control and removal, to the extent practicable, of the tunicate ''Didemnum'': Provided further, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal.

(b) Nothing in this section shall be construed to have any application to any location other than Point Reyes National Seashore; nor shall anything in this section be cited as precedent for management of any potential wilderness outside the Seashore.

CONTRIBUTION AUTHORITY

SEC. 121. Title 43 U.S.C. 1473, as amended by Public Law 110–161 and Public Law 111–8, is further amended by deleting ''in fiscal years

2008 and 2009 only'' and inserting ''in fiscal years 2008, 2009 and 2010 only''.

NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY

SEC. 122. (a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall conduct a special resource study of the national significance, suitability, and feasibility of including the Honouliuli Gulch and associated sites within the State of Hawaii in the National Park System.

(b) GUIDELINES.—In conducting the study, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System described in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) the State of Hawaii;

(2) appropriate Federal agencies;

(3) Native Hawaiian and local government entities;

(4) private and nonprofit organizations;

(5) private land owners; and

(6) other interested parties.

(d) THEMES.—The study shall evaluate the Honouliuli Gulch, associated sites located on Oahu, and other islands located in the State of Hawaii with respect to—

(1) the significance of the site as a component of World War II;

(2) the significance of the site as the site related to the forcible internment of Japanese Americans, European Americans, and other individuals; and

(3) historic resources at the site.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study required under this section.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $842,799,000, to remain available until September 30, 2011.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $9,000 for official reception and representation expenses, $2,878,780,000, to remain available until September 30, 2011: Provided, That of the funds included under this heading, not less than $478,696,000 shall be for the Geographic Programs specified in the committee report accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,791,000, to remain available until September 30, 2011.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $35,001,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,308,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,308,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $9,975,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2011, and $26,834,000 shall be paid to the ''Science and Technology'' appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $114,171,000, to remain available until expended, of which $78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $18,379,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $4,954,274,000, to remain available until expended, of which $2,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which $1,387,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That, for fiscal year 2010, to the extent that there are sufficient applications, not less than 20 percent of the funds made available for the Clean Water State Revolving Fund or Drinking Water State Revolving Fund capitalization grants shall be for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; $10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $15,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $150,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the committee report accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $101,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; $20,000,000 shall be for targeted airshed grants in accordance with the terms and conditions of the committee report accompanying this Act; and $1,111,274,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, and, in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section

319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That, for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to Tribes: Provided further, That, for fiscal year 2010, notwithstanding any other provision of law, up to a total of 1.5 percent of the funds provided for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to territories of the United States: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8, the $300,000 made available to the Village of Crestwood for water storage improvements (as described in the table entitled ''Congressionally Designated Spending'' in section 430 of that joint explanatory statement) shall be made available to the City of Quincy, Illinois, for drinking water system improvements.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING RESCISSION OF FUNDS)

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110–94, the Pesticide Registration Improvement Renewal Act.

The Administrator is authorized to transfer up to 50 percent of the funds appropriated for the Great Lakes Initiative under the heading ''Environmental Programs and Management'' to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances to carry out projects and activities funded through the State and Tribal Assistance Grants Account, $40,000,000 are permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $307,012,000, to remain available until expended: Provided, That of the funds provided, $66,939,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $276,946,000, to remain available until expended, as authorized by law; and of which $55,145,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,556,329,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That, through fiscal year 2014, the Secretary of Agriculture may authorize the expenditure or transfer of such sums as are necessary to the Secretary of the Interior for removal, preparation and adoption of excess wild horses and burros from National Forest System lands and for the performance of cadastral surveys to designate the boundaries of such lands.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $513,418,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That $50,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: Provided further, That up to $40,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: Provided further, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $67,784,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $2,582,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,586,637,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such

funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $350,285,000 is for hazardous fuels reduction activities, $11,500,000 is for rehabilitation and restoration, $23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $56,250,000 is for State fire assistance, $9,000,000 is for volunteer fire assistance, $17,252,000 is for forest health activities on Federal lands and $9,928,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That up to $15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the ''National Forest System'' account at the sole discretion of the Chief of the Forest Service 30 days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed $10,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: Provided further, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for wildland firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the Committees on Appropriations for the House of Representatives and Senate if the Secretary of Agriculture determines that all emergency fire suppression funds appropriated under the heading ''Wildland Fire Management'' will be fully obligated within 30 days.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in title IV of this Act.

Not more than $88,785,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $19,400,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to $5,000,000 for priority projects within the scope of the approved budget, of which $2,500,000 shall be carried out by the Youth Conservation Corps and $2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That, of the Federal funds made available to the Foundation, no more than $200,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture

should clearly display the sums previously transferred and the requested funding transfers.

Funds provided to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for the 2009–2010 school year of dependents of agency personnel stationed in Puerto Rico, at a cost not in excess of those authorized by the Department of Defense for that same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,639,868,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $779,347,000 for contract medical care, including $48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That $18,251,000 is provided for Headquarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That of the funds provided, up to $32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That $16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and $7,500,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within two fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $389,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $394,757,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $2,700,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,212,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,792,000, of which up to $1,000 to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,159,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $11,195,000.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $8,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $634,161,000, of which not to exceed $19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; of which $1,553,000 for fellowships and scholarly awards shall remain available until September 30, 2011; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $125,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

(INCLUDING RESCISSION OF FUNDS)

For the purpose of developing a public-private partnership to facilitate the reopening of the Arts and Industries Building of the Smithsonian Institution, $30,000,000, to remain available until expended, for repair, renovation and revitalization of the building: Provided, That such funds shall be matched on a 1:1 basis by private donations: Provided further, That major in-kind donations that contribute significantly to the redesign and purpose of the reopened building be considered to qualify toward the total private match: Provided further, That privately contributed endowments, which are designated for the care and renewal of permanent exhibitions installed in the Arts and Industries Building, be considered as qualifying toward the total private match: Provided further, That this appropriation may be made available to the Smithsonian Institution incrementally as private funding becomes available: Provided further, That any other provision of law that adjusts the overall amount of the Federal appropriation for this account shall also apply to the privately contributed requirement: Provided further, That the unobligated balances provided under this heading in Public Law 110–161 and Public Law 111–8 are hereby rescinded.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $110,746,000, of which not to exceed $3,386,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $54,499,000, to remain available until expended: Provided, That of this amount, up to $40,000,000 shall be available for repair of the National Gallery's East Building façade: Provided further, That notwithstanding any other provision of law, a single procurement for the foregoing Major Critical Project may be issued which includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18: Provided further, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $22,500,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,447,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $10,225,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $161,315,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $161,315,000, to remain available until expended, of which $147,015,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including $9,500,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

The Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: Provided, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,294,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $9,500,000: Provided, That no organization shall receive a grant in excess of $650,000 in a single year.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $5,908,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,507,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $49,122,000, of which $515,000 for the Museum's equipment replacement program, $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $17,230,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $3,000,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $16,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

LIMITATION ON CONSULTING SERVICES

(INCLUDING TRANSFERS OF FUNDS)

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 403. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 404. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

GIANT SEQUOIA

SEC. 405. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2009.

MINING APPLICATIONS

SEC. 406. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2010, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS

SEC. 407. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 110–5 and 110–28), and Public Laws 110–92, 110–116, 110–137, 110–149, 110–161, 110–329, 111–6, and 111–8 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that for

the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

FOREST MANAGEMENT PLANS

SEC. 408. Prior to October 1, 2010, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 409. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

SEC. 410. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior should not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

CONTRACTING AUTHORITIES

SEC. 411. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

PROHIBITION ON USE OF FUNDS

SEC. 412. None of the funds made available by this or any other Act may be used in fiscal year 2010 for competitive sourcing studies and any related activities involving Forest Service personnel.

LIMITATION ON TAKINGS

SEC. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

HUNTERS POINT ENVIRONMENTAL CLEANUP

SEC. 414. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, $8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for cleanup activities at the Treasure Island Naval Station—Hunters Point Annex.

EXTENSION OF GRAZING PERMITS

SEC. 415. Section 325 of Public Law 108–108 is amended by striking ''fiscal years 2004–2008'' and inserting ''fiscal year 2010.''

ALASKA NATIVE HEALTH CARE SERVICES

SEC. 416. (a) Notwithstanding any other provision of law and until October 1, 2011, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

TIMBER SALE REQUIREMENTS

SEC. 417. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

COLORADO COOPERATIVE CONSERVATION AUTHORITY

SEC. 418. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001, as amended, is amended in subsection (e) by striking ''September 30, 2009,'' and inserting ''September 30, 2014,''.

NATIONAL COUNCIL ON THE ARTS MEMBERSHIP

SEC. 419. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89–209, 20 U.S.C. 955), as amended, is further amended as follows:

(1) In the first sentence of subsection (b)(1)(C), by striking ''14'' and inserting in lieu thereof ''18''; and

(2) In the second sentence of subsection (d)(1), by striking ''Eight'' and inserting in lieu thereof ''Ten''.

PROHIBITION ON USE OF FUNDS

SEC. 420. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 421. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to implement any rule that requires mandatory reporting of greenhouse gas emissions from manure management systems emitting less than 25,000 tons of carbon dioxide equivalent per year.

CONGRESSIONALLY DIRECTED SPENDING

SEC. 422. Within the amounts appropriated in this Act, funding shall be allocated in the

amounts specified for those projects and purposes delineated in the table titled ''Congressionally Directed Spending'' included in the committee report accompanying this Act.

This Act may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010''.

Mrs. FEINSTEIN. Madam President, I am pleased to join my colleague, Senator ALEXANDER, in presenting the fiscal year 2010 Interior and related agencies appropriations bill. This is the first year Senator ALEXANDER and I have worked together as chairmen and ranking member of the Interior Appropriations Subcommittee. I am very pleased to report that it could not have been a better experience. We have consulted on several occasions and worked through several different issues. As a result, I think we have produced a fair, balanced, and workable bill. I thank him very much, and his able staff, for all their hard work and cooperation.

In total, the fiscal year 2010 Interior appropriations bill provides $32.1 billion in nonemergency discretionary spending. That amount is $4.5 billion above the equivalent 2009 enacted level but $225 million below the President's request. I wish to stress that. This bill is $225 million below the President's request.

The reason is to make it consistent with the subcommittee's 302(b) allocation for both budget authority and outlays. Our allocation is substantially lower than that of the House of Representatives. Therefore, our bill is necessarily constrained. We cannot spend above our allocation. So there are going to be several items that will be conferenced in that regard.

Because the committee's report, which spells out all of the funding details, has been publicly available for more than 2 months, I won't go through each and every line item. But I would like to emphasize the great strides we have been able to make in five critical areas: water and sewer infrastructure, wildfire suppression and prevention on public land, bolstering our public land management agencies, investment in the Land and Water Conservation Fund, and helping the most vulnerable in Indian Country.

First, in these five key areas, the bill provides $3.6 billion for water and sewer infrastructure projects. I am proud of this. That is a significant increase over last year's level of $1.6 billion. In fact, this is the largest single commitment of funds that has ever been provided in an annual appropriations bill.

Let me say something about this. When we look at America's infrastructure, I can say that I am old enough, regretfully—I guess I am delighted I have survived—to remember when everyone could drink water out of every tap anywhere in America. You can imagine what I thought when I saw the front of the New York Times with the young lad from West Virginia with fillings all over his mouth because he couldn't drink water properly out of the tap, when there was other evidence of people in that great State bathing in water that created skin lesions. That should not be the case in the United States. Therefore, this significant increase in water and sewer infrastructure is extraordinarily important.

Additionally, I hope we will have report language in our bill in consultation with the ranking member that will instruct EPA to put much more regulatory authority in the area of water quality so we don't run into these areas. This is something I have not yet had a chance to talk with the ranking member about, but I do intend to do that.

When we factor in the $6 billion included in the stimulus bill in February, we are providing nearly $10 billion this calendar year to State and local water authorities. This is a major investment in public infrastructure and one that, as a former mayor, I strongly support and am very pleased to be able, along with my ranking member, to accomplish.

This money will allow State and local water authorities to begin to tackle 1,327 wastewater and drinking water projects all across the Nation. For those who may not be aware, the Environmental Protection Agency, which administers these grants, has estimated that over a 20-year period communities will need to spend $660 billion—not million—for drinking water and wastewater infrastructure repairs and renovations. Obviously, we can't provide that level of funding during these tough budgetary times. But what we were able to provide, with a reduced allocation, will go a long way toward helping communities tackle their crumbling infrastructure and provide residents with more reliable and cleaner water. It will also have the benefit of creating thousands of construction jobs to put more Americans back to work.

Secondly, the bill provides $1.8 billion for wildland fire suppression activities. It is very important that we are providing that level of funding because that is the same amount that has been spent on average in each of the last 3 fiscal years. So for the first time in more than 10 years, we will be providing Federal firefighters the resources they need well before they run out of money. The fact that we are providing this level of funding is extremely important. By appropriating up front what we know is actually going to be needed based on prior experience, we allow the Forest Service and the Interior Department to break the cycle of borrowing from other accounts and then hoping Congress agrees to repay that money. We have been criticized for doing it. It is good, solid criticism. In this bill, it has been remedied.

The bill also includes $107 million in grants to help State and local cooperators fund their own firefighting and fuels reduction efforts. That is a 2-percent increase over the 2009 level, and it provides $556 million for hazardous fuels reduction projects on Federal lands nationwide, a 7-percent increase over last year. That is critical.

My State is burning up, as are other States in the West. We lost 1.5 million acres last year from fire. Hazardous mitigation of fuels becomes very critical.

As important as it is to provide our Federal firefighters with the funds they need for suppression, it is just as important that we make these fuel reduction funds available so these agencies can begin to get in front of the problem and prevent these catastrophic wildland fires or at least reduce their catastrophic potential.

The money provided in this bill will allow the Forest Service and the Interior Department to treat 3.5 million acres of fire-prone Federal lands. That is 3.5 million acres of fire-prone Federal land. This will reduce the risk of catastrophic wildfires such as the one being fought right now in southern California.

Let me say something about that fire. The Station fire in southern California is still burning in the foothills of Los Angeles. The fire has swept through canyons that are drowning under decades' worth of dense vegetation. As of Tuesday, the fire has burned 160,000 acres, destroyed 183 homes and other buildings, and cost more than $90 million to fight. More than 8,000 firefighters have battled the blaze, and, tragically, two firefighters have lost their lives.

The Station fire is now the largest fire in Los Angeles County history. It is also a reminder of how important it is to increase funding for fuels reduction and fire suppression. I am very proud this bill accomplishes both.

Third, the bill shores up our public land management agencies by providing a total of $6 billion for basic operations and backlog maintenance of our national parks, national forests, national wildlife refuges, and on Bureau of Land Management land.

For too long we have neglected these agencies and forced program cuts on them by underfunding the fixed costs they incur every year. In this bill, fixed costs are fully funded. That is important. Included in these funds are $2.2 billion for basic operations of our 391 national parks, an increase of $130 million. These funds will allow the Park Service to continue utilizing the 3,000 seasonal employees who have made a real difference in the condition and enjoyment of our parks. Additional maintenance personnel, additional law enforcement officers, and additional park rangers will all be brought back as a way of enhancing the visitor experience now and preparing our parks for the centennial in 2016.

Our national parks are jewels throughout the United States of America. They cannot be allowed to grow into poor condition. They must be maintained, and they must be operated properly.

Also, I wish to point out that the funding being provided in this bill will

allow the Park Service to continue the drug eradication program started last year. I can tell you, in California, this has become a major problem, with literally hundreds of thousands of acres in our national parks taken over by Mexican cartels that have moved into the back areas and set up marijuana production facilities. They are armed. They are dangerous. It has taken the resources of combined task forces—of local, Federal, and State officers—to go in and root out these areas and also to eradicate the planting that has been done. More than $10 million is being made available so law enforcement personnel can work with other Federal and State agencies to extricate the illegal drug operations that are increasingly invading our national parks.

This effort is not just limited to the Park Service. Included in the $1.56 billion that this bill provides for operations of the national forests is a new $10 million increase for the Forest Service's law enforcement program. These funds mean the Service will be able to hire up to 50 new law enforcement officers to battle the epidemic of these marijuana gardens on our public lands.

The bill also contains a $5 million increase to begin cleaning up more than 25,000 acres of forest lands nationwide that have suffered environmental damage because of these drug—the word is ''gardens.'' I hate that word applied to these drug projects, so I will say ''drug projects.''

Fourth, the bill increases the protection and conservation of sensitive lands by providing $419 million through the Land and Water Conservation Fund. Of that amount, $262 million is set aside for four Federal land management agencies for conservation of sensitive lands that provide habitat to wildlife and recreation to visitors; $55 million is for conservation easements through the Forest Legacy Program; $54 million is for acquisitions associated with habitat conservation plans; and $35 million is for State grants through the Park Service's State Assistance Program.

Finally, the bill helps some of the most vulnerable among us by providing a total of $6.6 billion for the Indian Health Service and the Bureau of Indian Affairs. That is an 11-percent increase over the 2009 enacted level. The bill includes increases of $450 million in direct health care services; $81 million in K–12 and college education programs; and $83 million in law enforcement programs, which will allow for additional police officer staffing on the streets and in detention centers.

With these funds, more than 10,000 additional doctor visits will take place that would not otherwise happen. This means additional well-baby care to prevent problems before they happen. It means additional alcohol and substance abuse treatment, which is truly a plague in Indian Country. It means additional public health nursing visits so those rural areas are not left out.

Funding provided through the Bureau of Indian Affairs will improve programs and infrastructure at the Bureau's 183 schools. The $81 million increase in education programs will allow the Bureau to substantially increase the number of schools that meet the Adequate Yearly Progress goals spelled out in No Child Left Behind. For the first time—and I am proud of this—nearly half of all schools will meet this milestone. Additional funding for law enforcement programs will allow the Bureau to increase staffing throughout Indian Country.

But it is not just funding for staff that is going to make a real difference. The bill includes a threefold increase in funds for repair and rehabilitation of detention facilities. Too often, Bureau police officers are forced to spend useless time transporting detainees, sometimes hundreds of miles, to be incarcerated in adequate detention facilities. These funds will allow the Bureau to repair several local facilities so less time is spent in transit.

All in all, I believe Senator ALEXANDER and I have been fair and conscientious in crafting this bill. I urge my colleagues to let us move forward with this measure as soon as possible.

I want my ranking member to know I am very proud of this bill, not only because it is a good bill, it is the first start we have had together. I look forward to more years where we can build our fire suppression, our care and concern for our national parks, the Smithsonian, all the 19 institutions it represents, the Kennedy Center, and all the various Departments we are concerned with in this appropriations bill.

It is necessarily dull to put forward figures, but as both of us have learned from our prior lives, budgets and appropriations condition policy. So I think this is not only a good appropriations bill, but it is a very good policy bill for the Departments that are included within the bill.

It has been a sheer delight for me to work with you, I say to Senator ALEXANDER. Now I would like to defer to the Senator for any comments he might care to make.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I thank the Senator from California.

It is a joy for me to work on this legislation because, first, I care so much about it, as she does—this is about the great American outdoors, which is an essential part of our American character—and because of the privilege of working with Senator FEINSTEIN. She has the great advantage of having been a mayor of a big city and she is capable of making a decision and she is results oriented, so we are able to work easily together. It is the way I liked to work when I was Governor. She is broad-gauged and cares about this country and about its environment and its outdoors and about not only protecting and conserving the outdoors but making it possible for Americans—300 million of us—and the people who visit us to enjoy that great American outdoors.

It is always a privilege to be in the Senate, but it is a special privilege to work on the outdoors—the great American outdoors—with Senator FEINSTEIN from California.

Last week, we celebrated the 75th anniversary of the Great Smoky Mountains National Park. I am not objective at all about the Great Smoky Mountains National Park. I grew up there, went hiking there, and I live 2 miles from its border. One reason I care about the trails so much is because I have hiked them. One reason I care about the quality of the air so much is because I breathe it. One reason I care about having enough rangers and making sure their salaries are paid is because I know them. So that helps in my objective.

But there was also a reminder. It was a beautiful day up on Newfound Gap, right on the border of North Carolina and Tennessee. Our mountains in the East are not as big as the mountains in the West. They are older, more mature. But the largest of the mountains in the Eastern United States are along the North Carolina and Tennessee border, 71 miles along the Appalachian Trail, in the Great Smoky Mountains National Park.

So there we were, at about 5,500 feet, at the place where President Franklin Delano Roosevelt, on the same day in 1940, a few years after the park was formed, dedicated the Great Smokies. But among other things on that beautiful day—and the Secretary of the Interior was there, Ken Salazar. It is good for our Western Secretary to get a good look at the Eastern park. Dolly Parton was there. She grew up in the next county, so she is our special ambassador for the Great Smokies, and there were all the Members of the Congress who were there from the area.

But when we look back 75 years, what did we see? It was 1934. So here we were, in the middle of the greatest depression in our country's history, and what were we doing? Well, in Tennessee, we had the State legislature appropriating $2 million to buy land from families and from lumber companies to create a park. In North Carolina, they did the same thing. That only made $4 million. Madam President, $10 million was needed. So they collected another million dollars from the people of the area.

Schoolchildren put pennies in jars. It is a wonderful story of how they got up to $5 million. Then one of the early leaders of the group organizing the Great Smoky Mountains National Park convinced John D. Rockefeller, Jr.,—who, I guess, is the grandfather of our Senator ROCKEFELLER—to come; and the Rockefellers gave $5 million in honor of Laura Spelman Rockefeller, to match the $5 million the two States and all the people had contributed.

That $10 million bought the park and gave it to the country. This was not like almost every other park. It was

not just carved out of land the people already owned. It was given to the country in the midst of the Great Depression.

The reason I bring up that today is because it is a reminder that even in difficult times we kept our priorities right. India has its Taj Mahal. Rome has its art. England has its history. But we have the great American outdoors. If, as Ken Burns has said, our national parks are America's best idea, we in Tennessee and North Carolina think that must mean the Great Smoky Mountains are the very best idea because so many more people visit it than visit any other park in America.

But what those people did—whether it was the schoolchildren with the pennies, the Governors of the States, the legislators, the people in Asheville, NC, and Knoxville, TN, the civic leaders, whether it was the Rockefeller family—what they did also shows us the foresight of thinking ahead for the benefit of future generations.

In 1934, the assistant chief ranger of this big, new park wrote a memo to the superintendent outlining the wildlife he found there. There were 100 black bears in 1934. There are 1,600 today. There were 315 wild turkeys in 1934. The other day I saw 21 outside my window 2 miles from the park.

Seventy-five years ago in the Park, there were 12 whitetail deer in Tennessee and only 6 in North Carolina. They are all over the place today. There were no peregrine falcons, no river otters, no elk. They are there today. Twenty-five years ago, when as Governor of Tennessee I spoke at the 50th anniversary of the Great Smoky Mountains National Park, there was no Federal law controlling acid rain, there was no organization called Friends of the Smokies, but both are great successes today. Those Federal laws were passed and Friends of the Smokies has contributed $30 million. So that celebration two weeks ago reminded us of the foresight 75 years ago. Those examples are everywhere in our culture today.

I am reading Douglas Brinkley's book about Teddy Roosevelt called ''The Wilderness Warrior.'' It is so thick, it will break your back if you carry it around, but it is a wonderful story of how our President, Teddy Roosevelt, during his relatively short term in office, had the foresight to make sure we have many of the wildlife refuges, the national parks, the national forests, and the others we enjoy today. This bill Senator FEINSTEIN so ably described is the responsibility we have as stewards of that great tradition today, to look ahead to the future about preserving and protecting the great American outdoors; looking to the future as Teddy Roosevelt did, as the schoolchildren did in Tennessee, as John Muir did when Yosemite was created, as Lady Bird Johnson did half a century ago. As we look ahead, we should remember that we are custodians of that tradition.

What should we hope for as we work on this bill and we plan ahead? My hope of the future is that we finish cleaning up the air, so in the Great Smokies, we can celebrate the gray haze about which the Cherokee sang instead of seeing smog. I hope we do more to use our nearly 400 national park properties to teach about what it means to be an American so our children and our immigrants can know that story. I hope we can become better students of the remarkable environmental diversity of our country. Just within our Great Smoky Mountains National Park, we have 128 species of trees, as many as they have in all of Europe. I hope we do a better job of creating picturesque entrances and conservation easements to protect the wildlife and the stunning viewscapes that are not only in our parks but near our parks.

I am going to do my best—and Senator FEINSTEIN and I have talked about our concern about this, and I have shared that concern with Secretary Salazar on many occasions, including last week when he visited Tennessee—I am going to make sure we pay attention to the perils of what some conservationists are calling energy sprawl, so that in our enthusiasm for renewable energy and alternative energy, which we need, we don't place 50-story wind turbines and acres of square miles of solar thermal plants in areas that damage the treasured landscapes we have spent a century trying to protect. It doesn't make sense to destroy the environment in the name of saving the environment.

I hope we can build on the legislation, too, that Congress enacted in 2007 when we expanded exploration for natural gas and oil in the Gulf of Mexico and for the first time created what I like to call a conservation royalty that contributes one-eighth of the revenues that are collected from that drilling. One-eighth of those revenues go to the Land and Water Conservation Fund. In this case, it goes to the State side portion, which is used by communities for local parks and local greenways. Suffice it to say, the most popular parks in America are not the Great Smokies and Yosemite; the most popular parks are the city parks and the community parks and the suburban parks, the parks down the street. The Land and Water Conservation Fund is the source of funding for many of those parks and much of that open space.

In the 1960s, Congress, as a result of a report by the first Commission on American Outdoors that was chaired by Lawrence Rockefeller, recommended that we take some of the money we receive from offshore drilling and exploration and use it for the Land and Water Conservation Fund. We had never really done that, but it makes good sense. It is good stewardship. Where there is an environmental burden, which we sometimes have to authorize, we should pay for it with an environmental benefit. That is the trade between offshore exploration and money for land and water conservation funding to create city parks.

One other thing. I hope we find additional ways, through increased private contributions as well as the kinds of Federal appropriations we talk about today, to support and care for the nearly 400 different national parks properties we have, as well as our other public lands and treasured landscapes and national forests and along our coastlines and our ridgelines in this country.

The Senator from California gave a very thorough statement of the various programs in our bill. I won't repeat all of those numbers, but I do have a handful of observations I wish to make. Obviously, we don't agree on every detail. But we are not here to agree on every detail, we are here to see whether we can produce a result. I believe we have done that. In the process, I thank Senator FEINSTEIN for addressing a number of the concerns I and many of our colleagues on the Republican side of the aisle have. She has been terrific to work with in that respect.

As she said, this bill is $225 million below the President's budget request, even though it is substantially higher than last year's funding levels. I suppose if I were doing this all by myself, I would have spent less money, but that is not the way our system works. We each make our arguments, fight our spending battles, decide on a budget resolution, and we go from there. So I believe Chairman INOUYE and the vice chairman, THAD COCHRAN, have allocated the funds made available to the Appropriations Committee by the Senate in a fair and responsible way.

Similarly, with the funds we have had to work with on the Interior bill, Chairman FEINSTEIN and I have made our best judgment and done our best to meet the many competing priorities for the varied programs here. She mentioned some of the good things in the bill, and I wish to underscore just a few.

We have continued the Centennial Initiative started under President Bush by adding over $130 million to increase park operations in preparation for the national park centennial in 2016. This is a good time to think about the condition of our national parks. Many of us visit them, so we are familiar with their maintenance needs and their personnel needs.

Some are reading the book I mentioned about Teddy Roosevelt, and millions more, starting September 27, will see Ken Burns' film about the national parks called ''The National Parks: America's Best Idea.'' I am confident the film will remind us of how important those parks are to our national character and how determined we are to make sure that over the next several years, as we approach the centennial, we support them properly. That includes the law enforcement rangers who ensure the safety of the public in our parks, the interpreters who explain

its history and America's history, and the biologists and scientists who teach us about the plants and animals that live there. This bill helps to expand and improve that experience.

We have also provided necessary increases to pay for the rangers who keep visitors to all of our national forests, wildlife refuges, and other public lands safe; health care professionals who provide medical care; the Indian Health Service teachers who provide education in the Indian community—Senator FEINSTEIN described that. Simply keeping pace with the inflationary pay costs and health benefits for park and forest rangers, Indian health care professionals, and other critical personnel required a $540 million increase in funding over the last year.

Senator FEINSTEIN talked about fires. It seems as though when we read about fires or see them on television they are all in California, and our hearts go out to the families who have lost their homes and, a few, their lives as a result of these fires.

But the fires are not all in California. The national Forest Service is busy spending too much of its time on fire protection. It has an effective fire protection unit that is part of its job, but what we have been doing is paying for firefighting the way we used to pay for the Iraq war. We did it off budget. We did it a little later. I congratulate the administration and Senator FEINSTEIN for putting into this budget the amount of money we think we will actually need to fight fires this year. We have added over $570 million compared to last year for firefighting and fire prevention programs. I hope that is enough. I hope we have made a budget that allows us to deal with that so we don't find ourselves coming back with supplementary appropriations and so we don't disrupt all of the other important programs in the Forest Service and in the Department of the Interior. As important as the firefighting function is to the U.S. Forest Service, we don't want to turn the U.S. Forest Service into the U.S. fire service.

Let me make one comment about our process. One of the major criticisms of the appropriations process in recent years has been the failure of the Senate to take up each bill individually. This denies the Members of this body an opportunity to offer amendments and help shape the final bill.

It is important to note that this is the first time in 4 years that the Interior bill has been brought to the floor of the Senate as a stand-alone measure for purposes of examination and amendment by all Senators. This is a tribute to Chairman INOUYE and Vice Chairman COCHRAN, and I thank Senator REID and Senator MCCONNELL for the fact that we are here today and Senators should now come forward to offer their amendments.

This is the sixth appropriations bill to complete Senate floor action. We are nearly halfway through the process. I believe all of my colleagues share my desire that we are able to complete all 12 individual appropriations bills through the normal order and send them to the President for his signature. It is a much fairer way to operate. It gives those of us who are elected a chance to have our say, and it saves the taxpayer a lot of money by permitting the efficient operation of the government on an orderly, budgeted basis.

Let me close by saying again how much I have enjoyed working with Senator FEINSTEIN and how much I look forward to that privilege in the future.

I thank the President, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, if I may, I wish to thank the ranking member for those very gracious remarks. They are reciprocated in whole. I think his expressions about the bill are very well taken, and we will just proceed from there.

I would like Senators to be fully aware that any amendment which proposes to increase spending in one area of the bill will need to be offset with a commensurate cut in another area. The bill is at its allocation level, and the overall effect of the bill's bottom line must remain neutral. Not to do so is to create a 60-vote point of order against the amendment. So everyone who wishes to offer an amendment should bear that in mind. I think both of us will fight vociferously to see that the financial integrity of our bill is continued.

I very much appreciate Senator ALEXANDER pointing out that this is the first time since 2005 that the full Senate has had an opportunity to consider this bill. Considering the landmarks, the vital aspects of this American government of which people are singularly proud—I mean, we don't hear much criticism about the Federal Government providing national parks or a forest service or an environmental protection agency. So this is a bill of which we are very proud.

I, too, wish to encourage Senators to come to the floor now. We wish to pass this bill as quickly as we can. The floor should be open to amendments.

With that in mind, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

AMENDMENT NO. 2394

Mr. JOHANNS. Madam President, I call up amendment No. 2394.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. JOHANNS] proposes an amendment numbered 2394.

Mr. JOHANNS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Prohibiting use of funds to fund the Association of Community Organizations for Reform Now (ACORN))

On page 240, between lines 13 and 14, insert the following:

PROHIBITION ON USE OF FUNDS

SEC. 4___. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

Mr. JOHANNS. Madam President, I compliment both Senators who just spoke, the Senator from California and the Senator from Tennessee. You underscore why we are so proud to live in this great country and the importance of these resources.

Also, as a former Secretary of Agriculture, I know the importance of adequate funding for firefighting. Without it, our forests are in serious jeopardy. I wanted to express that.

I rise today to talk about something that is enormously important. Three days ago, I was here on the Senate floor urging my colleagues to vote in favor of an amendment I offered to another appropriations bill, the Transportation and Housing Appropriations bill. The amendment had a very specific purpose. The purpose was to prohibit funds from going to the Association of Community Organizations for Reform Now, known as ACORN.

I am very pleased to report that, in a true display of bipartisanship, 82 of my colleagues joined with me in voting in favor of protecting taxpayer dollars by voting for the amendment.

This was a significant and important vote in this body for a number of reasons. Such a strong bipartisan vote sent a very powerful message that the Senate is serious about eliminating the flow of taxpayer funds to an organization that can best be described as being in an absolute free fall when it comes to allegations of illegal activity—illegal activity that, in many respects, is funded with taxpayer dollars. Senators came to this floor a couple of days ago and they threw aside partisan loyalty in favor of prohibiting funds to an organization besieged by allegations of fraud and corruption and employee wrongdoing.

Bottom line: My colleagues—I am so proud of them—answered the call to defend taxpayers against waste, fraud, and abuse. But because of the limitations of that amendment, our job simply is not complete. Of course, in order to comply with the germaneness rules, we could only do so much with that amendment. Therefore, I come here again today to offer the same amendment to this bill.

The amendment to the T–HUD bill was a first step. The overwhelming vote on Monday stopped the flow of funds for transportation or housing funding that would otherwise go to ACORN.

At least in terms of Senate action, there is more process left there. Unfortunately, ACORN is still eligible to receive Federal dollars from innumerable sources in the Federal budget. That is

why I am here today to offer the identical amendment to the Interior Appropriations bill and to call on my colleagues again to stand up for the American taxpayers.

There is unbelievable evidence that ACORN or its estimated 360-plus affiliates could be eligible for Department of Interior funding. The following words appear in the text of this bill 193 times: contracts, grants, nonprofits, and cooperative agreements.

There are so many ways ACORN can receive funds from the Interior bill. For example, ACORN's subsidiaries openly publicize their advocacy for environmental causes.

ACORN groups are heavily involved in community redevelopment, and so is the Department of the Interior. The links are obvious. They are undeniable.

In fact, on page 66 of the bill, you can—just to pull out specific language there included for the Great Lakes restoration project that would give money to nonprofits for ''planning, monitoring, and implementing.''

This is a project that President Obama has appointed a specific person to oversee. Do any of us have a certainty that ACORN won't receive any of that money? I certainly don't.

ACORN is able to tap into taxpayer moneys from so many other ways besides competitive grants. They or their web of affiliates are able to work out memoranda of understanding, cooperative agreements, and even subcontracts with the Federal Government.

Additionally, States that receive grants from the Federal Government can funnel money to ACORN affiliates, and there is very little oversight. My amendment will stop that. It will stop the money—the taxpayer dollars—being directed to this group.

The question before us today is whether my colleagues will again come to the floor and say this activity is wrong, it is damning. We need to stand and say that no money will go to a group engaged in this activity.

Last night, I was watching a news program, and yet another videotape surfaced of ACORN employee activity. It was shocking. This videotape displayed someone saying to an ACORN employee that they intended to bring underage minors into this country from other countries for the purpose of engaging in prostitution. There was active involvement by the ACORN employee in how this might happen, even to the extent of describing the contacts that this person had.

I want to say that we cannot relent, just because some taxpayer money was safeguarded, until a full government investigation is launched and completed, and if it turns out with no problem, so be it, but we cannot rest until that is done and we are assured and we can assure our citizens back home that no taxpayer money is being used in this organization.

It doesn't make sense to just stop with the Transportation and Housing Appropriations bill. We need to stand up and prohibit all sources of Federal funding and any possibility of Federal funding going to ACORN.

I will wrap up with a statement of deep respect for what my colleagues did on Monday. I believe it was the right thing to do. It was the right thing to step in here to the floor and cast a vote and say: Enough is enough, it stops here, it stops today.

We need to do everything we can to assure our taxpayers that there is no possibility somebody can access this funding from ACORN. My hope is we will come together as we did Monday and that we will do the right thing.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I will respond to the Senator from Nebraska. My belief is that we had an amendment yesterday that was passed overwhelmingly by this body, prohibiting the use of Federal funds for ACORN, period. The staff has been researching this bill. We do not believe there are any Federal funds in this bill. I believe if there were a rollcall vote, it would come out essentially the same as it did yesterday.

So I say to the distinguished Senator, both the ranking member and I would be prepared to take this amendment by unanimous consent.

Mr. JOHANNS. Madam President, this is such an important issue. This is an issue that people all across the country are watching on the Senate floor. Therefore, I feel very strongly that if there were ever an opportunity for Senators to come to the floor and cast a vote in a rollcall fashion, this is one to make a very strong statement again about ACORN not receiving this funding.

I appreciate the offer of the Senator from California, but I must insist, because of the nature of what we are dealing with—the claims of alleged wrongdoing, the history of wrongdoing with employees from this organization, the videotapes, the potential to access the funding—that we need a rollcall vote on this issue.

Mrs. FEINSTEIN. If I may, through the Chair to the Senator, to the best of our knowledge, there is no funding in this bill for ACORN. The staff is looking and has found no funding in the bill for ACORN. Therefore, there is a redundancy, and this will have to be done on every single appropriations bill, which doesn't seem to me to make very good sense. I think an 80-plus vote yesterday is a very substantial vote. I think everybody who is interested has access to know—we are trying very hard—and I hope the Senator will not be upset by what I am saying, but we are trying to move our bill, and we will take the Senator's amendment so that the amendment—if there is any funding, it still cannot be used, even without this amendment. So the Senator is covered.

Mr. JOHANNS. Madam President, speaking to my colleague from California, let me say that I appreciate the Senator's offer of accepting this by unanimous consent. I appreciate the Senator's claim that she believes there is no way they can access funding. But I will tell you that I have operated a Federal Department myself—a very large department—where we administered millions and billions of dollars of grants and loans, et cetera. Once that appropriations bill is passed, the Senator knows and I know that unless there is some real trouble, we are free at the departmental level to pretty much administer the money. So there cannot be a guarantee that they won't get money out of this program.

The second thing I will offer here is this: This is not one of those issues that just comes along. This involves an organization that has had a history of very serious problems. I could not feel more strongly that the American people want us to come to the floor and cast a vote on this issue.

The final thing I want to say is this: I feel this is an important issue. There is a way to solve this problem so that I don't have to come down on every appropriations bill. We will be introducing a bill today—and we have reached out in a very bipartisan way to Democrats and Republicans, asking for people to join in this bill—that says simply that across the entire Federal Government no money for ACORN. My hope is we can pass that bill expeditiously and we can get that into effect.

I would like nothing more than to avoid having to come down here on each and every appropriations bill. Again, I appreciate the offer, but this is an important vote to constituents all across the United States. I think we owe it to them to show how we are going to vote on this issue.

Mrs. FEINSTEIN. Madam President, I wish to signal to all Members that the floor is open. Amendments will be received to this bill. I say to my colleagues, if you have an amendment to the Interior Appropriations bill, please come to the floor.

ORDER OF PROCEDURE

Madam President, I ask unanimous consent that the September 16 order with respect to H.R. 3288 be modified to provide that the Senate resume consideration of the bill at 2:30 p.m., with the remaining provisions still in effect. That is the housing and transportation bill. Further, as in executive session, I ask unanimous consent that at 12:30 p.m. today, the Senate proceed to executive session to consider the nomination of Gerard E. Lynch to be a U.S. Circuit Court judge for the Second Circuit; that there be 2 hours of debate with respect to the nomination, with the time equally divided and controlled by Senators LEAHY and SESSIONS or their designees; that upon the use or yielding back of time, the nomination be set aside to recur upon passage of H.R. 3288; that prior to the vote on confirmation of the nomination and the Senate resuming executive session,

there be 2 minutes of debate equally divided and controlled; that upon confirmation, the motion to reconsider the vote be considered made and laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the vote in relation to the Johanns amendment No. 2394 occur upon disposition of the nomination of Gerard Lynch and that no amendment be in order to the amendment prior to the vote, with 2 minutes of debate equally divided prior to the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam 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. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I have just checked with the manager of the bill, Senator FEINSTEIN, and asked to speak for 5 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. DORGAN. Madam President, the other day when our colleagues were talking about our departed colleague, Senator Ted Kennedy, I was not able to be on the Senate floor, and I did want to say just a few words about my friend Ted Kennedy.

I had the pleasure of serving in this Chamber with him for 16 years. He sat back at that desk in the row behind me, and I had many opportunities to spend time and swap stories and talk about public policy with him. I knew him before I came to the Senate. As a very young man, I worked on his brother Robert Kennedy's campaign for the Presidency, and I met Ted Kennedy then. And, I supported Ted Kennedy in his 1980 Presidential campaign and met him then.

When I came to the Senate, from time to time I was invited to go to Hyannis Port to the Kennedy compound and visited there with Senator Kennedy and his family and went sailing with him. To sail with Senator Ted Kennedy was an extraordinary experience. He was a wonderful sailor.

Many things have been said and written about Ted Kennedy over the years, and especially in recent weeks since his death. I don't need to repeat his many accomplishments here in the Senate; my colleagues have done a great job doing that. Those accomplishments spanned 47 years and would take far too long and too much time to detail, and many have done it, as I said.

I will not repeat his love of all things Irish. Everyone understood that. He was a great Irish storyteller. No prouder Irishman in the world, I daresay, than Ted Kennedy.

I don't need to tell of his many acts of thoughtfulness and kindness, large and small, for the powerful and the powerless. They are well-known already as well and, already, much missed.

Many have talked about his wit and his love of storytelling and a good joke. That, too, was Ted Kennedy. Laughing and making people laugh was part of the hallmark of his character. Often when I think of him I think of a booming laughter that filled the entire room when he was full of joy.

I need not talk about his doggedness or his tireless work ethic or his determination, for they, too, were well-known to all of us who worked with him. Those were the pillars upon which he built success after success, often small, but then building and building, step by step, until it was consequential and often big.

Those were also the pillars on which he built decades of relationships. I think those relationships were the keys to understanding the man with whom we served—Ted Kennedy.

It didn't matter whether you were a Republican or a Democrat or an Independent. It didn't matter if you were a businessman or a janitor, young or old, White or Black, rich or poor, powerful or powerless. Ted Kennedy wanted to work with you to try to reach a compromise and see what could be achieved together. He just never, ever stopped; never gave up.

The great American essayist and author, Ralph Waldo Emerson, once said:

> The characteristic of heroism is in its persistency. All men have wandering impulses, fits and starts of generosity. But when you have chosen your part, abide by it, and do not weakly try to reconcile yourself with the world.

No one I know in this Chamber was more persistent than Ted Kennedy. He chose his part; he abided by it; he didn't try to reconcile his principles to the moment or to the world; and, he fought and fought for what he believed in and what he thought was right. Sometimes it was very controversial, but he was persistent and fought long and hard until the end.

Even when he was sick and tired and worn out he fought on because he loved his country and he knew his colleagues and others loved this country as much as he did. He knew there was always that common ground, love of country, and he knew that people of good faith, regardless of party and regardless of position, could achieve great things for the country they all loved.

When he was done, he had cast more than 15,000 votes, more than 300 laws bear the name of Senator Ted Kennedy, and he cosponsored more than 2,000 others. That doesn't include the thousands of laws he merely influenced. Much of that work was done on the Senate floor. It was his life's work.

If the Senate was his home, this Senate floor surely was his front porch, where he would let everyone know what was on his mind. When Senator Ted Kennedy, at that desk, was on the Senate floor, you may not have agreed with him, you might not have even cared about the subject before he began to speak, but you had to listen, you had to respond, and you had to take sides.

He was called the lion of the Senate by many. When he was on the floor roaring, it was quite a sight and sound to behold, a sound that moved hearts. It moved minds. It moved this very institution and, indeed, the country itself. He could be quietly persuasive, but on the Senate floor his passion literally poured out of him.

It was said long ago of Daniel Webster, another famous Senator from Massachusetts, that he was ''a great cannon loaded to the lips.'' Well, Senator Kennedy was a great cannon loaded to the lips, and this institution will long miss that passion, those words, his spirit, his love of life, and his love of this institution and our country.

There is an old saying that all men die, but not all men live. Well, surely Ted Kennedy lived. Senator Ted Kennedy lives in our hearts and in his good works and in his life's work, and I just wanted today to join my colleagues in saying: Ted, Godspeed, rest in peace, and all Members of this Senate miss you dearly.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I note that no colleagues are on the Senate floor. The floor is open for amendments, and I would like to urge our colleagues on both sides of the aisle, if you have an amendment, please bring it to the floor.

I thank the Chair. 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. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Madam President, we are on another spending bill, one of the spending bills we must address during

this Congress. I compliment Senator FEINSTEIN and Senator ALEXANDER for their work on this very important bill.

I also want to comment on something that was in the news today, stemming from a comment I made yesterday about some spending issues. I will do it very briefly.

This deals with the issue of the economic recovery or the stimulus package. I voted for that. I didn't vote for the TARP funds, $700 billion for the financial bailout last fall. But I did vote for the economic recovery or the stimulus program early this year because I believed it was necessary to give the economy a boost.

Frankly, I think this economy is showing signs of beginning to recover, and that is going to be good for all Americans. There are a lot of important investments being made in this economic recovery program, investments in building and repairing roads and bridges and many other investments in infrastructure around this country that at the end of the day will both put people to work and result in important assets for this country.

Yesterday, I made a point about one particular project that is being funded with stimulus funds, and I want to make sure everyone understands the point I made. Part of some stimulus funds were dedicated to the northern border ports of entry, smaller ports of entry between the United States and Canada. The specifications for these ports of entry were developed in 2002 and 2006, under the previous administration, by the Department of Homeland Security. So when money began to be allowed under the stimulus program to invest in the northern border ports of entry, the specifications created by the previous administration were going to drive how much was spent.

As I looked into it, I realized that these requirements were completely out of balance. The requirements would create a common footprint at small ports of entry and require the expenditure of, on average, $15 million for a small port of entry in circumstances where, on average, only five vehicles an hour were coming through the port of entry. I believed that was excessive.

That was not Secretary Napolitano's call. That was not something she did. That comes from the requirements from that agency that were developed in 2002 and 2006. So I asked Secretary Napolitano to take a look at that, and suspend the projects pending a review, and she immediately said, yesterday, let's review that, let's do a 30-day review.

First of all, I want to say thanks to the Secretary. I think that is exactly the right action. I didn't know these were the set of requirements that were going to drive that kind of funding. But, frankly, waste is waste.

Of the 22 northern border ports of entry that are slated to be demolished and rebuilt, 9 of them are in my State. Much of this money would be spent in my State. But I do not think that much of this spending is justified because I believe those requirements must change.

I agree that we should ensure that small port of entry have adequate security. I will support investment to upgrade those facilities where it is really necessary to do so. But I do not believe it is appropriate, nor do I believe Secretary Napolitano nor my colleagues here in the Congress believe it will be appropriate upon review, to spend $15 million on average at ports of entry where you have five vehicles an hour coming through the port. That is way out of balance. It makes no sense to me.

My comments were portrayed in some press accounts as some sort of criticism of the Congress for passing stimulus legislation aimed at economic recovery. It is not a criticism of that. A lot of that stimulus spending is necessary and is lifting the economy and creating an asset and people in jobs or putting people back to work. I think that makes sense. But it also makes a lot of sense for all of us to very carefully scrutinize how this is done, where it is done, whether it is a good investment, and whether it is fair to the taxpayers.

I will say again, I appreciate the fact that the Secretary is doing this review. I give her credit for doing that. My hope is that at the end of the review, she will conclude, as I do, that we cannot spend money that way. Those requirements that were created in 2002 or 2006 were excessive. You can have adequate security at these small ports that have five vehicles coming through per hour, without spending $15 million to demolish and rebuild each of these facilities. It is simply too much money.

I understand that perhaps some people in my State will be a little upset if they stood to gain from nine of those ports being upgraded. I am all for making investments that are the right kinds of investments, to upgrade ports at the northern border. But I do not believe we ought to waste money, and I think that is what would happen with the requirements that were created in 2002 and 2006.

Let me make one final point. I can understand, perhaps, why someone might be tempted to create extraordinary requirements. In 2002, we were in the shadow of the terrorist attacks of 2001. I understand how that might have made somebody create a set of requirements that now seem to be way out of whack.

The fact is that we need to have a secure Northern border, but we also have to use common sense. If in 2002 and 2006 there were design specifications drawn up that today would cost $15 million per port of entry, at facilities that receive only a few vehicles per day, I say this needs to be carefully reviewed. Let's now review those judgments and make sure that we are truly increasing border security, and that we are not wasting the taxpayers' money.

I wanted to reiterate that my statements yesterday were not a general comment on the Economic Recovery Act. A lot of good, important investments are being made that create jobs and create real assets for this country. But I think all of us should be vigilant and look at situations such as this and where change is necessary, to require and make those changes. In this case, I believe the right kind of change could save a couple of hundred million dollars, and I think that is important. Even if that saving and less spending comes in my State, I believe that is important.

Years and years ago, a Federal courthouse was to be built in my State. I believed the amount of money that was proposed to build it was twice as much as was necessary, and here in Congress I cut the money in half. In the end, they built a perfectly good courthouse for slightly less than half of the funds that had been originally proposed. I think all of us have stewardship requirements to the taxpayer, and that is why I wanted to amplify on what I talked about yesterday.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering H.R. 2996, Interior Department appropriations.

Mr. LEAHY. Am I correct that at 12:30 we will go to the nomination of Judge Gerard Lynch to the U.S. Court of Appeals for the Second Circuit?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, prior to going to that, I ask unanimous consent that I be able to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO HAROLD HOWRIGAN

Mr. LEAHY. Mr. President, I rise today to remember one of Vermont's greatest citizens, dairy farmer, and American, my good friend, Harold Howrigan.

Harold passed away at the age of 85 at his home in Fairfield, VT, on September 7, 2009. He was surrounded by his loving family, long and extended and wonderful family.

Harold was a family man. This large extended family included his wife of 56 years, Ann, and three sons and two daughters, 12 grandchildren. He had an optimist's outlook on life. He had a knack for storytelling that cast a spell over everyone in his presence.

Many of his stories were about growing up in a family with nine other siblings, reared by William and Margaret

Howrigan on their hillside farm in Vermont. I can think of more than one occasion when Marcelle and I would be there. We would be listening to one of these stories, and I knew that we might be late for the next thing, but I didn't want it to end. I wanted to hear what else he had to say.

Harold was a man who seemed to accomplish more each year than most of us do in a lifetime. He built his Fairfield, VT farm to over 1,000 acres, including the land that had been worked by his family since the mid 1800s.

It is now tended by the next generation of Howrigans. I remember him as a dynamic man, as genuinely comfortable in his public duties as he was in the dairy parlor or out splitting wood. In addition to running the farm and tending to the family he loved so much, he accepted leadership roles in dozens of civic and agricultural organizations from local to national in scope. He moderated the Fairfield town meeting right up to this year. The town meeting is a sacred institution in Vermont. A town wants to make sure they have the very best and the fairest and the most knowledgeable to be their moderator. It also helps when you have somebody with an Irish sense of humor. This is a position of distinction in any Vermont town.

He was director of the St. Alban's Cooperative Creamery for 25 years and president for another 20. He was appointed by three Governors, both parties, to the Vermont Milk Commission. He was also a local and national leader among maple sugar makers. He served on University of Vermont advisory boards and on county commissions. All the while he tended the fire in the Fairfield sugar house each year and he got the cows milked each day and sang for 60 years on the choir at church. The church, of course, is named, as you would expect in a town full of Irish immigrants and descendants, St. Patrick's.

Nationally, he was a director of the National Milk Producers Federation for 20 years and chairman of the National Dairy Board. In addition to his work on dairy, he was a local and national leader for the maple industry, a prolific sugar maker. I know Marcelle and I and our children, when we were having something at the farm that called for maple syrup—and in our family, that is just about anything from English muffins to pancakes—everybody's eyes would light up if we knew it was Howrigan syrup.

Notwithstanding his prodigious service to his community, his profession and his country, his greatest impact was probably felt through his personal relationships with his family and what he considered, I think, all of Vermont, his extended family. As a friend, he was a trusted adviser on agricultural issues over several decades. I know Senator Jeffords also valued his friendship and advice and Governors consulted him regularly. But as dad and grandpa to a large, active family, he cultivated two new generations of Vermont dairy farmers and maple sugar makers.

We could talk about all the different things he did, but it still does not give a picture of the man. He was known for a deep and spirited Irish pride, a sentiment I obviously share. I find myself comparing that other great Irish American and dear friend, Teddy Kennedy, whose recent loss I also mourn. But I also treasure the trip my wife Marcelle and I took with Harold to Ireland. There he felt he was truly in the Promised Land. We would walk about the streets of Dublin or small towns nearby. He was so proud of his family's Irish heritage, he never stopped smiling throughout his visit.

The day of his funeral, last week, Marcelle wore an Irish pin we purchased with him in Ireland. I, of course, wore a green tie in his honor. I watched his grandsons wearing some of the Irish ties Harold had owned. I listened to his son and daughter and grandchildren talk about him, capturing him in his stories and his nature. I think about the very last conversation I had with him just weeks before he died. In all these things, he never asked for anything for himself. He always asked me to watch out for other people. He led by quiet example and hard work and kindness and love.

I, along with the State of Vermont and many across the United States and across the Atlantic, will miss Harold. He was a dear friend, truly a great American. Similar to all Vermonters, I express my sympathy to his family and I say: Goodbye, Harold, my dear friend.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF GERARD E. LYNCH TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate, equally divided, between the Senator from Vermont and the Senator from Alabama or their designees.

The Senator from Vermont.

Mr. LEAHY. Mr. President, today the Senate finally considers the nomination of Gerard Lynch to the Second Circuit. I take particular interest in this because my own State of Vermont is part of the Second Circuit. I am a member of that bar, and I have argued cases before that court.

This is a nomination reported out of the Judiciary Committee over 3 months ago, on June 11 unanimously by voice vote. There were no dissents. When that occurred and the ranking Republican member said such glowing things about Judge Lynch, I assumed his nomination was going to be confirmed right away as we did with President Bush's nominations in similar situations. Now it is nearly 3 months later. In almost unprecedented fashion, someone who has had the strong support of both the chairman and ranking Republican of the committee is still on the Executive Calendar.

Judge Lynch has served as a highly respected Federal judge from New York for almost a decade. He has impeccable legal credentials. His nomination received the highest possible rating from the ABA's standing committee on the Federal judiciary, unanimously voted ''well qualified.''

The Senate can and must do a better job of restoring our tradition, a tradition followed with Republican Presidents and Democratic Presidents, of regularly considering qualified, noncontroversial nominees to fill vacancies on the Federal bench without needless and harmful delays. We should not have to overcome filibusters and spend months seeking time agreements to consider these nominations. The American public wonders what is going on here.

It is imperative that we move to fill the growing number of vacancies throughout the Federal courts. These vacancies have already risen to over 90, including 21 on the circuit courts. I have been here with six Presidents. I cannot remember a time we have been this late in the year and, even though nominations have been made, nobody has been confirmed, all because of holds by the Republicans. Do they object so much to having President Obama as President that they will hold up well-qualified judges? These are supposed to be nonpartisan, outside the political area.

This alarming spike in vacancies is only further fueled by delays and inaction. In addition, 26 future vacancies have been announced. At this rate, as I said at the judicial conference this week with the Chief Justice and leaders of the Federal judiciary, the Federal judicial vacancies will soon be close to 120 unless we start acting on these nominations in a responsible and fair manner. These nominations should not be something where Republicans or Democrats might score political points. Our inaction on these nominations hurts the average American. They do not care about the politics. They want Federal courts that are going to work. They do not want cases delayed because we have vacancies in

the Federal court that we could easily be filling.

I do not think most Americans, when they go into a court, say: I am here as a Republican or a Democrat. They go in and say: I am here as a plaintiff or defendant. They are there to seek justice, not to find out there is nobody in the courthouse because the minority party does not want President Obama filling vacancies.

During the last Presidency, we worked very hard to fill vacancies. When I chaired the Senate Judiciary Committee and we had a President of the other party, we were able to reduce overall vacancies by two-thirds, from over 100 down to 34. We were able to reduce circuit court vacancies to single digits. Today, because we are blocked from getting judges through, because Republican Senators will not give this Democratic President the same courtesies we gave a Republican President, those vacancies have nearly tripled. In the 17 months I served as Senate Judiciary Committee chairman during President Bush's first term, the Senate confirmed 100 of the President's judicial nominations. So far this year, 9 months into the year, we have not confirmed a single Federal district judge or circuit judge. In fact, Judge Lynch will be the first.

Despite the fact that President Obama sent his first judicial nomination to the Senate 2 months earlier than President Bush, despite the fact that judicial nominees have the support of Republican home State Senators, despite the fact that the Judiciary Committee has reported favorably five judicial nominees to the Senate for final action, and despite the fact that judicial nominees have been pending on the Senate calendar for more than 3 months, we have not been able to reach agreement before today to vote on a single judicial nominee for either a district court or a circuit court.

The first of President Obama's nominations, that of Judge David Hamilton to the Seventh Circuit, was made in March. It has been on the Executive Calendar since early June, despite the support of the most senior of Senate Republicans, Senator LUGAR. The nomination of Judge Andre Davis on the Fourth Circuit was reported by the committee on June 4 by a vote of 16 to 3 but has yet to receive Senate consideration. We should not further delay Senate consideration of these well-respected, mainstream Federal judges.

During the last Congress, we reduced Federal judicial vacancies from 10 percent, under Republican control of the Senate during the Clinton administration, to less than half that level. We cut circuit vacancies from 32 to less than 10 last year. Ironically, during President Bush's two Presidential terms, more nominees were confirmed with a Democratic Senate majority than a Republican majority, and in less time. I am urging Republican Senators to work together with the President to fill vacancies on the Federal bench.

I hope that Republican Senators do not seek to return to the practices of the 1990s that more than doubled circuit court vacancies. The crisis they created led to public criticism of their actions by Chief Justice Rehnquist during those years. It is not a good sign that already this year Republican Senators threatened a filibuster of the Deputy Attorney General and pursued five filibusters, including one for Elena Kagan, the Solicitor General, one for Harold Koh to be the Legal Adviser to the State Department, and another that was finally broken just last week on Cass Sunstein, who heads the White House Office of Management and Budget's Office of Information and Regulatory Affairs. Nor is it a good sign that in March every Republican Senator signed a letter to the President threatening filibusters of his judicial nominees before they were even nominated.

We are supposed to be the conscience of the Nation in the Senate. If a Senator does not like a particular nominee, vote against him or her. But these are nominees that will probably pass unanimously.

I hope, instead, that both sides of the aisle will join together to treat the nominees of President Obama fairly. I made sure that we treated President Bush's nominees more fairly than President Clinton's nominees had been treated. We should continue that progress rather than ratcheting up the partisanship and holding down our productivity with respect to Senate consideration of judicial nominations. Our demonstrated ability to work together to fill judicial vacancies will go a long way toward elevating public trust in our justice system.

Another troubling sign is the refusal of every Republican Senator to cosponsor the comprehensive judgeship bill. Last week I reintroduced that legislation embodying your nonpartisan recommendations for 63 judgeships needed around the country. Not a single Republican Senator would cosponsor the bill. Even traditional cosponsors with whom I have worked for years would not join. Not one of the 18 Republican Senators whose states would benefit from additional judges yet supports the bill. For that matter, Republican Senators obstructed the hearing on a similar bill last summer, after they had requested the hearing. As we pass legislation that is leading to increased workloads in the Federal courts, we need to be cognizant of the increasing workloads and needs of the Federal courts.

Judge Gerard Lynch began his legal career as a Federal prosecutor in the U.S. Attorney's Office for the Southern District of New York, where he investigated and prosecuted white collar and political corruption cases, and argued complex criminal appeals. Through his exemplary hard work and considerable skill, he rose to be chief of the criminal division in the Southern District of New York, where he managed the office's criminal cases and supervised well over 130 Federal prosecutors. Judge Lynch has also served as a part-time associate counsel for the Office of Independent Counsel and as a counsel to a Wall Street New York law firm.

He also has impeccable legal credentials. Judge Lynch graduated summa cum laude and first in his class from both Columbia Law School and Columbia University. He clerked for Justice Brennan on the Supreme Court of the United States and Judge Feinberg on the Second Circuit Court of Appeals. Judge Gerard Lynch began his legal career as a Federal prosecutor in the U.S. Attorney's Office for the Southern District of New York, where he investigated and prosecuted white collar and political corruption cases, and argued complex criminal appeals. Through his exemplary hard work and considerable skill, he rose to be chief of the criminal division in the Southern District of New York, where he managed the office's criminal cases and supervised well over 130 Federal prosecutors. Judge Lynch has also served as a part-time associate counsel for the Office of Independent Counsel and as a counsel to a Wall Street New York law firm.

He also has impeccable legal credentials. Judge Lynch graduated summa cum laude and first in his class from both Columbia Law School and Columbia University. He clerked for Justice Brennan on the Supreme Court of the United States and Judge Feinberg on the Second Circuit Court of Appeals.

While maintaining a full judicial caseload, Judge Lynch has also been a distinguished legal scholar who has received praise as one of the country's outstanding law professors. For over 13 years, he taught criminal law, criminal procedure, and constitutional law as the Paul J. Kellner Professor of Law at Columbia University's School of Law. For 5 years, Judge Lynch also served as the vice dean of that fine legal institution. He is nationally known as a criminal law expert and has received numerous honors, including the distinction of being the first law professor to receive Columbia University's President's award for outstanding teaching.

Judge Lynch's nomination has received numerous letters of support, including strong endorsements from public officials and law professors across the political spectrum. Otto G. Obermaier, who served as President George H.W. Bush's U.S. attorney for the Southern District of New York, supports Judge Lynch's candidacy to the Second Circuit and called him a person of ''superior judgment and intelligence'' who is ''intellectually gifted.'' Professor Henry P. Monaghan, the Harlan Fiske Stone Professor of Law at Columbia University, writes that Judge Lynch ''is everything you want in a judge: fair, tough-minded, enormously experienced, highly intelligent, and apolitical'' and his addition to the Second Circuit would ''strengthen'' that court. He has the support of the Senators from New York.

I congratulate Judge Lynch and his family on his confirmation today.

Mr. President, I suggest the absence of a quorum.

I withdraw that request. I see the distinguished senior Senator from New York in the Chamber, a man who works so extremely hard in the Senate Judiciary Committee, who has worked night and day for Judge Lynch, who has made sure we all realize what impeccable credentials he has.

I yield to the Senator, but I ask, first, unanimous consent that if there are quorum calls, the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, first, I thank our chairman and leader, Senator LEAHY, for not just moving this very qualified nominee forward but for his diligence and steadfastness and patience as we try to move judges to the floor. Senator LEAHY, as everyone in this Chamber knows, is a very fair-minded person. He always goes out of his way to allow people to have their time to speak. We had this in the Judiciary Committee this morning. He has done an amazing job trying to move our judges through. I hope those on the other side of the aisle will hear his heartfelt plea that we stop all these dilatory tactics.

Having said that, today is a very good day because I am so pleased to rise in favor of the nomination of the first appointment by President Obama to a Federal appellate court that this body will consider. If Judge Gerard Lynch is any indication of the quality and temperament and intellectual firepower of judges whom President Obama intends to nominate, then my friends on both sides of the aisle should have reason to rejoice today.

As Chairman LEAHY has already noted, Judge Lynch was referred out of committee by a unanimous voice vote. Even my friend and colleague Ranking Member SESSIONS was able to support Judge Lynch despite having opposed his nomination to the district court bench in 2000.

Judge Lynch, who currently sits as a U.S. district judge in the Southern District of New York, comes to us today for confirmation much as he did in 2000 for his first confirmation: with an unimpeachable record of moderation, consistency, intelligence, and dedication to exploring all facets of complex legal questions. But since then, he has amassed an impressive record of moderation and thoroughness. In his 9 years on the bench, he has issued nearly 800 opinions, has tried nearly 90 cases to verdict, and has been overturned by the Second Circuit only 12 times—and one of those times, the Second Circuit was, in turn, reversed by the U.S. Supreme Court.

There should not be any doubt that Judge Lynch is not an ideologue. His opinions and his writings show moderation and thoughtfulness. He is pragmatic. His peers and those who practice before him have found him to be both probing and courteous—in sum, very judicial in his temperament.

In response to questions before the Senate Judiciary Committee in 2000, Judge Lynch said:

> A judge who comes to the bench with an agenda, or a set of social problems he or she would like to solve, is in the wrong business.

As his record has shown, Judge Lynch is in the right business.

I have said many times that my criteria for selecting good judges are three: excellence—they should be top of the line legally; moderation—judges should not be too far right or too far left; and diversity.

As is somewhat known, despite the fact that President Bush and I clashed on Supreme Court nominees and some of these circuit court nominees, within New York and within the Second Circuit we had a very amiable arrangement where he would nominate two and then we would get—Senator Clinton and I would get to nominate one. We each had veto power on the other.

I am proud to say that Judge Lynch was one of my first choices to put on the district court bench. It was because of the recommendations of his peers, the lawyers with whom he practiced, and just how good the general legal community thought he was.

That stands true today. He still, more than ever before, meets the qualifications of excellence, moderation, and diversity.

There is no question of his excellence. He was first in both his classes at Columbia, undergraduate and law school—first, not even second or third. Pretty good. His opinions are scholarly, and one that was overturned by the Second Circuit was lauded by the panel as ''a valiant effort by a conscientious district judge.''

There is also no question that Judge Lynch is, in fact, a moderate. His impressively low reversal rate should give the lie to any argument that he is outside the legal mainstream.

Now, the rap on Judge Lynch in 2000 among those 36 who voted against him was that he would be an ''activist.'' This view rose from out-of-context outtakes from two law review articles he had written. I repeat now what I said then: In both of these articles, then-Professor Lynch expressed the moderate view that the Constitution cannot as a practical matter remain frozen in the 18th century—the Constitution should not be expanded but it must be interpreted.

To illustrate my point about why Judge Lynch should be accepted as a paragon of moderation, I want to read two quotes.

First:

> Text is the definitive expression of what was legislated.

Second:

> A text should not be construed strictly, and it should not be construed leniently; it should be construed reasonably, to contain all that it fairly means.

The second quote was written by Associate Justice Antonin Scalia. The first quote was from our nominee, Judge Lynch.

So the entirety of Judge Lynch's copious opinions and rulings bears out the conclusion that he does not intend to legislate from the bench. He has been the definition of law enforcing and justice seeking. He has ruled for the State against prisoners, but he has also ruled that the State must protect the due process rights of those it seeks to detain. He has sentenced defendants convicted of horrible crimes to life without parole, and he has also expressed concern when he thinks a sentence might be too long—while imposing the sentence in complete accordance with the law. He has issued complex and scholarly opinions in securities and antitrust cases. Judge Lynch imposed the sentence that was required by law.

In sum, Judge Lynch is excellent, and he represents moderation.

Now let me say a word about diversity. Judge Lynch obviously is not a nominee who fits this bill. But I want to note another kind of diversity that I believe deserves mention. Before he went on the bench, Judge Lynch sought out opportunities to be more than a smart professor living in an ivory tower. He spent 5 years in the U.S. Attorney's Office in the Southern District of New York as Chief of the appellate section and Chief of the Criminal Division. He worked as counsel to a prominent law firm. He took numerous pro bono cases. In short, he lived the life of a real lawyer while teaching and writing. Driven by his own conscience, he even registered for the draft during the Vietnam war rather than seek a college deferment. Very few do that. This is someone who has sought out a diversity of experiences which he now brings to the table as a judge.

I look forward to this new chapter in Judge Lynch's service to our country. I hope he will get a unanimous vote, or close to it, from the Members of this Chamber.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. CASEY. Mr. President, as you can tell from the chart on my left, I rise today to speak about the issue that is probably the No. 1 challenge we face in the Congress today, which is debating and devising solutions for the improvement of our health care system in so many ways. I rise today to talk about some aspects of that and especially not only where we are headed in terms of focusing on both those with insurance and those without insurance but also to focus on some of the goals here.

From the beginning, both President Obama and Members of Congress have focused on a couple of priorities—first of all, to reduce costs. We cannot go forward with any health care bill that does not do that, and I think we will do that.

We have to reduce costs, but we also have to ensure choices. We have to continue to give the American people the kind of choice they should have a right to expect and give them a sense of a peace of mind in terms of what that choice will mean. We ought to make sure this bill, for example, leads to the following conclusion: You get the treatment you need from the doctor you choose. I think we can do that in the Congress.

Thirdly, I think we have to make sure, as we are controlling costs and ensuring choice, that we ensure quality and that we put both quality and prevention in the final bill. They are in the bill I voted for already this summer.

The Health, Education, Labor, and Pensions Committee, as people know, debated all summer, with hours and hours and hours of debate, accepting Republican and Democratic amendments, sometimes not agreeing, but we voted out a bill that did a lot of what I just talked about. It focused on making sure we are covering more Americans. It protected Americans who have coverage.

So many people, as the Presiding Officer knows—whether it is in the State of Illinois or the State of Pennsylvania or any State in the country—even those with insurance, are not secure, even those with insurance feel a sense of instability, a lack of control over their own destiny, sometimes because an insurance company says: We are going to deny you coverage because of a preexisting condition. Why have we permitted that? Why have we tolerated that year after year? Instead of just talking about preventing them from doing that, why haven't we literally made it illegal for an insurance company to do that? We are going to make sure this year we do not just talk about it but we legislate about it and make that part of our law.

So we will go through some of those issues, but the first thing I want to highlight is where we are headed if we do not do anything.

There are some people in Washington who, to be candid or blunt about it, want to scratch their heads for a couple more years or maybe 10 more years.

Here, as shown on this chart, is where we are headed by one estimation. The New America Foundation is the source for this information. But here we are in 2008. When you talk about the cost of an annual premium, OK, it is roughly—and actually we found out the other day that number is a little higher—we can say it is a little more than $13,000 for family coverage. If you look between 2008 and 2016—just 8 years in that estimation, and we are already into 2009—that premium will rise by more than 83 percent. Why should we allow that to happen when we know we can do something about it this year? So that is one way to look at this in terms of the cost of doing nothing.

Also, often people with insurance will say: Well, I have some problems with my insurance. I worry about a preexisting condition, I worry about exorbitant out-of-pocket costs, and I am glad you are working on that and I will support that part of the bill. But they say: Look, if I have coverage, I am worried about giving millions of more Americans coverage without some adverse effect to those who have coverage.

Well, let's look at this chart for a little bit of a discussion about this topic: families paying 8 percent surcharge on premiums. If we look at this chart, what this red or red-orange part of the chart shows is a $1,100 hidden tax to cover the cost of uncompensated care for the uninsured. So the idea that those with insurance right now are not paying for those without insurance is ridiculous. Fortunately, in Pennsylvania, that number is a little lower, but it is still 900 bucks. So the idea that somehow if we change the system, improve the existing system, build upon what works but improve the system, that somehow that is going to adversely impact in a cost sense those with insurance—the Center for American Progress did this research—this chart and others show if you have insurance today, you are paying for those without insurance. Right now you are paying for them. We know that right now.

So, if anything, broadening the number of Americans who have coverage will actually reduce costs. It will be one of the contributors, I should say, of reducing costs—not the only way but one of the ways we do that.

Let me go to the next chart which is a depiction in very simple colors, red and green, about what the existing system does adversely as it relates to women. There are a lot of things that insurance companies do today that we don't like and we have complained about, but now we can do something about it. One is a preexisting condition problem and another one is the out-of-pocket costs and another one is how often insurance policies definitively discriminate against some Americans.

This map shows in the orange or red section: gender rating allowed. In other words, insurance practices that lead to policies in States that result in discrimination against women. So you want this chart to show all in the green States where gender rating is banned.

What we would like to do with our legislation, one of the goals—and it is in our bill and in the bill we passed this summer, the Affordable Health Choices Act—is to make sure the whole country is green on this issue, green in the sense that we have banned gender rating; that an insurance company can't say, when they are trying to determine how they make up their policy, that if you happen to be a woman, a policy would discriminate against you.

Unfortunately, Pennsylvania is a State that has permitted this discrimination, along with all of these other States. So we ought to have a national standard. Very simply: No more discriminating insurance policies against women. It is that simple, folks.

What I voted for this summer in the bill we passed was this, along with other provisions. So that is something we shouldn't just talk about for another year or 2 or 5 or 10; let's do something about this now. Let's make this practice illegal this year, and we can do it with the legislation.

The next one is an enlarged version of some language. I mentioned preexisting conditions in my remarks today, and we are going to keep mentioning this because this is a reality for millions of Americans in the individual market, the people who have to go it alone. They are not part of the big pool of people getting insurance. They have to go it alone to get insurance. They are the ones who are often most adversely affected by preexisting conditions. Why should we tolerate that?

The other point about this chart is, I purposefully put legislative language on it because a lot of people here want to say: Well, this legislation and language gets complicated. Admittedly, some of it does, but this is pretty easy. This is in the bill we passed this summer. I will just read this one sentence. Anyone can understand this. This isn't some complicated legislative language:

> A group health plan and a health insurance issuer offering group or individual health insurance coverage may—

We know what they are; we know exactly what we are talking about here—

> not impose any preexisting condition exclusion—

That is in our bill—

> with respect to such plan or coverage.

Let's do it this year. Let's make it illegal for insurance companies to do this to an individual or to a family or to those who happen to be employees of a small business.

So some of this debate gets lost in detail, but this is very simple language taken right out of the bill.

Let's go to the next one and our final chart before I conclude. I am going to spend more time on this issue, but I just wanted to spend a couple of minutes on this issue.

What happens at the end of this road with regard to health care as it pertains to children, especially children who happen to be poor or children with special needs? What will happen? At the end of the road, when we pass a bill and send it to the President and he signs it—and that is what I hope will happen, of course—will poor children and children with special needs be better off or worse off? That is still a question. That is still an open question we are debating right now.

Children are different than those of us who happen to be adults. They are not smaller versions of adults; they are different. Their treatment needs are different. We have to give them different kinds of preventive care. In Medicaid, for example, we give what they call early periodic screening and diagnostic testing, known by the acronym EPSDT. We focus on the special needs of children and give them early diagnosis, early treatment. That is what I am talking about in general. So they aren't small adults. It seems like a simple concept, but we have to say it more than we do. It is clear they have different needs, particularly the ones who are the most disadvantaged. The poor are the ones who could potentially be a lot sicker with the threat of sickness and disease. We make sure they get the highest quality care throughout their childhood. That is a resolution I introduced as a statement of policy.

So we are going to continue to debate not just a question of bringing down costs—that is central to what we are trying to do—not just a question of quality, and not only the question of enhancing choice and giving people some stability over their own lives with insurance and those who don't have insurance, giving them some affordable choices—that is all important, and we are going to spend a lot more time on those questions, but another question we have to address is, what happens at the end of the road for poor children or children with special needs?

The rule ought to be very simple: No child in those categories, no child worse off. Four words: No child worse off at the end of this.

So we will have a lot more time to continue to debate the legislation and a lot of these important issues. I think the American people want us to act. They don't want us to just debate and not get something done.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISSILE DEFENSE

Mr. McCAIN. Mr. President, I rise today to express my deep disappointment with the administration's decision to cancel plans for fully developing missile defenses in Eastern Europe. This decision calls into question security and diplomatic commitments the United States has made to Poland and the Czech Republic. I believe it has the potential to undermine American leadership in Eastern Europe.

Given the strong and enduring relationships we have forged with the region's Nations since the end of the Cold War, we should not take steps backward in strengthening these ties. Yet I fear the administration's decision will do just that, and at a time when Eastern European nations are increasingly wary of renewed Russian aggression.

The administration's decision to abandon these sites comes at a time when the United States is in the midst of negotiations with Russia on reducing strategic nuclear weapons. Russia has long opposed the planned missile defense sites in Europe and has on numerous occasions tried to link reductions in offensive strategic nuclear arms with defensive capabilities such as missile defense. In fact, President Putin, on many occasions, has stated in very belligerent tones his opposition to this agreement that was already made between the United States and Poland and the Czech Republic.

The United States should reject the Russian attempt to further this argument and capitalize on these ongoing negotiations.

As rogue nations, including North Korea and Iran, push the nuclear envelope and work tirelessly to develop weapons capable of reaching America and its allies, we must aggressively develop the systems necessary to counter such belligerent efforts and enhance our national security, protect our troops abroad, and support our allies. Enhancing missile defense capabilities in Europe is an essential component to addressing threats we currently face and expect to face in the future. As Iran works to develop ballistic missile capabilities of all ranges, the United States must reaffirm its commitments to its allies and develop and deploy effective missile defense systems.

I wish to point out two important factors. The United States of America does not believe missile defense systems are in any way a threat to any nation. They are defensive in nature, and I believe they were a key component and factor in ending the Cold War.

Intelligence assessments apparently have changed rather dramatically since January 16. According to Eric Edelman, the Under Secretary of Defense for Policy under Secretary Gates during the Bush administration, intelligence reports on the Iranian threat as recently as January of this year were more troubling than what is being portrayed by the current administration. Mr. Edelman maintains that:

> Maybe something really dramatic changed between January 16 and now in terms of what the Iranians are doing with their missile systems, but I don't think so.

You know what. I don't think so either. I think the fact is that this decision was obviously rushed. The Polish Prime Minister, according to news reports, was called at midnight. The agreement was made and ratified by these countries after consultation, discussion, and a proper process. They were not even notified of this decision. The decision to abandon the missile defense sites in Poland and the Czech Republic came as a surprise to them.

I understand that administration officials were on a plane supposedly to arrive in Poland today. I might add that Members of Congress were also not briefed on this decision prior to reading about it in the newspaper. I was not informed. I didn't know what ''new technology'' was being recommended to be put in the place of the agreement. As short a time ago as August 20, the United States said:

> The United States is committed to the security of Poland and of any U.S. facilities located on the territory of the Republic of Poland. . . . The United States and Poland intend to expand air and missile defense cooperation—et cetera.

We all know the Iranian ballistic missile threat is real and growing. We all know the administration is seeking the cooperation and help of the Russians. Now we will see. Now we will see.

Why was this agreement rushed into—or the abrogation of an agreement? Why the abrogation of this agreement between the United States with Poland and the United States with the Czech Republic rescinded in such a dramatic and rushed fashion? We all know the Iranian ballistic missile threat is real and growing. How many times have the ''intelligence estimates'' been wrong dating back to and including the Cold War? As many times as they have been right, I tell my colleagues—whether it be their assessment about the war in Iraq or whether it be the capabilities of many of our adversaries, including the Korean buildup, which we have been consistently wrong on.

The last administration reached out to the governments of Poland and the Czech Republic and asked that they make what many at the time perceived as an unpopular agreement. Despite threats from Russia, both governments recognized the importance such a defense capability would provide to their citizens and to Europe as a whole and agreed to allow the United States to place ground-based interceptors in Poland and a midcourse radar site in the Czech Republic. What are these countries going to do the next time we want to make an agreement with them, in view of the way this decision was made and announced or, shall I say, made known to the media before they were even told about it. It will be very interesting to see what we get in return.

According to a Christian Science Monitor's global news blog:

> ''We see this as a pragmatic decision,'' says Pavel Zolotaryov, deputy director of the official institute of USA-Canada Studies, suggesting that internal U.S. factors mainly account for Mr. Obama's choice. ''Obama's sober approach is understandable, given the [economic] crisis, because this project would have given nothing but trouble.''
>
> If it sounds like Moscow has already discounted this sweeping strategic concession from Washington, experts suggest that's because Russia's foreign policy establishment had been expecting such a decision, at least since Obama hinted that he might give up the missile defense scheme during his summit with Russian President Dmitry Medvedev in Moscow last July.
>
> ''We've been getting signals since last Spring that made it seem almost certain that the missile defense plan would be set aside,'' said Fyodor Lukyanov, editor of Russia in Global Affairs, a leading Moscow foreign policy journal.

The Russians seem to have anticipated this decision. Unfortunately, the

Polish Government and the Czech Government did not. Members of Congress were certainly not informed of this decision until after reading about it in the media. That is not the way to do business. I think it sends the wrong signal to the Russians and to our friends and allies.

There are consequences with every decision. I believe the consequences of this decision may—albeit unintentionally—encourage further belligerence on the part of Russians and a distinct lack and loss of confidence on the part of our friends and allies in the word of the United States and the commitments of the United States of America.

I ask unanimous consent that articles in the Wall Street Journal and the Christian Science Monitor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 17, 2009]

U.S. TO SHELVE NUCLEAR-MISSILE SHIELD—DEFENSE PLANS FOR POLAND, CZECH REPUBLIC TO BE DROPPED AS IRAN ROCKET THREAT DOWNGRADED; MOSCOW LIKELY TO WELCOME MOVE

(By Peter Spiegel)

WASHINGTON.—The White House will shelve Bush administration plans to build a missile-defense system in Poland and the Czech Republic, according to people familiar with the matter, a move likely to cheer Moscow and roil the security debate in Europe.

The U.S. will base its decision on a determination that Iran's long-range missile program has not progressed as rapidly as previously estimated, reducing the threat to the continental U.S. and major European capitals, according to current and former U.S. officials.

The findings, expected to be completed as early as next week following a 60-day review ordered by President Barack Obama, would be a major reversal from the Bush administration, which pushed aggressively to begin construction of the Eastern European system before leaving office in January.

The Bush administration proposed the European-based system to counter the perceived threat of Iran developing a nuclear weapon that could be placed atop its increasingly sophisticated missiles. There is widespread disagreement over the progress of Iran's nuclear program toward developing such a weapon, but miniaturizing nuclear weapons for use on long-range missiles is one of the most difficult technological hurdles for an aspiring nuclear nation.

The Bush plan infuriated the Kremlin, which argued the system was a potential threat to its own intercontinental ballistic missiles. U.S. officials repeatedly insisted the location and limited scale of the system—a radar site in the Czech Republic and 10 interceptor missiles in Poland—posed no threat to Russian strategic arms.

The Obama administration's assessment concludes that U.S. allies in Europe, including members of the North Atlantic Treaty Organization, face a more immediate threat from Iran's short- and medium-range missiles and will order a shift towards the development of regional missile defenses for the Continent, according to people familiar with the matter. Such systems would be far less controversial.

Critics of the shift are bound to view it as a gesture to win Russian cooperation with U.S.-led efforts to seek new economic sanctions on Iran if Tehran doesn't abandon its nuclear program. Russia, a permanent member of the U.N. Security Council, has opposed efforts to impose fresh sanctions on Tehran.

Security Council members, which include the U.S. and Russia, will meet with Iranian negotiators on Oct. 1 to discuss Iran's nuclear program.

Current and former U.S. officials briefed on the assessment's findings said the administration was expected to leave open the option of restarting the Polish and Czech system if Iran makes advances in its long-range missiles in the future.

But the decision to shelve the defense system is all but certain to raise alarms in Eastern Europe, where officials have expressed concerns that the White House's effort to ''reset'' relations with Moscow would come at the expense of U.S. allies in the former Soviet bloc. ''The Poles are nervous,'' said a senior U.S. military official.

A Polish official said his government wouldn't ''speculate'' on administration decisions regarding missile defense, but said ''we expect the U.S. will abide by its commitments'' to cooperate with Poland militarily in areas beyond the missile-defense program.

Last week, Russian Foreign Minister Sergei Lavrov said he expected the Obama administration to drop the missile-defense plans. He said that Moscow wouldn't view the move as a concession but rather a reversal of a mistaken Bush-era policy.

Still, the decision is likely to be seen in Russia as a victory for the Kremlin. Russian President Dmitry Medvedev will meet with Mr. Obama at next week's meetings of the U.N. General Assembly and Group of 20 industrialized and developing nations.

Although a center-right government in Prague supported the Bush missile-defense plan when it was first proposed, the Czech Republic is now run by a caretaker government. A Czech official said his government was concerned an announcement by the White House on the missile-defense program could influence upcoming elections and has urged a delay. But the Obama administration has decided to keep to its original timetable.

European analysts said the administration would be forced to work hard to convince both sides the decision wasn't made to curry favor with Moscow and, instead, relied only on the program's technical merits and analysis of Iran's missile capabilities.

''There are two audiences: the Russians and the various European countries,'' said Sarah Mendelson, a Russia expert at the Center for Strategic and International Studies. ''The task is: How do they cut through the conspiracy theories in Moscow?''

The Obama administration has been careful to characterize its review as a technical assessment of the threat posed by the Iranian regime, as well as the costs and capabilities of a ground-based antimissile system to complement the two already operating in Alaska and central California. Those West Coast sites are meant to defend against North Korean missiles.

The administration has also debated offering Poland and the Czech Republic alternative programs to reassure the two NATO members that the U.S. remains committed to their defense.

Poland, in particular, has lobbied the White House to deploy Patriot missile batteries—the U.S. Army's primary battlefield missile-defense system—manned by American troops as an alternative.

Although Polish officials supported the Bush plan, U.S. officials said they had indicated their primary desire was getting U.S. military personnel on Polish soil. Gen. Carter Hamm, commander of U.S. Army forces in Europe, said Washington has begun talks with Polish officials about starting to rotate Europe-based American Patriot units into Poland for month-long training tours as a first step toward a more permanent presence.

''My position has been: Let's get started as soon as we can with the training rotations, while the longer-term stationing . . . is decided between the two governments,'' Gen. Hamm said in an interview.

For several years, the Pentagon's Missile Defense Agency has been pushing for breaking ground in Poland and the Czech Republic, arguing that construction must begin so the system would be in place to counter Tehran's emerging long-range-missile program, which intelligence assessments determined would produce an effective rocket by about 2015.

But in recent months, several prominent experts have questioned that timetable. A study by Russian and U.S. scientists published in May by the East-West Institute, an international think tank, downplayed the progress of Iran's long-range-missile program. In addition, Gen. James Cartwright, the vice chairman of the Joint Chiefs of Staff and an expert in missile defense and space-based weapons, said in a speech last month that long-range capabilities of both Iran and North Korea ''are not there yet.''

''We believed that the emergence of the intercontinental ballistic missile would come much faster than it did,'' Gen. Cartwright said. ''The reality is, it has not come as fast as we thought it would come.''

It is not an assessment that is shared universally. Eric Edelman, who oversaw missile-defense issues at the Pentagon as undersecretary of defense for policy in the Bush administration, said intelligence reports he reviewed were more troubling.

''Maybe something really dramatic changed between Jan. 16 and now in terms of what the Iranians are doing with their missile system, but I don't think so,'' Mr. Edelman said, referring to his last day in office.

There is far more consensus on Iran's ability to develop its short- and medium-range missiles, and the administration review is expected to recommend a shift in focus toward European defenses against those threats. Such a program would be developed closely with NATO.

[From the Christian Science Monitor, Sept. 17, 2009]

RUSSIA'S RESPONSE TO U.S. MISSILE DEFENSE SHIELD SHIFT

(By Fred Weir)

MOSCOW HAS LONG OPPOSED A MISSILE SHIELD IN POLAND AND THE CZECH REPUBLIC. BUT THE U.S. SHOULDN'T EXPECT TOO MUCH IN RETURN

MOSCOW.—President Barack Obama's decision to shelve plans for a missile defense shield in Eastern Europe could be seen as a major concession to Moscow. But given years of vehement opposition to the controversial plan, Russian reaction to the move appears surprisingly lukewarm.

So what does it mean for U.S.-Russia relations?

There are indications that Russia might support tougher sanctions on Iran, and fresh START talks, as well as more cooperation with the war in Afghanistan. The Kremlin also expects the U.S. to back off on expanding NATO, say Russian analysts.

''We see this as a pragmatic decision,'' says Pavel Zolotaryov, deputy director of the official Institute of USA-Canada Studies, suggesting that internal U.S. factors mainly account for Mr. Obama's choice. ''Obama's sober approach is understandable, given the

[economic] crisis, because this project would have given nothing but trouble.''

If it sounds like Moscow has already discounted this sweeping strategic concession from Washington, experts suggest that's because Russia's foreign policy establishment had been expecting such a decision, at least since Obama hinted that he might give up the missile defense scheme during his summit with Russian President Dmitry Medvedev in Moscow last July.

''We've been getting signals since last Spring that made it seem almost certain that the missile defense plan would be set aside,'' says Fyodor Lukyanov, editor of Russia in Global Affairs, a leading Moscow foreign policy journal.

NEW ARMS DEAL NOW WITHIN REACH, BUT CONCESSIONS ON IRAN?

Mr. Lukyanov says the only predictable result of key importance is that negotiations for a new strategic arms reduction treaty to replace the soon-to-expire 1991 START accord are now likely to meet the December deadline for a fresh deal.

''Now we can be sure the new START agreement will be completed on time, because the vexing issue of missile defense and how it affects the strategic balance has been removed for the time being,'' he says. ''That's quite an important matter.''

But while Russian experts say the move can only contribute to a warmer dialogue between Moscow and Washington, they say no one should expect any reciprocal concessions from the Kremlin on issues of key concern to the U.S., such as Iran.

WHY RUSSIA HAS OPPOSED MISSILE DEFENSE

Washington has consistently argued since news of the proposed missile defense shield emerged in 2006 that it was intended to protect Europe and the U.S. from a rogue missile attack from Iran or North Korea and not to undermine Russia's strategic deterrent.

Moscow has retorted that those threats are merely theoretical, but Russia's dependence upon its aging Soviet-era nuclear missile force for its national security would be deeply affected if the American scheme were to go forward.

''Iran isn't going to have any long-range missiles in the near future anyway,'' says Alexander Sharavin, director of the independent Institute of Military and Political Analysis in Moscow.

''The U.S. evidently doesn't want to quarrel with Russia, now that Moscow is collaborating in such areas of importance to the U.S. as Afghanistan,'' where Moscow has enabled a resupply corridor through former Soviet territory to embattled NATO forces, and offered other forms of cooperation, he says.

RUSSIANS EXPECT ANOTHER U.S. CONCESSION—ON NATO EXPANSION

Mr. Lukyanov says ''it's possible'' Russia may be more pliable on the issue of tough sanctions against Iran, a measure it has strongly resisted in the past. He says that in a recent meeting with foreign policy experts, President Medvedev introduced a new tone by remarking on his contacts with Arab leaders who are deeply worried about Iran's alleged drive to obtain nuclear weapons.

''It may be that Russia will be more amenable, but this is a deeply complicated issue,'' he says. ''On Iran, and other regional conflicts, the differences between Moscow and Washington are deep, and that hasn't changed.''

Russian experts also say they believe the Obama administration will quietly set aside the other issue that has infuriated Moscow over recent years: the effort to expand NATO into the former USSR by including Ukraine and Georgia.

''I wouldn't expect any formal statements to this effect, but it's more or less clear that the issue of NATO enlargement is off the table for the time being,'' says Lukyanov.

POSTPONED, NOT CANCELED

So why isn't sunshine breaking and a new era of strategic accord dawning between Moscow and Washington?

''Nothing has been canceled, missile defense has just been postponed,'' says Lukyanov. ''For awhile this topic is off the agenda, but later it will return. So, for now the political situation may improve, but the underlying pattern of relations is unlikely to change in any basic way.''

And Russian hawks might see the dropping of the missile shield as weakness in Washington and press the Kremlin for even less compromise on key U.S.-Russia issues.

''I think the reaction of Russia's leadership will be positive on the whole,'' says Mr. Sharavin. ''But Russian hawks are very likely to find faults, and use this to build up their own positions.''

Who's the new right-wing prophet advising the Kremlin?

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 10 minutes and that the time be charged against Senator LEAHY's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL REGULATORY REFORM

Mr. TESTER. Mr. President, I rise to say a few words about an issue that has been front and center in my office for the past 12 months—reforming regulation of our financial markets.

I am a family farmer. In my neck of the woods, farmers usually don't sit around and talk about economic policy and Wall Street financial institutions.

But I do guarantee you that where I come from, everybody talks about common sense and why so much common sense seemed to be missing when America's financial industry almost collapsed a year ago.

Everyone in my State felt the impact of what happened when Lehman Brothers caved in, when Fannie and Freddie hit a dead end, when AIG went belly up, and when we saw daily headlines about bank mergers and bailouts.

We all paid a price because of a few greedy actors on Wall Street and no refs on the playing field. That price was $700 billion of taxpayer money. I opposed that bailout because it rewarded the wrong people, and I was concerned about its ability to create a single job for our small businesses or help one family farmer. I think it was a bad deal for Main Street.

Last year, I asked Treasury Secretary Paulson—a former chairman of Goldman Sachs—about why this happened. His answer: ''I don't know.''

Where I come from, answers such as that aren't good enough, and terms such as ''too big to fail'' don't make any sense at all. It is time to make some changes.

After what we have been through over the past year, it is clear we need to reform the rules that keep America's financial industry on our side.

How? Well, it is going to take a lot of hard work, honesty, and common sense.

We have already started. I have teamed up with some of my friends in the Senate, from both parties, to cosponsor the TARP Transparency Act. Our bill will better track the money being used to get the financial industry back on its feet because it is taxpayer money and because taxpayers deserve no less.

Over the course of the past year, the Senate Banking Committee has held countless hearings on regulatory modernization. The administration has put forth a good-faith effort in working with Congress in the massive legislative overhaul. Government has worked with the financial industry and consumers to outline the goals of sweeping new financial regulatory reform.

I don't believe comprehensive financial reform will guarantee we are safe from financial crises, but, if done right, it can provide folks with adequate protection, it can bring confidence back into the marketplace, and it can minimize the risk of a financial meltdown similar to the one we barely weathered last fall.

Unfortunately, there are those who don't believe comprehensive reform should be on the front burner. They are now lobbying to protect their own self-interests, their own profits, and the status quo over consumer protection.

That is why we need to use this 1-year anniversary as a reminder to act now to protect consumers and investors, to close the loopholes in our regulatory framework, and to ensure that no company is too big to fail.

We must regulate derivatives; supervise financial companies that have been outside the scope of regulation, thereby creating a level playing field; ensure that there is strong supervision of all financial firms—not just depository institutions; build on the bipartisan success of the credit card legislation and pass mortgage reform to protect consumers; combine the numerous banking regulators into a more simple, streamlined, commonsense structure that is capable of supervising 21st century financial institutions; create an entity that will protect taxpayers from future financial corporate failures and minimize the need for further government action; increase capital standards to prohibit institutions from growing too big to fail; and we must ensure that those companies selling mortgages and securities keep some skin in the game by holding onto a portion of the underlying asset to keep them honest.

As we move forward with regulatory reform, I will be working hard to eliminate any unintended consequences, specifically as it relates to community banks and credit unions.

In Montana, when we talk about the banking industry, we are talking about community banks and credit unions. They are the good actors. They don't live on the edge. They didn't get into the Wall Street shenanigans that caused this mess.

Montana's community banks and credit unions serve their towns and communities reliably and safely. We are fortunate in Montana to not have had a bank fail in over 10 years. We also have one of the lowest rates of mortgage defaults and foreclosures in the Nation. We have had very few problems as it applies to predatory subprime loans.

The community banks and credit unions are not the problem. I wish to make sure we do not place excessive fees or regulatory burdens on these small but very important institutions, such as the community banks.

Over the course of the coming weeks and months, I plan to work with Senator DODD, the chairman of the Senate Banking Committee, and all my colleagues toward commonsense reform that will increase supervision and transparency of the financial markets, that will bring back investor confidence, and that will protect consumers and safeguard us from another situation where the greed of Wall Street penalizes hard-working families.

Earlier this week, the President spoke on Wall Street. He said:

> We are beginning to return to normalcy.

But he warned that:

> Normalcy cannot lead to complacency.

I couldn't agree more. That is what we in Montana call common sense.

Mr. President, I yield the floor. I suggest the absence of a quorum and ask that the time during the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I wish to speak today on President Obama's nominee for the Second Circuit Court of Appeals—a court one step below the U.S. Supreme Court—Judge Gerard Lynch.

I have carefully reviewed Judge Lynch's background and his rulings as a district court judge. He is a Columbia law graduate and a former Federal prosecutor in the Southern District of New York. For the most part, he has been a very good district judge. He is exceedingly capable and a man of high integrity.

After reviewing his record and responses to questions from the Senate Judiciary Committee, I decided to support his nomination. I do so because I believe he will adhere to his judicial oath which requires judges to administer justice without respect to persons, to do equal right to the poor and the rich, and to faithfully and impartially discharge and perform their duties under the Constitution and laws of the United States and not above it.

In responses to my questions, Judge Lynch affirmed that circuit courts have no greater freedom than district courts to decide law outside the bounds of precedent, but they must apply the law and the precedent to which they are bound.

Judge Lynch also stated that a judge is to ''apply the law impartially'' and ''should not identify with either side'' in a case.

Even though I will support Judge Lynch and admire him and enjoyed meeting with him, I want to share some concerns about his rulings and some statements he has made over the years that I think are matters that ought not go unremarked before his confirmation.

The role of a judge is to follow the law regardless of personal politics, feelings, preferences, or ideology. I think, for the most part, he has done that in his cases.

One case that is troubling, however, is U.S. v. Pabon-Cruz in which Judge Lynch attempted to get around the jury process and the sentencing process because he believed a mandatory minimum sentence required by Congress of 10 years for a conviction of receiving and distributing child pornography was unduly harsh.

He announced that he would tell the jury about the penalties in the case, which is not appropriate. In its order prohibiting Judge Lynch from informing the jury about what the punishment would be in the case, the Second Circuit, on which he now seeks to sit, expressly stated that Judge Lynch's ''proposed jury instruction regarding the penalties the defendant faces if convicted is a clear abuse of discretion in light of binding authority.''

Judge Lynch disagreed with the Second Circuit's decision, calling it a ''mistaken conclusion.'' Judge Lynch clearly believed he had the right to ignore precedent and established law and inform the jury about the penalties that were applicable upon their verdict of guilty so that the jurors, in effect, would have an opportunity to ignore the law and choose not to apply it because he did not think the penalty was fair, apparently.

I am disappointed by the fact that Judge Lynch appears to believe this sentence was inappropriate, but more importantly, that he should have been allowed to invite jury nullification, which is, in effect, to say to a jury: You don't find the defendant guilty if you think the punishment is inappropriate.

In response to one of my written questions, Judge Lynch said that while he accepts the ruling of the Second Circuit, he continues to believe his instincts were correct. He stated:

> The rationale for this decision—

Of the Second Circuit which reversed him—

> which I fully accept, in light of the ruling of the Second Circuit, was erroneous—was that unlike most cases in which the jury fully understands the seriousness of the crime charged, in that case the jury may have misperceived the relative seriousness of the two overlapping charges in the case.

Judge Lynch's actions in that case are especially disconcerting when considered in light of his written remarks criticizing the textualist approach to constitutional interpretation.

In a 2001 speech on the Supreme Court's decision in Apprendi v. New Jersey, Judge Lynch stated:

> I would like to welcome—

Talking here about Justice Scalia and Justice Thomas—

> also to a more realistic, more flexible, and in the end more honest way of protecting the constitutional values they share.

Judge Lynch, in effect, endorsed this flexible judicial philosophy and advocated it previously.

Concern over his statements in previous years contributed to my vote against his nomination to the U.S. District Court on that occasion.

In a 1997 law review article entitled ''In Memoriam: William J. Brennan, Jr., American''—that is, of course, Justice William Brennan for whom he formerly clerked—Judge Lynch admonished the successors of Justice Brennan that they must also engage in constitutional interpretation ''in light of their own wisdom and experience and in light of the conditions of American society today.''

In that same article, Judge Lynch stated he personally believed it was a ''simple necessity'' that the Constitution ''be given meaning for the present.'' Judge Lynch's praise for Brennan's ''present-day meaning'' approach included the opinion that Justice Brennan's ''long and untiring labor to articulate the principles found in the Constitution in the way he believed made most sense today seems far more honest and honorable than the pretense that the meaning of those principles can be found in eighteenth- or nineteenth-century dictionaries.''

So I have a problem with that speech from 1997 and that strong statement of adherence to the doctrine that Justice Brennan was the foremost advocate of a living constitution and that words don't have fixed meanings; that you can make them say what you want them to say to affect the result you think is appropriate today.

The Constitution is a contract with the American people. We have every right to amend it through the amendatory process, but judges don't have a right to amend it based on what they perceive it to mean. Based on what? What information have they received that makes them think they have a better idea of what the Constitution ought to mean than how it has been interpreted for 200 years?

This is a serious matter because judges are unelected. They have a lifetime appointment, and we give them that because we want unbiased, objective analyses. But it doesn't mean they are empowered to update the Constitution to make it say what they would like it to say today. They are not empowered to do that. In fact, it erodes democracy when they do that because the elective branches, those of us in

this Senate, are accountable. Judges aren't accountable.

Another of Judge Lynch's cases that bears mention is United States v. Reyes. In that case, a police officer asked a defendant drug dealer, who had not yet been read his Miranda rights, whether he had anything on him that could hurt the officer or his field team. Even though the defendant had not been frisked, Judge Lynch concluded the defendant was the subject of a custodial interrogation under Miranda, and that before the police officer could ask whether he had anything to endanger the officers, he had to warn him of his Miranda rights. As a result, Judge Lynch excluded from the record statements that the defendant made at that time which implicated him in the crime.

The Second Circuit—the circuit which he will now serve on—reversed Judge Lynch, holding that the public safety exception was in fact applicable and that the cases Judge Lynch had relied upon in his ruling were distinguishable. The court noted that drug dealers often have hypodermic needles or razor blades on their person that could pose a danger to police officers. Additionally, the defendant was not handcuffed at the time of the arrest and could have reached for a concealed weapon. The Second Circuit also noted that the questions asked by the officer were ''sufficiently limited in scope and were not posed to elicit incriminating evidence,'' and the police ''cannot be faulted for the unforeseeable results of their words or actions.''

Judge Lynch has also advocated that Miranda warnings be administered for searches, which has never been the case. In a symposium commentary, Judge Lynch proposed a Miranda-type rule for searches that would invalidate consents to search unless the party whose consent is sought is first advised that he or she has the constitutional right to refuse such consent.

Well, Miranda was never required by the Constitution. It was a prophylactic protective rule the Court conjured up. Somehow the system has survived it, but it has done some damage in terms of not getting the kind of admissions and confessions you might otherwise get. That is just a fact. At any rate, to expand that now to searches, which has never been done, I think is an unhealthy approach.

You might say: Well, theoretically, if you are going to do these Miranda interviews you could do it on searches. But I would just note that Miranda itself is a protective rule, not a mandated constitutional rule.

I mentioned the foregoing issues because they are of great concern to me. It appears, notwithstanding, in the vast majority of his cases, Judge Lynch has been a very careful judge who has followed the law. He has stated that he understands that circuit judges are ''bound by Supreme Court and prior circuit precedent, and their job is to apply, fairly and accurately, the holdings and reasoning of such precedent.''

Given his commitment to do that, I will vote for him, and I hope he will continue his excellent service on the bench, but that he will interpret the law as written and will refrain from imposing personal views in his decisions.

It is unfortunate, and I am concerned also, that the President, in his nominations, is moving a number of people for the Federal bench that are clearly activists. Many of them don't have the length of time on the bench that Judge Lynch does, or his skills as a judge, frankly, and it is causing us some concern, and we will have some real debate about it.

The nomination of Judge David Hamilton for the Seventh Circuit Court of Appeals raises that issue and concern with me. The White House has said it intended to send a message with his appointment, and I would say that it did. Judge Hamilton's appointment is significant. Instead of embracing the constitutional standard of jurisprudence, Judge Hamilton has embraced President Obama's empathy standard. Indeed, he said as much in his answers to questions for the record following his confirmation hearing in the Judiciary Committee.

He rejects the idea that the role of a judge is akin to that of an umpire who calls balls and strikes in a neutral manner. Rather, he believes a judge will ''reach different decisions from time to time . . . taking into account what has happened and its effect on both parties, what are the practical consequences.''

Judge Hamilton also appears to have embraced the idea of a living constitution. The last time I was at the Archives Building, I saw a parchment from 1789—not breathing. It is a document. It is a contract. It guarantees certain rights to every American, and judges aren't empowered to rewrite it, to make it say what they think it ought to say today.

In a speech in 2003, Judge Hamilton indicated a judge's role included writing footnotes to the Constitution. When Senator HATCH questioned him about these comments in a follow-up question, he retreated somewhat, but then gave a disturbing answer to the next question about judges amending the Constitution or creating new rights through case law and court decisions. This judicial philosophy has clearly impacted Judge Hamilton's rulings during his time as a district court judge. He has issued a number of controversial rulings and has been reversed in some noteworthy cases.

For example, he ruled against allowing a public, sectarian prayer in the Indiana State Legislature and was reversed by the Seventh Circuit.

He ruled against allowing religious displays in public buildings and was unanimously reversed by a panel of the Seventh Circuit.

He blocked the enforcement of a reasonable informed consent law dealing with abortion matters for 7 years. He continued to block enforcement of that law and was eventually firmly and forcefully overruled by the Seventh Circuit for being in violation of the law.

Judges, the State, and other people spent all kinds of money, and attorney generals of the State spent money and time and effort to litigate these matters, and finally winning, but, in effect, the people of the State, for 7 years, were unable to enforce a constitutional statute their duly elected representatives had passed.

That is the power of an unelected Federal judge sometimes, and we need to be sure judges who go on the bench understand they are not allowed to do that. They are supposed to be a neutral umpire. If the case law and the Constitution say this is a good statute, they need to affirm it whether they like it or not, whether they would have voted differently or not. If he wants to be in the legislature and vote on the statutes, let him seek that office.

A Federal judge must be able to dispense rulings in a neutral fashion so the emblem that hangs over the Supreme Court, which has been embraced by the American people—equal justice under law—can be carried out in every aspect of a legal proceeding. A judge must put aside political views which may be appropriate as a legislator, executive, or an advocate, and interpret the law as it is written. He must keep his oath to uphold the Constitution first and foremost.

As I have said before, the Constitution is a contract between the American people, especially in a government of limited powers that is established by the people. It is a judge's duty to abide by the Constitution and protect and defend it and all the laws duly passed by Congress that are consistent with that Constitution. We have preserved our Nation well by insisting that our judiciary remain faithful to the plain and simple words of the Constitution and the statutes involved.

So, Mr. President, I am impressed with the skill, the legal ability of Judge Lynch, whose nomination is before us today. I have reviewed his record carefully. I have listened to his answers. I have seen some of his speeches. In a few cases, they cause me concern. But I think giving deference—and appropriate deference—to the President's nomination, he should be confirmed. I will ask my colleagues to support the confirmation.

But I want to say that all of us in this body, as well as judges, have a duty to preserve and defend our Constitution. You can erode the Constitution in a number of ways, and one way it can be changed and altered impermissibly is when judges redefine the meaning of words. So when a judge says we shouldn't resort to 18th century dictionaries, that makes me nervous. What does that mean? You just give a new definition to the word, the one that people ratified—the amendment they passed and ratified, which

had a certain meaning and was understood to have that meaning? Now that you are on the bench, and you think it shouldn't be enforced that way, and you would like to see a different result, you just sort of amend it or write a footnote to it? I don't think that is good judicial policy, and I feel an obligation—I think a number of us in this Senate do—to confirm good judges—men and women of character and ability and faithfulness to our laws and Constitution—but also raise the concerns that we have and to use every bit of our ability and strength to oppose nominees who won't be faithful to those high ideals that have made us a nation of laws and made us prosperous and free.

I thank the Chair, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION APPROPRIATIONS

Mr. DEMINT. Madam President, I wish to speak to an amendment of mine that is to be on the floor on the transportation bill in a few minutes. It is an amendment that would cut funding to a particular airport in Pennsylvania. I wish to discuss why we are targeting this particular cut.

As all of us know, all over America for the last several months, millions of Americans have come out to TEA parties and townhalls, expressing concern and even anger over the level of spending and borrowing and debt we are incurring here in Congress; the concern about all the new taxes we are talking about; the takeover of everything from General Motors to insurance companies. People are concerned, I think for a lot of good reasons.

The question is now, particularly after the hundreds of thousands of people gathered in front of the Capitol last Saturday from all over the country, expressing many of those same concerns: Is anybody listening? Is anyone here listening?

It reminds me of a couple of weeks ago when my 2½-year-old grandson was spending the night with my wife and me. He was sleeping in another room, and we have these intercoms that everyone knows about. He knows about the intercom and how it works, so when he got up in the morning, as usual about 6:30 or something, he said: I am up. Is anybody home?

He kept saying: Is anybody home? Is anybody home? I knew he was going to keep saying it until I got up and went in and got him up.

I think that is the question Americans are asking us here in Congress: Is anybody home? A lot of people last weekend, when I was here, said: Keep speaking for us. Someone has to speak for us. These were not mobsters, they were not the right wing. They were Americans, moms and dads with kids in strollers, grandpas and grandmas, here from all over the country, of all political parties, who know enough to say we cannot keep spending and borrowing, and the more we spend, the more waste and fraud there is.

All of us here seem to agree, especially at campaign time: Oh, we need to cut out the waste and fraud. But no matter what we bring up to cut, even if we pick the most egregious waste the Government Accountability Office comes up with every year and says these are the most wasteful and inefficient programs, we can put them on the floor of the Senate for a vote and we cannot cut them.

Where do we begin, when all we seem to do, week after week, month after month, year after year, when all of us come in from all around the country and for every problem we see we have a new government program or an earmark or something that is supposed to fix it? Everything adds to the deficit. We never make those tough decisions about cutting anything.

My amendment actually cuts something. It was not my invention. I have learned about it over countless television documentaries on the Congressman John Murtha Airport in Johnstown, PA. It is a small airport that over the last 20 years has received $200 million in taxpayer funds. This is an airport that only has 3 flights a day, an average of a total of 20 passengers a day. All of those three flights come to Washington and they are always mostly empty. The people who buy the tickets spend about the same amount per ticket as the taxpayers' subsidy for those tickets.

Earlier in the year, after we passed the stimulus package, another $800,000 went to this airport to pave the alternate runway that is seldom used. After I brought up this amendment to discontinue funding—and I want to make this clear; this is on this bill, the transportation bill, and it only discontinues funding for 1 year. It is not permanent. It does not discontinue any funding related to defense or the military, so the National Guard and others continue to use it. The Defense Department can spend whatever they want on this airport. It is just that the Department of Transportation cannot spend any more money to subsidize air traffic from this airport.

It also does nothing to cut any safety funds for air traffic control. It is a couple of paragraphs that say enough is enough, this airport has received an inordinate amount of money. It has equipment it doesn't even use, millions for radar equipment that is not even staffed. Again, 3 flights a day, only to Washington, DC, with less than an average of 20 passengers a day. Most of the time there are more airport security people in this airport than there are passengers.

This is not some partisan attack. In fact, if you will remember, the bridge to nowhere, which was a Republican project, was exposed by Republicans. It helped America see an example of waste and abuse. That is what this amendment is about. It is not an attack on any party or any State, it is just an example that has been brought to light by countless media sources all over the country of us wasting money—not just one time but year after year.

If my amendment is not agreed to, another $1.5 million of subsidies will go to this one airport because their Congressman likes to fly back and forth from a local airport. Many Americans have to drive an hour or two to get to an airport. Folks in Johnstown could drive an hour to Pittsburgh Airport if the tickets were too expensive from Johnstown. This is not a particular attack on a Congressman or a State or community. It is a beginning. It is a demonstration that here in the Senate we get the message. We are listening. We are actually home and we are going to speak for those millions of Americans who say enough is enough, we cannot keep spending and borrowing and creating debt.

For every dollar we spend here, about half of it now is borrowed. We are actually on our knees begging countries such as China to loan us some money so we can pay some of the debt that is coming due. Yet we keep creating cash for clunkers and ''Fannie Travel,'' which is a travel promotion agency we created a couple of weeks ago. Now we are passing a spending bill that is about 23 percent over what it was last year. At a time with down economics, Americans out of jobs, we are increasing spending that much.

With this amendment we are saying we can make a tough decision. We can begin the process of starting to cut waste and fraud. But the reason so many people are going to vote against this amendment is there is a code here: I will support your spending for your State if you will support mine. I will not mess with the spending in your State if you won't mess with mine. We have been doing it for years, so we have been adding earmarks and projects in all of our States, supporting each other, and the budget and the spending get bigger and bigger and no one has the courage to say no, we have to stop.

A few of us did on the bridge to nowhere. Thanks to millions of Americans saying you are right, we were able to stop that one project. But we are still spending like there is no tomorrow.

I am asking my colleagues to agree we can cut one thing, one thing that is obviously wasteful and unfair. It is not fair to ask taxpayers all over the country to subsidize half of every ticket that is bought in a little airport in Johnstown, PA. They are not helping all the other Americans around the country or all the other small airports. Certainly small general aviation airports have gotten Federal funds but nothing to this degree.

We are not interfering with the general aviation function of this airport at all or any military use. We are just going to stop for 1 year subsidizing the tickets and hopefully helping America to focus on part of our problem here.

Part of correcting a problem is admitting you have one. I don't think we have done it yet in this Senate. My hope is on this vote a majority of the Senators will step up and say we do have a problem and this is one amendment where we can show we are beginning to turn it around. I encourage all my colleagues to vote for this amendment to cut funding for 1 year, at least cut these subsidies and at least demonstrate to America that somebody is home.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, in a few short minutes we are going to be going to a series of votes, including a number of them on the transportation and housing bill that has been before the Senate for a week now. I want to take a few minutes to remind all of our colleagues about the importance of this bill that we will be passing here shortly this afternoon. This is a bill that has broad bipartisan support because it addresses some very real housing and transportation needs of families in every region of this country. We worked very hard with our colleague, Senator BOND, my ranking member, who has been amazingly great to work with this week. We faced some real challenges with our bill this year but together we made some important infrastructure improvements, including providing over $75 billion for the Department of Transportation to support continued investment in our transportation infrastructure.

It includes $11 billion for public transit and $1.2 billion to invest in inner-city and high-speed rail.

This bill also supports the FAA's efforts to develop its next-generation air transportation system to support projected growth in air travel in coming years. It also invests $3.5 billion for capital improvement at airports across the country.

The bill provides nearly $46 billion for the Department of Housing and Urban Development, including $100 million for HUD's housing counseling program that will help families who are facing foreclosure today to stay in their homes. The bill also provides more than $18 billion for tenant-based rental or section 8, including an increase of over $1 billion for the renewal of section 8 vouchers.

It also provides increased funding for the operation of public housing for a total level of $4.75 billion, to make sure our Nation's low-income families, which are also, as we all know, among the hardest hit in these tough economic times, continue to have access to safe, affordable housing.

The bill includes $75 million for a very important program I worked on with Senator BOND, the joint HUD Veterans Affairs Supportive Housing Program. This is extremely important to our Nation's veterans. It will provide an additional 10,000 homeless veterans and their families with housing and supportive services.

The bill also addresses the needs of some of our most vulnerable citizens, by providing increased funding to support affordable housing for the elderly, disabled, those suffering from AIDS, and the Nation's homeless.

Finally, the bill provides almost $4 billion for the Community Development Block Grant Program to support investments in public infrastructure, housing rehabilitation, and public service, assistance that is critical to our States and our local governments right now.

In summary, this bill provides assistance to those who need it most, and it directs resources in a responsible and fiscally prudent way. It will help our commuters, it will help owners, it will help the most vulnerable, and it will help our economy.

I hope all Senators will support the bill when we move to the final vote here shortly this afternoon, after we consider several amendments. Before I close, I do wish to take, again, a moment to thank my partner and friend, Senator BOND, whom it has been a pleasure to work with throughout this process, as he and I go to conference now to work hard to make sure we find the differences and fix the differences between us and the House so we can get this bill to the President.

I most importantly wish to thank all our staff, from the floor staff who have been so generous with their time and help as we have worked through this, to all the staff who worked on the transportation and housing subcommittee, including John Kamarck, Ellen Beares, Joanne Waszczak, Travis Lumpkin, Grant Lahmann, Michael Bain, Dedra Goodman, and Alex Keenan, our new staff director on transportation who has done an excellent job, and especially Matt McCardle and Mike Spahn for all their efforts during floor consideration.

I am pleased we were able to consider and debate so many amendments and have produced a strong bill. But I would be remiss if I did not single out and thank two members of our staff, Meaghan McCarthy and Rachel Milberg, for all the outstanding efforts they made over the past several months under very trying circumstances late at night working so diligently.

I wish to especially thank them for all the work they have done to assemble this bill and write the report. I know it was a daunting challenge. I am so grateful to them for all the extra effort they have had to go through under some very trying circumstances. They have done an excellent job. They are a delight to work with.

With that, I see that my ranking member is on the floor. I wish to, again, thank him for being a great partner and for all his help and support to get this bill to the floor today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, the real kudos and plaudits go to my colleague, the chair, Senator MURRAY, for having worked this through.

It is also a very interesting and challenging measure. But this year, we have advanced a bill, we have had lots of amendments, we have adopted some on strong bipartisan votes. I think this is a great tribute to the way she has worked with us closely on the committee and with the cooperation of all parties on the floor.

This is a bill in which many people have good ideas, and, as I said, we voted on and took a few of them. But I join Senator MURRAY in thanking her staff: Alex Keenan, Meaghan McCarthy, Rachel Milberg, Joanne Waszczak and Travis Lumpkin for their work. They have worked very closely with us.

Thanks for the hard work on my side to Ellen Beares and Jon Kamarck. The staff contributed. And also the work of the newest member of our team who came in at a time when we were badly understaffed, Dedra Goodman. But a very special thanks to Matt McCardle for his leadership and masterful management on the floor.

This was due to a lot of unforeseen circumstances. There were lots of times when he had to carry the load, and he also did it with good humor. When I was frazzled and confused about where things may be going, Matt had it under control, and he did a truly outstanding job.

Again, I thank our colleagues for allowing us to proceed with this bill. We did not plan on being here this the eighth day, having started last Thursday. But we are very optimistic that this bill can emerge from conference as a freestanding bill and be adopted by this body. I do not want to see this wind up in an ''ominous'' appropriations bill that does not reflect the hard work that went into it. When our work goes into what they call an omnibus, what I call an ''ominous,'' appropriations bill, strange things happen to it. We hope we can work this bill and keep it together as crafted. It is a critical piece of legislation.

It has vitally important safety needs for transportation, particularly in aviation. It continues, although not as robustly as I would like, the development of more transportation infrastructure. There are badly needed elements in the housing part of the bill. We have to continue housing for those people who have assisted housing, public housing authorities, particularly in this economic downturn, when so many

people are feeling the pinch, special needs from the disabled, the elderly, to veterans, who have particularly been well served by the veterans assisted in supportive housing that we have provided.

But also, as I have warned many times before, the FHA program is a high-risk program that could subject us to billions of dollars being thrown on the taxpayers' credit card. And this bill provides resources for HUD to get up the IT systems it needs, to get the people in place. It provides for more oversight. It provides increases for the inspector general to doublecheck to make sure the predatory lending which inflicted the entire economy does not transport itself into FHA-supported housing.

So we do have some more amendments. And we look forward to working on those this afternoon. We thank all our colleagues for letting us come this far. We hope to get it passed and get these badly needed appropriations enacted into law.

AMENDMENT NO. 2403, AS MODIFIED

I ask unanimous consent that the McCain amendment No. 2403 be modified with the changes at the desk.

The PRESIDING OFFICER. As in legislative session, without objection, it is so ordered.

The amendment (No. 2403) as modified is as follows:

AMENDMENT NO. 2403, AS MODIFIED

On page 318, between lines 11 and 12, insert the following:

SEC. 2_____. None of the funds made available by this Act may be used to carry out the Brownfields Economic Development Initiative program (including with respect to any individual property described on page 138, 139, or 141 of Senate Report No. 111–69) administered by the Department of Housing and Urban Development.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The assistant bill clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Landrieu amendment No. 2365, to amend the Disaster Relief and Recovery Supplemental Appropriations Act, 2008.

McCain modified amendment No. 2403, to prohibit the use of funds to carry out the Brownfields Economic Development Initiative program administered by the Department of Housing and Urban Development.

DeMint amendment No. 2410, to limit the use of funds for the John Murtha Johnstown-Cambria County Airport.

Vitter modified amendment No. 2359, to prohibit the use of funds for households that include convicted drug dealing or domestic violence offenders or members of violent gangs that occupy rebuilt public housing in New Orleans.

Kyl motion to commit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate forthwith with Kyl amendment No. 2421 (to the instructions on Kyl motion to commit the bill), relating to the American Recovery and Reinvestment Act.

AMENDMENT NO. 2365

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes evenly divided for a vote with respect to the Landrieu amendment.

Who yields time?

Mrs. MURRAY. Madam President, it is my understanding that this amendment is accepted on both sides. I urge a voice vote.

Mr. BOND. Madam President, nobody has advised us of objections on our side.

Mrs. HUTCHISON. Madam President, I support the Landrieu amendment.

The year 2008 witnessed numerous devastating disasters: severe wildfires in California, floods in the Midwest, and the one-two punch of Hurricanes Gustav and Ike along the Gulf Coast.

Congress responded last fall by passing a natural disaster supplemental, which in addition to providing necessary FEMA and SBA funding, provided $6.5 billion in community development block grants to support recovery.

Unfortunately, the language included a restriction that has impaired these impacted communities' ability to rebuild.

This amendment removes that restriction, providing flexibility for these funds to be used to their greatest impact in the community, helping these communities get back on their feet as quickly as possible.

Without this amendment, many communities will be unable to balance their budget priorities, jeopardizing critical projects in the recovery process, or worse yet, leading to the abandonment of projects altogether.

Communities across this Nation have been greatly impacted by natural disasters over the past several years, including the State of Texas. Tax bases have been decimated and many communities are still struggling to recover. These devastated communities want to be able to stand on their own; however, they don't currently have the resources to do so. By providing maximum flexibility of vital Federal funds, as we have for previous disasters, we remove one more barrier from their way on the road to recovery.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2365) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2359

The PRESIDING OFFICER. The pending business is amendment No. 2359, the Vitter amendment.

The Senator from Louisiana.

Mr. VITTER. Madam President, this amendment is very simple and straightforward. It simply says that no public housing assistance will be granted to anyone who is convicted of a crime involving drug trafficking, not simple possession but distribution, et cetera, or being a member of a violent gang. These are serious adult offenders. I don't believe we should use taxpayer funds with housing assistance, particularly in public housing projects, in that manner. It specifically focuses on New Orleans, LA, only New Orleans, where we are pouring massive amounts of Federal dollars to rebuild public housing projects in a fundamentally different, better way after Katrina, ridding those projects of the crime problem which had previously been embedded there. It is very important in terms of that recovery.

I reserve the remainder of my time.

Mr. DODD. Madam President, I rise in opposition to amendment No. 2359. Our colleague Senator LANDRIEU spoke at length last night about the reasons she opposes this amendment, which is targeted to her city of New Orleans.

I am here as the chairman of the Banking Committee, to share with you some of the reasons I believe this legislation could have benefitted from a more thorough vetting through the authorizing process.

While superficially an attractive effort to be tough on crime, the proposed amendment is likely to have serious unintended consequences while providing no apparent increase in public safety. The proposed amendment is overly broad, burdensome, and would present great difficulties for Federal, State, and local administrators to actually implement.

Representatives of public housing agencies have raised concerns about implementing this legislation. Advocates for low income families oppose this amendment.

Needless to say, we want to ensure the security of families receiving housing assistance. That is why current law already provides tools for denying or terminating assistance for drug-related and violent crimes and activities in public housing and section 8 assistance, which appears to be the amendment's objective.

I have other concerns about things that may or may not have been the objective of the amendment.

This provision only applies in New Orleans, raising questions about equal protection and the unfortunate possibility of federal law that changes from city to city.

It is a vast expansion of current Federal law. While Senator VITTER describes the amendment as applying to

rebuilt public housing, it is actually very broad. The bill extends far beyond public and assisted housing into all forms of federal housing assistance, including homeless assistance, loans, loan guarantees, or other assistance provided under a HUD housing program.

It is administratively burdensome. The legislation would put additional screening burdens on housing providers, banks, nonprofits, and others who are not currently required to, nor do they have the resources to, conduct criminal background checks. These could include cities administering CDBG, a homeless shelter whose clients vary night by night, or banks processing FHA loans.

It has unintended consequences, and I will provide some examples.

It erects barriers to helping the homeless: The language would appear to apply to homeless shelters, whose clientele change from night to night. Running checks on clients that may only be there for one day or sporadically is nearly impossible, and a waste of scarce resources. Do we really mean to prohibit assistance for these individuals—many of whom are veterans or children—because shelters won't be able to run background checks?

It puts new burdens on banks and homeowners. Every bank originating an FHA loan would have to do a criminal background check on the family buying the home, or refinancing a home. Can you imagine the burden that would create for community banks and homebuyers?

It puts new burdens on small businesses and State and local government CDBG programs. The language could actually require that State and local CDBG programs conduct background checks on small business owners receiving economic development assistance to ensure that they were not a) offenders and b) not residing in federally-subsidized housing.

It provides no room for rehabilitation. The amendment bars someone from ever getting housing assistance, including FHA loans, if they were ever convicted of selling drugs or were a member of a gang, without consideration of rehabilitation. What if that happened 15 years ago? This amendment would run counter to the goals of the Second Chance Act, which this body approved under unanimous consent to help ex-offenders get the services they need to become productive members of society.

In sum, this amendment is superficially attractive. I understand that. But the policy is ill-considered. It will unintentionally hurt homebuyers, veterans, and children without necessarily providing any additional protections. It will create very serious administrative burdens for the public and private sector, with no way to pay for those burdens. I urge my colleagues to defeat this amendment—let's approach this issue in a more thoughtful way.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, this amendment would deny housing assistance to any New Orleans household with a member of a criminal gang or someone convicted of certain drug offenses. Public housing authorities already have the ability to deny or terminate housing assistance to persons who have committed drug-related and violent crimes under current law. This amendment does far more than that. It extends to all forms of housing assistance. It is a permanent prohibition. If anyone in the family has committed these offenses ever, then that entire household would never be able to receive HUD assistance, including homeless assistance or even an FHA loan.

I am concerned that this amendment is targeted to one city, New Orleans. We should not be targeting one city or dictating housing policy city by city under this bill.

Importantly, the underlying bill provides funding to help our Nation's homeless veterans. Many of those veterans have struggled with substance abuse. If this amendment passes, those veterans will not be allowed to get assistance.

I ask my colleagues to vote against the amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, we are not talking about drug possession, we are talking about trafficking. HUD and the housing authority have the ability to negotiate for other family members to stay in public housing and not be penalized.

The PRESIDING OFFICER. Time has expired.

The question is on agreeing to amendment No. 2359.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 62, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—34

Alexander	Ensign	Lugar
Barrasso	Enzi	McCain
Bennett	Graham	McConnell
Brownback	Grassley	Risch
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	LeMieux	

NAYS—62

Akaka	Feinstein	Murray
Baucus	Franken	Nelson (NE)
Bayh	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Roberts
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Corker	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murkowski	

NOT VOTING—3

Byrd	Landrieu	Specter

The amendment (No. 2359) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, if I could have the attention of all Senators, a number of Senators have come to me and said they want to move quickly through the amendments this afternoon. We can't do it if Senators are leaving. I ask all Senators to please stay on the floor as we move through these last amendments.

With that, I believe the next amendment is in order.

Mr. BOND. Madam President, I urge all Members to return promptly. I know several Members on both sides have other commitments. If we are going to make those, we need to keep those 10 minute votes to at least 15 minutes. Thanks.

AMENDMENT NO. 2410

The PRESIDING OFFICER. The next amendment is amendment No. 2410 offered by Senator DEMINT.

The Senator from South Carolina is recognized.

Mr. DEMINT. Thank you, Madam President.

This amendment I hope is a beginning or maybe a turning point for the Senate where we identify wasteful spending and begin to make some progress toward cutting those things that we don't have to do here at the Federal level.

I heard some comments about the amendment yesterday which I don't think accurately reflect what the bill does. We do nothing to cut any defense spending or defense use of this airport. We do nothing to cut any safety aspects such as air traffic control. It is simply for 1 year of this appropriations bill which stops the funding for additional subsidies to an airport that has received $200 million over the last 20 years and has as much subsidy per ticket as passengers pay. This has been the subject of documentaries on many media sources. We need to show America we are listening.

Please support this amendment to cut these funds for 1 year.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Pennsylvania.

Mr. CASEY. Madam President, I would urge a no vote on this amendment. It sets the wrong precedent and singles out one airport which happens to be in Cambria County, PA.

At a time when we are in the middle of a recession and with the unemployment rate in this county at 9.5 percent, and we are going to say here in Washington that we are going to vote on something that will shut down an airport—it is bad policy. We should allow this decision to be made by the Federal authority that should be making the decision, which is the Federal Aviation Administration. It is the right thing to do to oppose this amendment. I urge a ''no'' vote.

Mrs. MURRAY. Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Pennsylvania (Mr. SPECTER), are necessarily absent.

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—43

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Bayh	Feingold	McConnell
Bennett	Graham	Merkley
Brownback	Grassley	Murkowski
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kohl	Vitter
Cornyn	Kyl	Wicker
Crapo	LeMieux	
DeMint	Lugar	

NAYS—53

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Burris	Klobuchar	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feinstein	Nelson (NE)	

NOT VOTING—3

Byrd	Landrieu	Specter

The amendment (No. 2410) was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2403, AS MODIFIED

The PRESIDING OFFICER. The Senate will be in order. Under the previous order, there is 2 minutes equally divided prior to a vote in relation to the McCain amendment.

The Senator from Arizona.

Mr. MCCAIN. Madam President, the amendment prohibits funding for brownfields economic development initiatives. In May—and not for the first time—the President recommended termination of the brownfields economic development initiatives. You can look it up. Even the committee this time, in the RECORD, said:

> The committee does not recommend an appropriation for the brownfields redevelopment program, consistent with the budget request.

On pages 138 and 139, there is $1.3 million for brownfields redevelopment in Connecticut, Pennsylvania, and Ohio. So now we are not only going against the President's recommendations, we are going to go against the bill itself and give another $1.3 million in pork. All I say is you cannot make it up.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, on behalf of myself and Senator LIEBERMAN, there is no debate about whether the brownfields redevelopment program ought not to exist. It is duplicative and cut out. This is under the economic development initiative program, which supports a wide range of programs to encourage economic redevelopment, including polluted, contaminated, blighted properties. In Waterbury, CT, home of the brass capital of our country, dating back to the early 19th century, most of the business was military related during the Civil War. There were no pollution requirements back then.

Today those properties are virtually worthless because of the contamination. This is a city with a 13-percent unemployment rate. It is a hard-working blue-collar town where people put in hard labor every day. This is a chance for that community to get back on its feet. That is why it is under the economic development program.

I urge my colleagues to be supportive of a hard-working community so we can let them get back on their feet. We urge defeat of the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been previously ordered.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from Lousiana (Ms. LANDRIEU) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—37

Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennett	Feingold	McConnell
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	LeMieux	

NAYS—60

Akaka	Franken	Murray
Alexander	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Bond	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Dodd	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden

NOT VOTING—2

Byrd	Landrieu

The amendment (No. 2403), as modified, was rejected.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO RECOMMIT WITH AMENDMENT NO. 2421

The PRESIDING OFFICER. There is now 2 minutes, equally divided, prior to a vote in relation to the motion to recommit offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona.

Mr. KYL. Madam President, we can save $11 billion without cutting a dime from this appropriations bill. It turns out there is duplication between spending in the stimulus bill that already passed and this bill.

What we do is simply send the bill back to committee to report back forthwith, to rescind the money in the stimulus bill that duplicates the Transportation and HUD financing in this bill, except for any funds that have already been obligated, which, obviously, we would go ahead and spend, and, secondly, any money relating to highway construction. That would be totally protected. Beyond that, any duplication in the stimulus bill would be rescinded.

It amounts to about $11 billion. I think that is a great savings we can all

support. As I said, it does not take a dime out of this bill.

I ask for my colleagues' support. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, the bill in front of us provides critical resources to the Departments of Transportation and Housing and Urban Development for investments in transit, rail, airports, and public housing. This is important for investing in jobs in our economy.

The funding in this bill has a direct impact on every community across the Nation. We should not delay this important piece of legislation.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I have about 12, 13 seconds. As I said, this motion takes absolutely no money from the appropriations bill before us. What it would do is identify about $11 billion in duplicate funding in the stimulus bill and rescind that. So you would not be voting to cut a dime out of this bill if you support my motion.

Mrs. MURRAY. I urge a ''no'' vote, Madam President.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 64, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—34

Alexander
Barrasso
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Corker
Cornyn
Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Johanns
Kyl
LeMieux
Lugar
McCain
McConnell
Murkowski
Risch
Roberts
Sessions
Thune
Vitter
Wicker

NAYS—64

Akaka
Baucus
Bayh
Begich
Bennet
Bingaman
Bond
Boxer
Brown
Burris
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Franken
Gillibrand
Hagan
Harkin
Inouye
Johnson
Kaufman
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Merkley
Mikulski
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Shelby
Snowe
Specter
Stabenow
Tester
Udall (CO)
Udall (NM)
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—1

Landrieu

The motion was rejected.

Mrs. MURRAY. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington is recognized.

PIPELINE SAFETY PROGRAMS

Mr. COCHRAN. Madam President, I wish to join Senator MURRAY and Senator BOND, the respective chairman and ranking member of the Transportation, HUD Appropriations Subcommittee, in a colloquy concerning the user fee funded pipeline safety programs overseen by the Pipeline and Hazardous Materials Safety Administration.

Mrs. MURRAY. I am pleased to discuss this issue with my colleagues. Pipeline safety programs are very important in my State and help ensure that tragic accidents can be prevented. I understand that the pipeline safety programs at PHMSA are funded almost exclusively through user fees.

Mr. COCHRAN. That is correct, and in order to better assess the current program priorities at PHMSA and to determine how these user fees are being allocated across the regulated community, I believe PHMSA should provide to the Committees on Appropriations a report that discloses the percentage of program funds and State grants that are dedicated to each of the following sectors: liquid pipelines, natural gas transmission pipelines, liquefied natural gas pipelines, and natural gas distribution pipelines.

Mr. BOND. I thank Senator COCHRAN for his comments and agree that PHMSA should produce a report as soon as possible on this topic. We need to ensure that pipeline safety programs are adequately funded and that Congress and the regulated industries that support these programs understand how they are funded.

Mrs. MURRAY. I agree with my colleagues and would like PHMSA to produce such a report. I thank Senator COCHRAN for bringing this issue to the attention of all Senators.

FUNDING ALLOCATIONS

Mr. REED. Madam President, I want to thank Senator MURRAY for her leadership on this bill and her commitment to funding improvements in our Nation's housing and transportation infrastructure. I rise to engage the chairman of the subcommittee in a colloquy to clarify the State-by-State allocation of Federal-Aid Highway Program funding, which is shown in the committee report.

Mrs. MURRAY. I would be pleased to enter into a colloquy with the Senator.

Mr. REED. I thank the Senator. As I noted, page 46 of the committee report includes a table that shows the estimated State-by-State obligation limitation for Federal-Aid Highway Program funding. This information was prepared for the Appropriations Committee by the Federal Highway Administration based on current law and the funding level provided in this bill. It is my understanding that this table is designed to be illustrative rather than determinative of actual funding levels. Could the Senator confirm that this understanding is correct?

Mrs. MURRAY. The Senator is correct. The table included in the committee report is illustrative and does not direct the actual distribution of the funds provided under this bill.

Mr. REED. I thank the Senator, and I appreciate that clarification. As the Senator knows, I had been concerned because the table indicates that the State of Rhode Island is one of only two States, along with Maine, that would lose funding under the increased appropriation included in this bill.

I have consulted with the Federal Highway Administration, which has produced a new estimate based on more accurate assumptions. That table has been shared with the Appropriations Committee staff. Rather than a decline of over $5 million, this estimate shows an increase of nearly $6 million for the State of Rhode Island. In addition, no State is shown to lose funding in fiscal year 2010.

Would the Senator agree that this new table is a more accurate depiction of the distribution federal highway funds?

Mrs. MURRAY. I agree that the table the Senator refers to reflects the Federal Highway Administration's current estimate of how Federal-Aid Highway Program funding included in this bill would be distributed under current law.

Mr. REED. Again, I thank the chairman for her leadership on this bill and for her help in clarifying this matter. For the benefit of all senators, I would ask unanimous consent that the Federal Highway Administration table we have discussed be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED DISTRIBUTION OF FEDERAL-AID HIGHWAY PROGRAM OBLIGATION LIMITATION

[FY 2010 distribution estimated based on FY 2009 contract authority and the FY 2010 Senate-reported appropriations bill]

State–	FY 2009 enacted	FY 2010 Senate bill	Difference
Alabama–	$664,181,764–	$686,900,890–	$22,719,126
Alaska–	290,717,063–	299,809,478–	9,092,415

UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION—ESTIMATED DISTRIBUTION OF FEDERAL-AID HIGHWAY PROGRAM OBLIGATION LIMITATION—Continued

[FY 2010 distribution estimated based on FY 2009 contract authority and the FY 2010 Senate-reported appropriations bill]

State–	FY 2009 enacted	FY 2010 Senate bill	Difference
Arizona–	672,374,585–	694,856,314–	22,481,729
Arkansas–	410,847,021–	424,892,224–	14,045,203
California–	3,002,777,749–	3,107,386,662–	104,608,913
Colorado–	451,065,359–	466,804,480–	15,739,121
Connecticut–	422,828,746–	437,264,323–	14,435,577
Delaware–	129,898,054–	134,437,981–	4,539,927
District of Columbia–	126,772,019–	131,372,586–	4,600,567
Florida–	1,690,108,775–	1,745,663,364–	55,554,589
Georgia–	1,143,842,745–	1,181,764,488–	37,921,743
Hawaii–	136,011,037–	140,890,088–	4,879,051
Idaho–	244,839,686–	253,048,264–	8,208,578
Illinois–	1,121,712,771–	1,160,076,519–	38,363,748
Indiana–	852,499,523–	880,696,895–	28,197,372
Iowa–	384,432,661–	397,991,958–	13,559,297
Kansas–	327,579,516–	339,365,197–	11,785,681
Kentucky–	568,095,523–	587,416,393–	19,320,870
Louisiana–	555,575,744–	574,865,033–	19,289,289
Maine–	141,822,084–	146,996,546–	5,174,462
Maryland–	518,543,985–	536,780,813–	18,236,828
Massachusetts–	531,894,794–	550,976,349–	19,081,555
Michigan–	926,977,662–	959,052,590–	32,074,928
Minnesota–	523,448,534–	541,421,862–	17,973,328
Mississippi–	389,213,117–	402,777,975–	13,564,858
Missouri–	762,024,021–	787,964,042–	25,940,021
Montana–	315,817,904–	326,328,233–	10,510,329
Nebraska–	244,575,447–	253,237,541–	8,662,094
Nevada–	256,097,971–	264,815,350–	8,717,379
New Hampshire–	146,151,389–	151,261,615–	5,110,226
New Jersey–	859,742,154–	889,143,627–	29,401,473
New Mexico–	310,184,441–	320,814,509–	10,630,068
New York–	1,450,156,103–	1,501,247,422–	51,091,319
North Carolina–	930,622,868–	962,100,250–	31,477,382
North Dakota–	207,347,401–	214,686,636–	7,339,235
Ohio–	1,147,361,001–	1,186,456,027–	39,095,026
Oklahoma–	504,786,983–	522,318,817–	17,531,834
Oregon–	372,563,076–	385,730,512–	13,167,436
Pennsylvania–	1,443,922,086–	1,494,303,625–	50,381,539
Rhode Island–	163,809,919–	169,786,620–	5,976,701
South Carolina–	548,969,028–	567,442,319–	18,473,291
South Dakota–	217,374,734–	224,862,704–	7,487,970
Tennessee–	704,208,483–	728,011,969–	23,803,486
Texas–	2,868,608,137–	2,964,113,622–	95,505,485
Utah–	259,427,213–	268,373,350–	8,946,137
Vermont–	134,115,890–	138,995,286–	4,879,396
Virginia–	859,531,139–	888,675,696–	29,144,557
Washington–	556,453,022–	576,378,211–	19,925,189
West Virginia–	350,067,330–	361,686,708–	11,619,378
Wisconsin–	642,654,090–	663,976,975–	21,322,885
Wyoming–	215,495,030–	223,007,830–	7,512,800
Subtotal–	32,700,127,377–	33,819,228,768–	1,119,101,391
Non-Formula programs–	7,999,872,623–	7,287,771,232–	(712,101,391)
Total–	40,700,000,000–	41,107,000,000–	407,000,000

Mr. CARDIN. Madam President, I rise today to express my support for the Senate amendment to H.R. 3288 and to thank my colleagues on the Transportation, Housing & Urban Development, and Related Agencies Appropriations Subcommittee for their fine work in crafting a bill that meets the priorities of the Nation while remaining fiscally responsible.

I would particularly like to thank my colleagues for the provision of $150 million for capital and preventive maintenance of the Washington Metropolitan Transit Authority's Metro System. The Metro system is sometimes known as ''America's Subway'' and for good reason. Many Metrorail stations were built at the request of the Federal Government and nearly half of all stations are located at Federal facilities. Federal employees comprise 40 percent of WMATA's peak ridership. WMATA also plays a critical role for ensuring the continuity of Federal Government operations during an emergency. The Federal Government's interest in Metro is clear.

I am sure you all recall the tragic Metrorail accident on June 23 of this year that took the lives of nine individuals. We cannot allow another such tragedy to occur. I appreciate the committee making a commitment to the safety of the 100 million passengers who travel on Metro each year.

Mass transit is critically important in Maryland as we look for ways of reduce energy and greenhouse gas emissions. The committee has funded two important mass transit projects in Maryland, the purple line in suburban Washington and Baltimore's red line. The purple line is a proposed 16-mile light rail or bus rapid transit line extending from Bethesda in Montgomery County to New Carrollton in Prince George's County. The Baltimore red line is a proposed 14-mile light rail rapid transit line extending from the Woodlawn area of Baltimore County, MD, through downtown Baltimore City to the Johns Hopkins Bayview Medical Campus in East Baltimore. Each project will ease traffic congestion, reduce carbon emissions, conserve energy, and improve the quality of life for many Marylanders.

Maryland has a number of military installations throughout the State. Consequently, several communities will be affected by the upcoming round of base realignment and closures, BRAC. I would like to thank the committee for taking this into consideration and providing funding for BRAC-related improvements at Andrews Air Force Base in Prince George's County, near Fort Meade in Anne Arundel County, near Aberdeen Proving Grounds in Harford County, and in the vicinity of the National Navy Medical Center in Montgomery County. Nearly 50,000 new residents will arrive in Maryland as a result of BRAC. I appreciate the committee's help to make sure Maryland's transportation infrastructure is well-prepared for this population influx.

I would also like to thank the committee for funding two important economic development initiative projects in Maryland, the Harriett Tubman Underground Railroad Park and Visitors Center and the Maryland Food Bank.

Harriett Tubman was born on Maryland's Eastern Shore. It was from there that she escaped from slavery and went on to become one of the leaders of the Underground Railroad. Funding for the Harriett Tubman Underground Railroad Park and Visitors Center will support the continued design, engineering, and site preparation for the joint State-Federal Visitors Center at the State park and envisioned Federal park. The project is in rural Dorchester County. Tourism is a growing part of the economy and is viewed by the State and county economic development officials as the economic future of the area. The adjacent Blackwater

National Wildlife Refuge is already a major attraction for eco-tourists. This Visitors Center will serve as a focal point of a growing tourism economy in the region while also celebrating one of America's true heroes.

The Maryland Food Bank provides food to 900 soup kitchens, food pantries, shelters, and other community-based organizations across the State. These agencies, in turn, feed hundreds of thousands of hungry Marylanders each year. Last year, the Maryland Food Bank distributed 14.3 million pounds of food. The dire state of the economy has placed increased demands on the food bank. Critical infrastructure needs must be met in order to sustain and expand services to meet the growing need. I am grateful that the committee has provided funds through this bill to meet those needs. This funding will greatly benefit Maryland's hungry families.

In closing, again let me say how much I appreciate the work of Senator MURRAY, Senator BOND, and their staffs along with the rest of the subcommittee. They have in crafted a bill that adequately provides for critical transportation infrastructure, addresses housing needs for America's most vulnerable populations, and injects economic drivers into underserved communities, all while remaining 2 percent under the President's requested budget. I find that quite impressive and I support this bill.

Ms. COLLINS. Madam President, I rise to speak in support of provisions I authored in the fiscal year 2010 Transportation-HUD appropriations bill that would increase safety, save energy, and decrease emissions by creating a 1-year pilot project to allow trucks weighing up to 100,000 pounds to travel on Maine's interstates. This provision also requires an analysis by the U.S. Department of Transportation and the State of Maine to study the effects of the increase on safety, road and bridge durability, energy use, and commerce. The U.S. Department of Transportation will report its findings to Congress. This Maine pilot project does not have any impact on other States' weight laws and regulations.

By way of background, let me explain why this pilot project is needed. Under current law, trucks weighing 100,000 pounds are allowed to travel on the portion of Interstate 95 designated as the Maine Turnpike, which runs from Maine's border with New Hampshire to Augusta, our capital city. At Augusta, the turnpike designation ends, but I–95 proceeds another 200 miles north to Houlton. At Augusta, however, heavy trucks must exit the modern four-lane, limited-access highway and are forced onto smaller, two-lane secondary roads that pass through cities, towns, and villages. The same problem occurs for Maine's other interstates like 295 out of Portland and 395 in the Bangor-Brewer area.

Trucks weighing up to 100,000 pounds are already permitted on interstate highways in New Hampshire, Massachusetts, and New York as well as the Canadian Provinces of New Brunswick and Quebec. The weight limit disparity on various segments of Maine's Interstate Highway System is a significant impediment to commerce, increases wear-and-tear on our secondary roads, and, most important, puts our people needlessly at risk.

Diverting trucks onto these secondary roads raises critical safety concerns. In fact, there have been several accidents, some of which have tragically resulted in death, which have occurred after these large trucks were diverted onto secondary roads and through smaller communities. For example, in May 2007, a 17-year-old high school student from Hampden, ME, lost her life when her car was struck by a heavy truck on route 9. The truck driver could not see the car turning onto that two-lane road as he rounded a corner. Interstate 95 runs less than three-quarters of a mile away, but Federal law prevented the truck from using that modern, divided highway, a highway that was designed to provide ample views of the road ahead.

A year earlier, Lena Gray, an 80-year-old resident of Bangor, was struck and killed by a tractor-trailer as she was crossing a downtown street. Again, that accident would not have occurred had that truck been allowed to use I-95, which runs directly through Bangor.

In June 2004, Wilbur Smiths Associates, a nationally recognized transportation consulting firm, completed a study to examine the impact a federal weight exemption on non-exempt portions of Maine's Interstate Highway System would have on safety, pavement, and bridges. The study found that extending the current truck weight exemption on the Maine Turnpike to all interstate highways in Maine would result in a decrease of 3.2 fatal crashes per year. The study also found that the fatal accident rate on the secondary roads was 10 times higher than on the turnpike, and the injury accident rate was seven times higher.

While improving safety is the key objective, a uniform truck weight limit of 100,000 pounds on Maine's interstate highways also would reduce highway miles, as well as the travel time, necessary to transport freight through Maine, resulting in economic and environmental benefits. Moreover, Maine's extensive network of local roads would be better preserved without the wear and tear of heavy truck traffic.

Interstate 95 north of Augusta, ME, where trucks are currently limited at 80,000 pounds, was originally designed and built for military freight movements to Loring Air Force Base at weights much heavier than 100,000 pounds. Raising the truck weight limit would keep heavy trucks on the interstates, which are designed to carry more weight than the rural State roads.

The argument that 100,000 pound trucks would cause greater road deterioration is misguided. Current Maine law requires that vehicles carrying up to 100,000 pounds on State roads be six-axle combination vehicles. Current Federal law requires that vehicles carrying 80,000 pounds be five-axle. Contrary to erroneous assumptions, six-axle 100,000 pound vehicles are not longer, wider or taller than the five-axle 80,000 pound vehicles. The six-axle 100,000 pound vehicles, which include an addtional set of brakes, allow for greater weight distribution thereby not increasing road wear and tear. Further, stopping distances and safety are in no way diminished, and preliminary data from studies conducted by the Maine State Police support this statement. That is why Maine's Commissioner of Public Safety, the Maine State Troopers Association, and the Maine Association of Police all support this pilot project.

A higher weight limit in Maine will not only preserve our rapidly deteriorating roads, but will provide economic relief to an already struggling trucking industry. Trucks weighing up to 100,000 pounds are permitted on interstate highways in New Hampshire, Massachusetts, and New York as well as the Canadian provinces of New Brunswick and Quebec. Maine truck drivers and the businesses they serve are at a competitive disadvantage.

Last year, I met with Kurt Babineau, a small business owner and second generation logger and trucker from Maine. Like so many of our truckers, Kurt has been struggling with the increasing costs of running his operation. All of the pulpwood his business produces is transported to Verso Paper in Jay, ME, a 165-mile roundtrip. This would be a considerably shorter trip if his trucks were permitted at 100,000 pounds to remain on Interstate 95. Instead, his trucks must travel a less direct route through cities and towns. Kurt estimated that permitting his trucks to travel on all of Interstate 95 would save him 118 gallons of fuel each week. At last year's diesel cost of approximately $4.50 a gallon, and including savings from his drivers spending less time on the trip, he could have saved more than $700 a week, and more than $33,000 and 5,600 gallons of fuel annually. These savings would not only be beneficial to Kurt's bottom line, but also to his employees, his customers, and to our nation as we look for ways to decrease the overall fuel consumption.

An increase of the Federal truck weight limit in Maine is widely supported by public officials throughout Maine, including the Governor, the Maine Association of Police, and the Maine Department of Public Safety, which includes the State Bureau of Highway Safety, the Maine State Police, and the Bureau of Emergency Communications. I have several letters of support from these officials and organizations, which I will submit for the record with my statement. The Maine

Legislature also has expressed its support for the change having passed resolutions over the past several years calling on Congress to raise the Federal truck weight limit to 100,000 pounds in Maine. I urge my colleagues to support this important provision in the Fiscal Year 2010 THUD appropriations bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MAINE,
Augusta, Maine, September 10, 2009.

Hon. DANIEL INOUYE, *Chair,*
Hon. THAD COCHRAN, *Ranking Member,*
Appropriations Committee, U.S. Senate, Washington, DC.
Hon. PATTY MURRAY, *Chair,*
Hon. CHRISTOPHER S. BOND, *Ranking Member, Subcommittee on Transportation, HUD and Related Agencies, U.S. Senate, Washington, DC.*

DEAR SENATORS INOUYE, COCHRAN, MURRAY AND BOND: As the FY 2010 Transportation-HUD Appropriations bill nears debate in the U.S. Senate, I would like to again express my strong and unwavering support for Section 194 of the bill, which would permit the state of Maine to conduct a one-year pilot program to assess the benefits of allowing increased weight limits for heavy vehicles traveling on any part of Maine's Interstate highway system. My support is grounded in my conviction that this pilot will establish that the higher weight limits on Maine's Interstates will improve the safety and efficiency of heavy vehicles operating on Maine Roads.

Currently, on Maine's Interstate highway system, higher state truck weight limits may be enforced only on Interstate 95 beginning in Kittery and on the Maine Turnpike portion of I–95, which ends in Augusta. Lower federal truck weight limits are enforced on all other Maine Interstate highways. As you know, only the United States Congress can change Interstate truck weight limits, and MaineDOT has been working with the Maine Congressional delegation for some time to pass a federal law to rectify this problem. The current situation negatively impacts the safety of Maine's highways, the health of Maine's economy, and the durability of its highways and bridges. Thus, I strongly support inclusion of section 194 in the FY 2010 DOT–HUD Appropriations Bill.

Maine has a long history of allowing trucks at 100,000-lbs. gross vehicle weight (GVW) to operate on the Maine Turnpike portion of I–95 south of Augusta, with a record of positive economic, environmental and safety outcomes. An extension of this practice to the remainder of the Maine Interstate highway system would divert 100,000-lb. trucks from secondary roads lined with numerous schools, intersections, driveways and traffic lights, and put them on the highway infrastructure that is designed to handle such demands.

A MaineDOT Engineering Opinion signed in June 2008 by five of our top bridge and infrastructure engineers, including the department's Chief Engineer with more than 50 years of highway engineering experience, stated that, ''. . . it is the professional opinion of the undersigned that Maine's interstate system can support the addition of the 100,000-lb. GVW vehicles to Maine's interstate traffic stream, without any noticeable or significant damage to the system's infrastructure.''

More specifically, MaineDOT study findings indicated that an Interstate truck weight exemption would save the State of Maine between $1.3 million and $2 million annually in bridge and pavement costs. A companion 2004 Maine DOT study of the currently exempted Maine Turnpike estimated that the federal truck weight exemption on that highway, which allows higher state weight limits, saves the state between $2.1 million and $3.2 million annually in bridge and pavement costs. Also, the increased pavement consumption of a six-axle combination truck compared with the five-axle truck is relatively small due to the advantage of adding an axle to offset the weight increase and to the reduced number of trips by the loaded vehicle. A federal truck weight exemption would annually remove an estimated 7.8 million loaded truck-miles of travel from Maine's primary and secondary road system, diverting the traffic to the safer Interstate highway system.

From an environmental standpoint, the federal truck weight exemption would reduce Maine's and the nation's dependence on foreign oil by eliminating the need to divert to less direct routes, thereby reducing overall fuel usage. In addition, increasing payload capacities reduces the number of truck-miles traveled for a given load, thereby reducing fuel usage. Fewer trucks on the road and lower fuel usage also result in lower emissions—a direct environmental benefit.

Also, the State of Maine just completed a study entitled ''Estimating Fuel Consumption and Emissions in Maine: A Comparative Analysis for a Six-Axle, 100,000-1b. Vehicle.'' The study was prepared by the American Transportation Research Institute. Preliminary findings included significant efficiency improvements and trip-specific emissions improvements in the comparison of two different parallel routes—an Interstate route and a state highway route. Efficiency improvements measured in miles per gallon were determined to be 14–21 percent on the Interstate route. Emissions were also expected to decrease by 6–11 percent for CO_2 and 3–8 percent for NO_X and MNHC on the Interstate.

In summary, enacting a federal truck weight limit exemption on the currently non-exempt Maine Interstate highway system would:

Reduce truck crashes on Maine's highways;

Reduce the number of trucks necessary to haul a given load;

Allow heavy truck traffic on the much safer Interstate highway system;

Divert many through-trucks from congested town centers with schools, gas stations, intersections, crosswalks, etc.;

Reduce regional transportation costs, making Maine industry more competitive with its neighbors and enhancing interstate and international trade;

Reduce net fuel consumption; and

Save $1.3 to $2.0 million annually in infrastructure costs by reducing impacts.

As Senate action on the FY 2010 DOT–HUD Appropriations Bill moves forward, I want to voice my strong support for Section 194, which will promote safer and more efficient truck movement on Maine's highways.

Sincerely,

JOHN E. BALDUCCI,
Governor.

STATE OF MAINE,
DEPARTMENT OF PUBLIC SAFETY,
Augusta, ME, September 9, 2009.

Hon. SUSAN COLLINS,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Maine Department of Public Safety, I am writing in support of your efforts to include a one year pilot program in the FY2010 Transportation, Housing and Urban Development Appropriations Bill to allow trucks weighing up to 100,000 pounds to operate the entire length of the Interstate Highway here in Maine. We strongly believe that such a program will allow all Mainers to travel more efficiently and especially more safely along our rural roads if this were to occur.

Last year in Maine, 155 people tragically died on Maine's highways. 23 of these deaths involved large trucks. We also know that of these 23 deaths, more than 80% occurred on our rural roads. We attribute many of these deaths to the fact that large trucks are forced by current Federal law and policy to exit our safe, divided 4–6 lane interstate highway at Augusta, a mere 100 miles into Maine, and travel along two lane rural roads. Many of these trucks are then forced to travel six to eight hours or more along our rural roads to reach their destinations instead of being allowed to travel along the divided highway.

These roads pass through our villages, our towns, past churches, schools, shopping centers, parks and Little League fields. Unlike our major highway that limits access, thereby cutting down on collisions, these rural roads have thousands of locations where roads cross, people enter from parking lots and private driveways and young children, adults and elderly people walk, bike and run.

Each time you add an access point to these roads, you increase the potential for a tragic accident to occur. Each time a truck is forced to travel along an undivided highway, the potential for other vehicles to cross over into its lane, to unexpectedly pull out in front of the truck, for a young child to run into the roadway or for a bicycle to swerve into the lane of travel, increases dramatically. Each of these incidents is a tragedy waiting to happen.

The Maine Department of Public Safety, which includes the State Bureau of Highway Safety, the Maine State Police and the Bureau of Emergency Communications, strongly supports your proposal. State and Federal Motor Carrier statistics that have been gathered over the years tell us that every time you can get a large truck off a small rural road and onto a divided limited access highway, the chance to avoid accidents and prevent death greatly increases. The proposed bill is a smart, practical and well reasoned approach to this problem. The Maine Department of Public Safety wholeheartedly supports your efforts.

Please feel free to contact me at my office at 207 626 3800 if there is any further information I can provide to you in support of your efforts. Thank you for your time and dedication to the efforts to make Maine's roads safer for all of our citizens and visitors.

Sincerely yours,

ANNE H. JORDAN, ESQ.
Commissioner of Pubic Safety, State of Maine.

STATE OF MAINE, DEPARTMENT OF PUBLIC SAFETY—MAINE STATE POLICE
Augusta, ME, September 10, 2009.

Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: I am writing on behalf of the Maine State Police to support your efforts to increase gross vehicle weights on Maine's non-exempt Interstate highway system. The changes you propose will not only benefit the economy of the State of Maine, but will significantly improve the safety of Maine's roads.

As you know, Maine allows gross vehicle weights of up to 100,000 lbs. on six-axle tractor semitrailers on state highways. As a result, when they reach the non-exempt portions of Maine's Interstate highway system heavy combination trucks that would travel on the Interstate system are diverted to the state highway system. This results in 100,000 lbs. trucks traveling through busy downtown

areas, through population centers, through congested intersections and next to schools and playgrounds.

A June 2004 report prepared for the Maine Department of Transportation (MaineDOT) concluded that allowing 100,000 lbs. trucks on the non-exempt Interstate Highways in Maine would result in fewer crashes. This report indicates that the crash rates on non-Interstate facilities in the study network are more than 2 1/2 times higher than the crash rate on the non-exempt Interstate System. In addition, the fatal crash rate on non-Interstate facilities is nearly 10 times the fatal crash rate on Interstate facilities while incapacitating injury crashes are more than twice as prevalent. National studies have found a strong relationship between road class and crash risk. Findings from these reports indicate that trucks traveling on rural interstates are 3 to 4 times less likely to have a fatal crash than trucks traveling on rural state and county highways.

Safety is a primary concern of the Maine State Police. Given that the Interstate highway system is the safest road network for heavy vehicle operations, we fully support your efforts to allow 100,000 lbs. six-axle semi-trailers on the non-exempt portion of Maine's Interstate highway system.

Sincerely,

COL. PATRICK J. FLEMING,
Chief, Maine State Police.

MAINE STATE TROOPERS ASSOCIATION,
Augusta, ME, September 11, 2009.

Hon. SUSAN COLLINS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: I last wrote to you in 2005 in support of your efforts to increase the gross vehicle weights to 100,000 lbs. on Maine's non-exempt Interstate highway system. At that time, I wrote in my capacity as Chief of the Maine State Police. After retiring in 2007, I moved into the private sector as a labor consultant providing services to, amongst others, the Maine State Troopers Association (MSTA). It is on their behalf that I write today. I might add that my personal sentiments in support of your efforts have not waivered and if anything have strengthened.

The statistics continue to support the increase, both from an economic, and to my mind most importantly, a public safety standpoint. The proposed one year pilot program will provide an opportunity for due diligence on the part of policy makers and policy implementers by way of an analytical survey of the results of moving heavy trucks off the secondary roads and on to the Interstate system which was engineered for such traffic. This also will allow for policy decisions to be made based on facts and not simply emotion or speculation.

MSTA's members are on the front line of Maine's highway safety efforts and are responsible for enforcing State and Federal commercial vehicle laws and regulations. They see no down side to this proposal. And as compelling as the data is, intuitively it just makes sense. While the naysayers believe it will increase risk, no data supports that notion.

Safety remains the primary concern of Maine's Troopers as it did in 2005. For that reason we offer our support in your efforts to move 100,000 lb. six-axel semi-trailers on the non-exempt portion of Maine's Interstate system. Thank you for your efforts on this important initiative.

Sincerely,

CRAIG A. POULIN,
Executive Director, MSTA.

MAINE ASSOCIATION OF POLICE, SOUTH PORTLAND, ME, SEPTEMBER 9, 2009.

Senator SUSAN COLLINS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS, The Maine Association of Police offers and urges support of your efforts to include a one year pilot project in the FY 2010 Transportation, Housing and Urban Development Appropriations bill to allow trucks weighing up to one hundred thousand pounds to utilize the full length of Maine's interstate highway system.

Currently, federal law prohibits trucks weighing more than eighty thousand pounds from traveling the I–95 corridor from the city of Augusta, north. Because the Maine Turnpike, also designated as I–95, is a private, toll road, this prohibition does not exist from the New Hampshire border to Augusta.

This inconsistency creates a situation in which commercial vehicles not conforming to the federal weight restriction are forced to leave the interstate system and travel state secondary roads. As law enforcement first responders, this forced departure from the interstate system is of great concern. Given the nature and daily use of secondary roads vital to Maine citizens, this restriction creates an unnecessary risk by forcing these commercial vehicles off of a system that is specifically designed and engineered for this type of commercial traffic.

The pilot project also provides for the diligent study of the impacts that this temporary change will have on Maine's interstate system to address concerns that many would have as to the long term impact of commercial traffic. An unintended side benefit also provides an opportunity for Maine Law Enforcement to gauge the impact of removing this traffic from secondary roads through crash reporting and other statistical data. It also affords law enforcement a clear venue to direct enforcement and safety operations as they relate to commercial vehicle issues.

The one year pilot project provided by this current budget takes a common sense approach to address an important issue in Maine that has gone unattended. It provides the opportunity to study the balance between an effective and efficient commerce system, fuel efficiency and environmental impacts, but most of all, the safety of Maine citizens and those who visit our great state. We look forward to the committee's support of your efforts in making this opportunity a reality.

Sincerely,

PAUL GASPAR,
Executive Director.

SEPTEMBER 11, 2009.

Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the Coalition for Transportation Productivity (CTP) and its 120 members nationwide, I am writing to express strong support for Section 194 of the FY 2010 Transportation-HUD Appropriations Bill now pending before the Senate. This provision would enable the state of Maine to conduct a one-year pilot program to test the impact of allowing 100,000 pound, six-axle single-trailer trucks to access Maine's interstate highway network.

CTP was organized to promote the passage of federal legislation giving each state the option to increase its interstate vehicle weight limit to 97,000 pounds for six-axle trucks if the state determines that the infrastructure of these roads can safely accommodate the heavier loads. Maine officials have determined that their state roads are fully capable of handling these loads. It is important to note that highway safety, environmental performance and economic productivity would all be improved by allowing this pilot program to occur.

Increasing the interstate weight limit would allow businesses and shippers to carry a specific amount of freight using fewer trucks. This is especially significant for highway safety because accident rates among heavy vechicles are strongly tied to the vehicle miles traveled (VMT), and consolidating freight would reduce VMTs to make roads safer. It is important to note that since the United Kingdom raised its gross vehicle weight limit for six-axle vehicles in 2001, fatal truck-related accident rates have declined by 35 percent. More freight has been shipped, while the number of VMTs to deliver a ton of freight has declined.

Moreover, the current interstate weight limit often forces trucks to travel on rural roads that often wind through towns, passing schools and private driveways, where accidents are more likely to occur. The provision would put these trucks on better-engineered, divided interstate highways, where they can safely and efficiently transport goods.

Allowing six-axle vehicles to carry more weight would also yield cleaner air and greener shipping by cutting fuel use and carbon emissions. A 2008 American Transportation Research institute study found that six-axle trucks carrying about 100,000 pounds get 17 percent more ton-miles per gallon than five-axle trucks carrying 80,000 pounds. More efficient shipping means a smaller carbon footprint.

Finally, raising the interstate vehicle weight limit will have widespread economic benefits. At a point when many producers are facing tough economic times and smaller budgets, the provision will enable them to reduce the number of weekly shipments—cutting costs, spurring investment and protecting valuable jobs.

Futhermore, producers in Maine and across the country are currently at a productivity disadvantage because Canada, Mexico and most European countries now have higher truck weight limits. Harmonizing weight limits with our major trading partners will ease the cost of moving U.S. goods into international markets and stop costly freight consolidation at our ports and border crossings. With Canada's higher weight limits, the provision in Maine would help Northeastern producers compete for market share and efficiently export goods.

It is a fact that allowing heavier, more efficient trucks to operate on our nation's interstates would improve safety, reduce environmental impact and strengthen the economy. CTP applauds Sen. Collins for introducing the provision.

Sincerely,

JOHN RUNYAN,
Executive Director.

AMERICAN TRUCKING ASSOCIATIONS,
Washington, DC.

Hon. DANIEL INOUYE,
Chairman, Committee on Appropriations,
U.S Senate, Washington, DC.

DEAR CHAIRMAN INOUYE: The American Trucking Associations supports Senator Collins' efforts to secure a 1 year pilot program in the Fiscal Year 2010 Transportation and Housing and Urban Development Appropriations bill that would allow for more productive vehicles to be operated on Maine's interstate highways. The inclusion of this provision will improve safety, reduce greenhouse gas emissions, and benefit Maine's economy.

Under current law, six axle vehicles with a gross vehicle weight of 100,000 lbs are allowed to operate on the Maine Turnpike (I–95) from

the New Hampshire border to Augusta, ME. Upon reaching Augusta, however, the federal weight preemption on the Interstate Highway System forces trucks weighing more than 80,000 lbs off of I–95 onto smaller secondary roads which are less safe than Interstates. The removal of the federal prohibition would allow trucks on the roads that are best suited for them.

This pilot project is also an effective strategy for mitigating the impacts of carbon dioxide on climate change due to the reduction in fuel use as a result of fewer trips needed to deliver a given amount of freight. A recent study found that more productive vehicles could reduce fuel usage up to 39% with similar reductions in greenhouse gas emissions.

Furthermore, the allowance of more productive vehicles on the Interstate will help to alleviate Maine's current economic disadvantage. Jurisdictions surrounding Maine all have significantly higher weight limits on their highways. New Hampshire and Massachusetts both allow trucks up to 99,000 lbs. and Canada allows for truck weights greater than 100,000 lbs. Maine's inability to allow for higher weight limits has made it a virtual island unto itself.

ATA encourages the Committee to include the Maine pilot project as part of the final FY 2010 THUD Appropriations bill. This is good public policy and we commend Senator Collins for her efforts to address Maine's needs.

TIMOTHY P. LYNCH,
Senior Vice President,
Office of Legislative Affairs

Mr. DODD. Madam President, several of my colleagues offered amendments that would prohibit funding for individual transportation and housing projects in the underlying bill, including several important projects for Connecticut. I question the judgment of my colleagues who attack specific programs without regard for the purpose these projects serve or the impact they will have in the commuunity. I also question the notion that Washington knows better than the communities and States which projects will provide critical services, stimulate their local economies, and preserve jobs.

I would like to take this opportunity to explain some of the critical funding for Connecticut in this important legislation.

In my State of Connecticut, home to some of America's most frustrating traffic congestion, transit is the future of transportation. Investments in sustainable development have resulted in the creation of job centers and residential communities built around transit stations, all the while serving to clear space on the roads. This transportation funding bill includes $4 million for improvements to the New Haven-Hartford-Springfield rail line, which would establish both faster intercity and commuter rail service between New Haven, Hartford, and Springfield, provide residents of central Connecticut with better access to southwest Connecticut, New York City, western Massachusetts, and Vermont. It also includes nearly $10 million in transit-related projects across the State, including the development of the Thompsonville Intermodal Transportation Center in Enfield, a passenger rail station in West Haven, the Bridgeport Intermodal Center, and expanding transit services and access in Stamford. Transit projects such as these connect Connecticut residents with jobs and make it possible for the regional economies to grow.

Sustainable development and livable communities depend on helping towns and regions across Connecticut invest in their transportation, housing, land use, and economic development needs. That is, for example, this bill includes $1.5 million in funding for the city of Waterbury for the development of brownfield properties and the Naugatuck River Greenway. This community faces a 12.7 percent unemployment rate and millions of square feet of unused, factory space contaminated by generations of brass production and industrial uses. Funding for development of former brownfield sites in Waterbury has been a target on this Senate floor. An amendment was offered to strip away this project's funding. For Members of this body who have never visited Waterbury, I welcome them to walk the streets of this city and question whether this community needs Federal assistance to redevelop properties that have been long-contaminated, abandoned, and blighted. There have been investments on the local and State level to provide this city with the tools they need to thrive. It is only just that the Federal Government do the same.

Our ability to foster economic growth through sustainable development in Connecticut depends on our ability to have affordable housing and assist homeowners struggling to keep their homes in this financial downturn. By providing the resources to keep people in their homes and assistance to communities to expand affordable housing, we can truly strengthen our economy. That is why this bill includes critical funding for housing and foreclosure programs across Connecticut. The bill makes investments in regions, including funds for the Southeastern Connecticut Housing Alliance in Norwich to provide technical assistance to communities in New London County to increase affordable housing and support for the Urban League of Southern Connecticut to provide for foreclosure prevention assistance programs to all of Connecticut. In central Connecticut, funding will support foreclosure prevention and homeownership initiatives in Middletown.

This bill provides nearly $17 million for the State of Connecticut, representing investments in critical programs and services to help the people of my State. This bill supports local officials and organizations that know best the needs of their communities. It represents jobs and economic growth and I am proud to support it.

Madam President, I was pleased to join with my colleagues Senator MURRAY and Senator BOND to provide much-needed funding to avoid terminations of section 8 housing voucher assistance to families across the country. The Census Department's recently released poverty figures show that in 2008—before the full brunt of the current recession—nearly one in five American children lived in poverty. Given the challenges confronting the economy and our families, housing assistance programs like section 8 vouchers could not be more important.

Senators MURRAY and BOND have worked hard in recent years to ensure that the section 8 voucher program is adequately funded. Unfortunately, initial budget estimates that they received from the Bush administration last year proved to be too low to accommodate the needs of the program. In recent months, we have seen newspaper accounts of section 8 funding shortfalls in communities around the country, with families worried that they would have their housing assistance reduced or terminated altogether. The funds provided by this amendment will help ease the minds of many families.

I am also pleased that these funds have been identified from within the section 8 voucher account itself, so this solution is also budget-neutral.

I would be remiss if I did not thank Senators MURRAY and BOND for their good work in assembling this challenging bill. The Transportation-HUD appropriations bill is responsible for funding our national transportation infrastructure, vital housing assistance and funding to combat homelessness, and aid to our hard-pressed cities and towns. In this bill, the Senators have been able to provide valuable HUD funding increases for priorities such as public housing, section 8 assistance, and community development block grants. I also appreciate the bill's strong funding for transportation, and particularly public transportation programs.

Finally, I would like to thank my colleagues for the $100 million they provided for competitive capital grants to transit agencies seeking to reduce energy consumption and greenhouse gas emissions. Senator SHELBY and I worked with the managers to include these grants in the economic recovery bill earlier this year. We appreciate their continued support for this initiative.

Mrs. MURRAY. Madam President, we are now on final passage. I urge all of our colleagues to vote yes.

Mr. BOND. Madam President, I join with my colleague in thanking all Members and urging an aye vote.

The PRESIDING OFFICER. Under the previous order, the committee amendment in the nature of a substitute is agreed to. The motion to reconsider is considered made and laid on the table.

The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mrs. MURRAY. I yield back our time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, shall the bill as amended pass:

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 287 Leg.]

YEAS—73

Akaka	Franken	Nelson (NE)
Alexander	Gillibrand	Nelson (FL)
Baucus	Gregg	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Hatch	Roberts
Bingaman	Hutchison	Rockefeller
Bond	Inouye	Sanders
Boxer	Johanns	Schumer
Brown	Johnson	Shaheen
Brownback	Kaufman	Shelby
Burris	Kerry	Snowe
Byrd	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Lugar	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wicker
Durbin	Mikulski	Wyden
Feingold	Murkowski	
Feinstein	Murray	

NAYS—25

Barrasso	DeMint	McCain
Bayh	Ensign	McCaskill
Bunning	Enzi	McConnell
Burr	Graham	Risch
Chambliss	Grassley	Sessions
Coburn	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	
Crapo	LeMieux	

NOT VOTING—1

Landrieu

The bill, H.R. 3288, as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. Madam President, I move to reconsider the vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House on the disagreeing votes of the two Houses.

The chair appointed Mrs. MURRAY, Mr. BYRD, Ms. MIKULSKI, Mr. KOHL, Mr. DURBIN, Mr. DORGAN, Mr. LEAHY, Mr. HARKIN, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. LAUTENBERG, Mr. SPECTER, Mr. INOUYE, Mr. BOND, Mr. SHELBY, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, Ms. COLLINS, Mr. VOINOVICH, and Mr. COCHRAN, conferees on the part of the Senate.

EXECUTIVE SESSION

NOMINATION OF GERARD E. LYNCH TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to vote on the nomination of Gerard E. Lynch, of New York, to be U.S. circuit judge for the Second Circuit.

There is 2 minutes of debate equally divided.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, it is Constitution Day. Two hundred twenty-two years ago today, the Constitutional Convention finished its work and proposed our fundamental charter.

With this vote, the Senate will finally begin fulfilling one of its most important constitutional duties by granting consent to the President's lifetime appointment to the Federal judiciary. This is the first Federal circuit court judge the Senate has confirmed all year. The Senate has yet to confirm a single district court judge. Judicial vacancies have spiked and could approach 120 soon.

We all know Judge Lynch is an outstanding judge and will make an excellent circuit judge. His nomination has been on the calendar awaiting Senate action for more than 3 months. I am glad his wait is finally over. The President made a good nomination, and the Senate should grant consent so that Judge Lynch's appointment may finally proceed.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, this nominee is a brilliant lawyer and an excellent, hard-working judge. He has made a number of speeches in the past which evidenced an activist philosophy. I voted against him in 1997 when he came up. And absent one or two opinions since then, it seems he has done an excellent job on the bench.

I remain concerned that we are seeing a pattern of nominees who believe they have the power to amend the Constitution. One—not this one—has said he can make footnotes to the Constitution. But this nominee is a man of good integrity, a proven record on the bench, and I will support the nomination.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Gerard E. Lynch, of New York to be U.S. Circuit Judge for the Second Circuit?

Mr. SESSIONS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 288 Ex.]

YEAS—94

Akaka	Feingold	Mikulski
Alexander	Feinstein	Murkowski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Graham	Nelson (FL)
Begich	Grassley	Pryor
Bennet	Gregg	Reed
Bennett	Hagan	Reid
Bingaman	Harkin	Risch
Bond	Hatch	Roberts
Boxer	Hutchison	Rockefeller
Brown	Inouye	Sanders
Brownback	Isakson	Schumer
Burr	Johanns	Sessions
Burris	Johnson	Shaheen
Byrd	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Kyl	Tester
Chambliss	Lautenberg	Thune
Cochran	LeMieux	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	McCain	Whitehouse
Dodd	McCaskill	Wicker
Dorgan	McConnell	Wyden
Durbin	Menendez	
Ensign	Merkley	

NAYS—3

Bunning	Coburn	Inhofe

NOT VOTING—2

Enzi	Landrieu

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 2394

The PRESIDING OFFICER. There are now 2 minutes of debate prior to a vote in relation to amendment No. 2394 offered by the Senator from Nebraska, Mr. JOHANNS.

The Senator from Nebraska.

Mr. JOHANNS. Madam President, this morning I presented the argument on this amendment to the Senate. The question was raised: We don't think there is money that comes out of this budget relative to this organization, ACORN. I went back to the office and did some research. This is a bill that controls hundreds of grant programs. After studying that, it appears I was right. ACORN gets money out of this appropriations.

Moments ago my staff brought me information that would suggest that

ACORN has, in fact, received funding. The EPA is a part of this bill. If Members go to this bill at page 182, they will see the EPA is there. We went to the EPA Web site. Here is what the Web site says, referencing a grant program, that it is a collaboration of nonprofit organizations led by Ellis Hamilton.

Mr. LEAHY. Madam President, these videotapes that are the excuse for this amendment understandably have offended most who have heard about them, including me. I detest the stupidity and crassness that they depict. If people have acted improperly, they should be fired, and if they have acted illegally, they should be prosecuted. Period. The Obama administration has been equally critical.

ACORN is not the reason for my vote. There is not even an ACORN office in my entire State. Nor, for that matter, is there any reason to believe that this group ever has or ever would have any interest or expertise in applying for competitive grants under the programs funded in this Interior appropriations bill.

Everyone—except perhaps many of the casual observers who are the target audience of the orchestrated anti-ACORN frenzy—knows that score-at-any-price partisanship is being mixed in an unseemly way with public policy.

For more than a year—since long before these videotapes were made—it has been well known that a partisan project has been launched to demonize ACORN. ACORN in several ways has made easy work of that.

To me, this knee-jerk injection of politics into the competitive grant process is the real issue here. Congress should not compound the wrongful and stupid actions depicted on these videos by deciding to set political standards for competitive Federal grants. Federal agencies use a nonpartisan review process to award grants to the most competitive applicants. Just as I would be against banning other specific organizations on the right or on the left from applying for competitive grants, I believe it is harmful, even though popular, to approve an amendment such as this.

It is unseemly to allow use of a partisan playbook to run roughshod over long-established competitive grant procedure. The admittedly few votes that were cast against this amendment, against the tide of popular opinion, have at least made it more likely that in calmer moments months or years from now, there may at least be some thought invested before Congress again acts to inject raw political partisanship from the left or from the right—into the competitive grant mechanisms of Federal agencies.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, as chairman of the committee, I urge a ''no'' vote on this amendment. We voted on this yesterday. The vote was compelling, 87 to 7. To the best of our knowledge—and the staff has scrubbed the bill—there is no money for ACORN in the Interior appropriations bill. To do this is to set a precedent to do this on every single appropriations bill. This morning I said to the distinguished Senator from the great State of Nebraska: We will take this amendment. He refused. I guess all of this is really to show people. It is unnecessary. It delays. This is an important bill. We would like to get it passed. Please vote no.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JOHANNS. I ask unanimous consent for an additional 30 seconds.

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Madam President, I wish to inform all Members, this will be the last vote today. Tomorrow is a Jewish holiday. We will not be in session tomorrow. We will be in session Monday for Senators to offer amendments on the Interior appropriations bill. There will be no votes on Monday. There will be a vote or two prior to the caucus on Tuesday. Members with a pent-up desire to offer amendments, the floor will be theirs all day Monday. We will come in as early as they want to start offering amendments. We need to move forward on these appropriations bills. I appreciate everyone's cooperation getting this Transportation bill done. This is the fifth one we have completed. We have seven more to go.

Mr. JOHANNS. I ask for the yeas and nays on amendment No. 2394.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 11, as follows:

[Rollcall Vote No. 289 Leg.]

YEAS—85

Alexander	Cardin	Franken
Barrasso	Carper	Graham
Baucus	Chambliss	Grassley
Bayh	Coburn	Gregg
Begich	Cochran	Hagan
Bennet	Collins	Hatch
Bennett	Conrad	Hutchison
Bond	Corker	Inhofe
Boxer	Cornyn	Inouye
Brown	Crapo	Isakson
Brownback	DeMint	Johanns
Bunning	Dodd	Johnson
Burr	Dorgan	Kaufman
Byrd	Ensign	Kerry
Cantwell	Feingold	Klobuchar
Kohl	Murkowski	Specter
Kyl	Nelson (NE)	Stabenow
Lautenberg	Nelson (FL)	Tester
LeMieux	Pryor	Thune
Levin	Reed	Udall (CO)
Lieberman	Reid	Udall (NM)
Lincoln	Risch	Vitter
Lugar	Roberts	Voinovich
McCain	Rockefeller	Warner
McCaskill	Schumer	Webb
McConnell	Sessions	Wicker
Menendez	Shaheen	Wyden
Merkley	Shelby	
Mikulski	Snowe	

NAYS—11

Akaka	Durbin	Leahy
Bingaman	Feinstein	Sanders
Burris	Gillibrand	Whitehouse
Casey	Harkin	

NOT VOTING—3

Enzi	Landrieu	Murray

The amendment (No. 2394) was agreed to.

Mrs. FEINSTEIN. I move to reconsider the vote.

Mr. ALEXANDER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Madam President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies H.R. 2996 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, before the Senator begins, I wonder if I might simply say that the floor is open for any amendments to the bill. So if Members are in their offices and would like to come down and present an amendment, following Senator BROWN would be a good time.

Thank you, Madam President.

Mr. BROWN. Madam President, I thank the senior Senator from California for her indulgence and her good work on this legislation and for her leadership generally.

HEALTH CARE REFORM

Madam President, I come to the floor almost every day to share letters from constituents in Ohio that tell a story about how they have worked within the health care system. Some of these stories will break your heart. Some of these stories are all too common in my State and around the country. Whether it is in Lima or Toledo or Ravenna or Saint Clairsville, people who oftentimes thought they had good insurance, who had paid their premium month after month, year after year, had gotten very sick, spent a lot of money on biologic drugs and on hospital stays and then their insurance

was canceled so their insurance was not there when they needed it, even though they paid month after month after month.

Let me take 5 minutes to share three or four of these letters from people around Ohio.

The first one comes from Robert and Shirley from Clinton County. Clinton County is Wilmington, OH, just 60, 75 miles or so northeast of Cincinnati. Robert writes:

I recently retired after working 38 years in the same company, where we paid for our medical coverage under the company plans.

After retirement they grouped me and my wife in a retired group and our price plan went up tremendously.

My wife and I are both 57 years of age and until recently we were both really healthy.

Recently I was diagnosed with type 2 Diabetes, and my wife was diagnosed with type 1 Diabetes and [then] developed other medical conditions.

As so often occurs, diabetes, unfortunately, leads to other medical conditions.

Robert writes:

I would like to share some numbers with you:

My retirement income is: $1,680.00 per month.

My medical insurance is: $1,253.00 per month.

My [drug plan] is: $251.00 per month.

My dental is: $45.00 per month.

That means he is paying $1,549 a month for drugs, dental care, and medical insurance. His retirement income is $1,680 a month.

He then writes:

I must say that my wife and I are very disappointed in the way that some Democrats are going to the backing of the ''Party Of NO,'' without taking into consideration the Democratic Party has always been for the working man and woman.

What Robert writes is that too often people in this situation—they retire and, in his case, he had worked for a company for 38 years. They had been relatively healthy. Then they got sick. They have paid into insurance all these years. It sounds like insurance companies have found them pretty profitable over the years because they have not been sick. All of a sudden, when they get sick—they are retired—their insurance costs have gone up so dramatically.

That is not what insurance is supposed to do.

What our legislation will do is give people, particularly those at those ages between 57 and 65—because we are leaving Medicare alone. We are going to actually make Medicare better because we are going to close that doughnut hole so people with expensive drugs can get more assistance from the government from the Medicare plan. So we make Medicare better.

But in this 8 years, for Robert and Shirley, between retirement and Medicare, somebody has to help them a little more. They have paid their dues. They have paid into insurance. He has worked 38 years at the same company.

Our legislation will allow them to go into the exchange, the insurance exchange. They will then be able to choose among an Ohio company such as Medical Mutual or Aetna or CIGNA or the public option. They will have a choice and they then make their decision based on what plan works for them. If their income is only $1,500 a month, $1,600 a month, as Robert's and Shirley's income is, then they will get some assistance for paying for that insurance so they can have much better insurance.

Valorie, from Geauga County, says:

I have always been concerned about the availability for affordable health care for those less fortunate than my husband and myself. But never has this necessity been driven home than this past February when we both lost our jobs due to the economy. Once my severance package runs out, I will not be able to pick up health insurance for my husband and myself. We are both close to 60. We will probably have a difficult time finding jobs. I am grateful the President enabled us to have COBRA benefits we could afford, but they will soon expire. What will we do after that?

COBRA gives you, after you lose your job, an opportunity to continue your health insurance for a year and a half. You pay the part of the health insurance you were paying when you were employed but, unfortunately, you have to pay the employer's side of the health insurance also, even though your income has dropped to close to nothing. President Obama, in the stimulus package we passed back in February, included assistance for people in COBRA where the government, I believe for a year, paid 60 percent of those COBRA costs, allowing people to keep their health care. But once COBRA expires, as Valorie says, they have problems.

I am worried and I pray that neither of us becomes ill because we cannot now afford our medical visits. I know there are others in the same predicament. It is my hope Congress can work on some reasonable solutions for all who need affordable health insurance.

Valorie is not much different from Robert and Shirley in that she is close to retirement but not yet Medicare age; not for another half decade or so for Valorie, and she doesn't have much income now. She has lost her job. Her husband lost his job. She could benefit greatly from going into either the public option—but it is her choice—or Aetna or CIGNA or Medical Mutual or any of the other private insurance plans, and she would look at which one works for her best. She would get some assistance in paying her premiums, but she would be paying less because those plans would have less cost than certainly she could get in the private market which always charges more money.

The third letter is from Kimberlee from Perrysburg, OH, a Toledo suburb. Perrysburg has more solar energy jobs than any other city in the country. I just add that for a little commercial for Perrysburg and my State. Kimberlee says:

I am a 52-year-old woman and stroke survivor. I am still in the recovery process, but my left side is still paralyzed. I can no longer attend physical therapy because my insurance stopped. I can't afford private medical insurance. I am on Medicaid, but Medicaid doesn't cover all of my needed physical therapy. I now have to do my therapy at home just as I was starting to make real improvement with my physical therapy. In a short time without therapy a person will lose everything they tried so hard to gain. Wouldn't it be better to continue the therapy until recovery is made. In the long run, wouldn't it be less costly to the public?

Kimberlee is right. Most of us in this body are lucky enough to be pretty healthy. We have good insurance. We aren't in jobs that age us quickly like my father-in-law who worked in a utility company plant for years and wore his body out in so many ways. It is hard for us to empathize with somebody like Kimberlee. She is 52 years old, a stroke survivor, needs physical therapy and can't afford to get it. What kind of health care system is this? For somebody who has worked hard, is 52, has had a stroke, wants to do what she needs to do in physical therapy—and that is no fun. Anybody who has had it knows it is not a vacation; it is hard work. She wants to do that. She can't get the treatment. Likely she will get sicker. If we can't pass this health insurance reform—we will pass it, but if we can't, it means her life will be more and more difficult and probably more expensive ultimately for the health care system because she will end up more likely back in the hospital with more physical problems than she had earlier.

The last letter I wish to share, and then turn the floor back to the senior Senator from California, is from Alice from Franklin County in central Ohio. It is the county where the State capitol is located in Columbus. She writes:

When I was between jobs, I purchased individual coverage for my family. It was difficult to navigate and confusing, but COBRA is much too expensive for the average person, including me. I am a woman in my 30s. One insurance company discouraged me from getting a maternity rider for the policy. Without this rider I would not be covered if I became pregnant. I managed to avoid getting pregnant during this period, but consider if I had. How many people must be in this situation? What about for my brother-in-law and his wife? Both are schoolteachers. They decided it was better for her to stay home with their daughter and newborn, but they couldn't afford to put his wife on a health plan. Right after the baby was born, my sister-in-law had a seizure and was diagnosed with a brain tumor. They got most of it. She seems fine, but I can't imagine what that is going to cost. They have two babies and a house they bought a couple of years ago. Now they will probably have hundreds of thousands of dollars in medical bills. The current system is bankrupting families. I don't know why the opposition can't see how this is dragging people down.

That is kind of the whole point. These are people who are working, doing things right. Both were schoolteachers. They decided that she would stay home with the two young children. They bought a house. They are going to be faced with hundreds of thousands of dollars in medical bills. How many people in this country—we

know this—how many people in this country end up, because of health care costs, because they had insurance that wasn't quite really insurance, because the insurance got canceled when they got sick or had a really expensive treatment—how many people like that end up in bankruptcy because they don't have enough insurance or they have the wrong kind of insurance and they got unlucky and got sick. It doesn't make sense for us, in a country where people do things right—they are working hard, they are playing by the rules, they are paying their taxes, contributing to society, and they are public schoolteachers, and then somehow their insurance doesn't work well enough for them and they go into bankruptcy. What purpose does that serve for any of us in this great country?

These health care bankruptcies will drop dramatically in number, will almost be eliminated with this health care bill. People occasionally may fall through the cracks, but once we pass our health insurance reform, we are not going to read in the paper anymore that people have had to file for bankruptcy because they got sick and their insurance didn't work. That is reason enough to vote for this legislation.

I ask my colleagues to work together in as bipartisan a way as possible to pass this legislation. The Health, Education, Labor and Pensions Committee, on the bill we wrote this July, accepted 161 Republican amendments. There is a lot of bipartisanship to a lot of this bill. The big question is the very great philosophical differences. Most Democrats support a public option. We think people should have more choice, make insurance companies more honest. Republicans philosophically don't support the public option. They think it is too much government. But most Republicans also didn't support the creation of Medicare. I think in the end, a lot of Republicans will join us because they want to be on the right side of history. They want to be part of something that is going to make a big, positive difference in the lives of tens of millions of Americans.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, it is my understanding that the distinguished ranking member of the Judiciary Committee wishes to speak as in morning business and I certainly have no objection.

The PRESIDING OFFICER. The Senator from Alabama.

MISSILE DEFENSE

Mr. SESSIONS. Madam President, I wish to thank the Senator from California. Her courtesy is legendary in this body and I thank her for that.

I am taken aback and flabbergasted by the Obama administration's decision announced today to cancel the European missile defense site. I ask, what does that mean? What will be the consequences of that decision? I wish to share a few remarks about it and note that this shift is contrary to the sense-of-the-Senate language that we included in the Defense bill passed a few weeks ago by this Senate. It is a very significant decision. I want to give it more thought. I don't want to overstate the problem. However, I wish to be on record today as saying this is a surprising decision, one that I have been involved in the discussion of for quite a number of years, and I feel as if it is a big error.

What happens? We asked our allies in Central Europe, Poland, and the Czech Republic to stand with us and to agree to place a radar in the Czech Republic and to place our defensive missile interceptors in Poland. The heads of those governments agreed to that. There was a lot of opposition here in the United States to the proposal. Likewise, there was opposition expressed in Poland and the Czech Republic from the traditional European left, many of them Marxists or hard-line leftists who have opposed the West's and the world's defense program for many years. However, that opposition was overruled and these nations were proud to be and to stand with the United States of America. It did not bother them that their big neighbor, Russia, objected. They are a sovereign nation of which they are quite proud. They were proud to make a decision and reach an agreement with the United States of America that could defend this country from limited missile attack from a rogue nation such as Iran. If Iran were to launch a missile attack that could reach the United States, its path would take it over Europe, and European nations were not immune to the threat of such an attack on their soil.

So they felt they were participating both in the defense of Europe and in the defense of the United States, and it was a good government public interest decision that they were pleased to participate in and stood up with us. We made a commitment to Poland and the Czech Republic, of course, when we asked them to do this and go through this process to build a system.

For years, we have been moving forward with that plan in mind in the Senate. This year, we had quite a bit of discussion about it in the Senate and we reached an agreement that I think pretty much stated flatly what our position. There were some who objected, and this is how we modified the language to finally state:

It is the sense of the Senate that (1) the United States Government should continue developing and planning for the proposed deployment of elements of a Ground-based Midcourse Defense system, including a midcourse radar in the Czech Republic and Ground-based interceptors in Poland, consistent with the Duncan Hunter National Defense Act of 2009.

Paragraph 2 says:

In conjunction with the continued development of the planned Ground-based Midcourse Defense system, the United States should work with its North Atlantic Treaty Organization allies to explore a range of options and architectures to provide missile defenses for Europe and the United States against current and future Iranian ballistic missile capabilities.

Any alternative system that the United States Government considers deploying in Europe to provide for the defense of Europe and a redundant defense of the United States against future long-range Iranian missile threats should be at least as capable and cost-effective as the proposed European deployment of the Ground-based Midcourse Defense system; and any missile defense capabilities deployed in Europe should, to the extent practical, be interoperable with United States and North Atlantic Treaty Organization.

Indeed, NATO endorsed this program.

For a while, some of our Members said, Well, I am not too sure about this. What does NATO say? NATO did endorse it. This action of backing down from our European-site Missile Defense system sends an overt signal to our allies that we don't fulfill our commitments, and it is bound to make our allies in Central Europe particularly nervous. This decision sends a message from the administration that we reward bad behavior.

The defense of this decision to abandon this program is that we are not doing this to curry favor with Russia, but that clearly is a State Department goal in this process because the Russians have objected to the deployment of this system—although it had virtually no capability with 10 interceptors in Poland to in any way defend against the massive arsenal that the old Soviet Union developed and that Russia now maintains.

So it does appear to be an attempt to placate Russia at the expense of our great allies, the Czech Republic and Poland. And we are walking away from a bipartisan commitment to national missile defense on a European site, as I noted, included in the National Defense Authorization Act for 2010. We accepted the sense-of-the-Senate language unanimously because both parties agreed to this. Senator LIEBERMAN and I were the primary sponsors, along with Senator BEGICH and others on the Democratic side, and a strong contingent of Republicans.

Let me say this about the whole system. I am worried—and I hope my colleagues will take this point under consideration. We have spent approximately $20 billion developing something many people believed would never work; that is, the ability to intercept in space an incoming ICBM missile and hit it bullet to bullet. We don't even deploy or utilize explosives. The kinetic energy is so great that it destroys the target when it hits. Our military experts have said that if North Korea were to be able to successfully launch a missile, they believe they could knock it down. We are improving our system as we have a number of them deployed, and we plan to deploy more. Yet this year's budget was a stunning retrenchment in our missile defense system. Let me summarize the things that occurred.

Even though this language contemplated moving forward in Europe, this is what we did regarding the United States. For quite a number of years, we planned to deploy 44 interceptor missiles—most in Alaska and a number in California. We talked about what to do about the Iranian threat, to provide redundant coverage for those missiles coming over from the east. We agreed that we would seek the agreement of Poland and the Czech Republic to base assets there. Fifty-four interceptors were to be deployed, 10 at the European site and 44 on the West Coast of the United States. What happened in this year's budget was that the 44 to be deployed in Alaska and California have been cut to 30.

The next technological advance to our missile defense system, the MEV—multikill vehicle—would be the warhead which could take out multiple incoming missiles with one missile. We think that was very capable technology that would be developed. That was zeroed out.

We had an additional system of a smaller but very high-speed interceptor, called a kinetic energy interceptor, KEI, that has been on the drawing board for a number of years and is showing a great deal of promise. That was zeroed out after years of funding.

We had plans and were working on the airborne laser, ABL, an amazing technology that our Defense Department believes will work—and we will test it this year. The airborne laser can knock down missiles, particularly in their ascent phase from an airplane. That missile system, after this year, will be zeroed out.

The 10 missiles we intended to base in Central Europe have been eliminated, it appears. At least that has been the President's recommendation and decision that we heard about today.

So I would say this: We believe, looking carefully at the numbers and putting in some extra loose change, for $1 billion, we could fully deploy the full system—with the full compliment of 44 missiles in the United States and 10 in Europe. We have spent over $20 billion to get to this point. So it is unthinkable to me that we would eliminate any future advancements in the system. I think, from a cost point of view, it is an unwise decision.

I am concluding that money is not the problem. I can only conclude that the Obama administration has decided that they agree with the naysayers who opposed President Reagan when he said this could ever be a successful system. They opposed it, and it looks like a political decision to me. Some sort of judgment decision to cancel this is involved here more than a dollars-and-cents issue because in the scheme of a $500 billion-plus defense budget, $1 billion over several years to complete the system as planned is not the kind of budget-breaking number that should cause us to change our policy.

Senator LIEBERMAN and I had offered this sense of the Senate amendment, and it passed the Senate just a few weeks ago. I believe it is the right policy. I think the administration is trying to do some, perhaps, good things. They think maybe they are attempting to placate or somehow reach out to Russia and gain some strategic advantage from that—although the Secretary of Defense, I understand, today said it didn't have anything to do with the Russian foreign policy, and I am not sure the administration acknowledges that either. ''The Czech premier, Jan Fischer, said Thursday''—this is in an Associated Press article—''that President Barack Obama told him Washington had decided to scrap the plan that had deeply angered Russia.'' It seems to me that is a part of it.

Let's go to the core of this Russian objection. As I have said on the floor, Russia knows this system poses no threat to their massive arsenal. They know that. Their objection to this system has been, in my view, a political objection, a foreign policy bluster and gambit to try to create a problem with the United States and extract something from us. They consistently oppose it.

Let's note the Reuters news article today by Michael Stott, which is an analysis of this. The headline of the article is ''Demise of U.S. shield may embolden Russia hawks.'' In other words, this weakness, this retreat, this backing down may well encourage them to believe that if they are more confrontational on other matters, they may gain more than by being nice to this administration.

The lead paragraph said:

> Washington hopes that by backing away from an anti-missile system in east Europe, it will get Russian cooperation on everything from nuclear weapons cuts to efforts to curb Iranian and North Korean nuclear ambitions.
>
> But will Moscow keep its side of the bargain?

That is a good question.

Mr. Stott goes on in his perceptive article to say:

> With the shield now on the back burner, both sides believe a deal cutting long-range nuclear arsenals can be inked this year and Russia has already agreed to allow U.S. military cargos to transit across its territory en route to Afghanistan.

That is something we have been asking them for some time, and they have dangled it out there. Apparently, a valuable but not critical ability to transport cargo may have been gained from this.

The author says:

> Russian diplomacy is largely a zero-sum game and relies on projecting hard power to forced gains, as in last year's war with Georgia over the rebel regions of Abkhazia and South Osettia or the gas dispute with Ukraine at the start of the year.
>
> Western concepts of ''win-win'' deals and Obama's drive for 21st century global partnerships are not part of its vocabulary.

The Western idea that if you cut a deal, both sides will benefit—that is not the way the Russians think.

Continuing:

> Diplomats here say Moscow hardliners could read the shield backdown as a sign of Washington's weakness. Far from doing the bidding of the United States, they may instead press for further gain to shore up Russian power in the former Soviet bloc.

That is the Czech Republic, Ukraine, Georgia, Poland, the Baltics, Latvia, Estonia, Lithuania, and Hungary.

The author goes on to say:

> Ukraine, Georgia, and other Kremlin foes in the ex-Soviet Union may be the first to feel the consequences.
>
> Poland and the Czech Republic are also nervous. In Warsaw, the timing of the U.S. move is particularly delicate as it coincides with the 70th anniversary of the Soviet invasion of eastern Poland.
>
> Analysts are particularly concerned about Ukraine, which faces a presidential election next January. Most of Russia's vast gas exports flow through its territory and the country reluctantly hosts a large Russian naval base.

I don't know what the geopolitical goals are here. I think it is a mistake not to deploy this system we committed to deploying. I believe we are not going to be able to rely on the good faith of the Russians, and I think they may misread what we have done. Instead of leading to further accommodation, it may lead to emboldening them to go forward with further demands against the United States.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

MORNING BUSINESS

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY SPRAWL AND THE GREEN ECONOMY

Mr. ALEXANDER. Madam President, Secretary of the Interior Ken Salazar recently announced plans to cover 1,000 square miles of land in Nevada, Arizona, California, Colorado, New Mexico, and Utah with solar collectors to generate electricity. He is also talking about generating 20 percent of our electricity from wind. This would require building about 186,000 50-story wind turbines that would cover an area the size of West Virginia, not to mention 19,000 new miles of high-voltage transmission lines.

Is the Federal Government showing any concern about this massive intrusion into the natural landscape? Not at

all. I fear we are going to destroy the environment in the name of saving the environment.

The House of Representatives has passed climate legislation that started out as an attempt to reduce carbon emissions. It has morphed into an engine for raising revenues by selling carbon dioxide emission allowances and promoting renewable energy.

The bill requires electric utilities to get 20 percent of their power mostly from wind and solar by 2020. These renewable energy sources are receiving huge subsidies all to supposedly create jobs and hurry us down the road to an America running on wind and sunshine, as described in President Obama's inaugural address.

Yet all this assumes renewable energy is a free lunch, a benign so-called sustainable way of running the country with minimal impact on the environment. That assumption experienced a rude awakening on August 26 when the Nature Conservancy published a paper entitled ''Energy Sprawl or Energy Efficiency: Climate Policy Impacts on Natural Habitat for the United States of America.''

The report by this venerable environmental organization posed a simple question: How much land is required for the different energy sources that power the country? The answers deserve far greater public attention.

By far, nuclear energy is the least land intensive. It requires only 1 square mile for one reactor, that is to produce 1 million megawatt hours per year, enough electricity for about 90,000 homes. Geothermal energy, which taps the natural heat of the Earth, requires 3 square miles. The most landscape consuming are the biofuels ethanol and biodiesel, which require up to 500 square miles to produce the same amount of energy. Coal, on the other hand, requires 4 square miles, mainly for mining and extraction. Solar thermal heating, a fluid with large arrays of mirrors and using it to power a turbine takes 6 square miles. Natural gas needs 8 and petroleum needs 18. Wind farms require over 30 square miles.

This sprawl has been missing from our energy discussions. In my home State of Tennessee, we just celebrated the 75th anniversary of the Great Smoky Mountains National Park, America's most visited national park. Yet there are serious proposals by energy developers to cover mountains all along the Appalachian chain from Georgia through the foothills of the Smoky Mountains through the Blue Ridge Mountains of Virginia, all the way up to the White Mountains of New Hampshire with 50-story wind turbines because the wind blows strongest across mountaintops. I can tell from the Presiding Officer's smile that she is thinking of the strong winds on the White Mountains which are among the strongest in the entire United States of America.

Let's put this into perspective. We could line 300 miles of mountaintops from Chattanooga, TN, to Bristol, VA, with wind turbines and still only produce one-quarter of the electricity we get from one reactor on 1 square mile at the Tennessee Valley Authority's Watts Bar nuclear plant.

The 1,000-square mile solar project proposed by Mr. Salazar would generate on a continuous basis 35,000 megawatts of electricity. You could get the same output from 30 new nuclear reactors that would fit comfortably on existing nuclear sites. And this does not count the thousands of miles of transmission lines that will be needed to carry the newly generated solar power through and to population centers.

There is one more consideration. Solar collectors must be washed down once a month or they collect too much dirt to be effective. They also need to be cooled by water. Where amid the desert and the scrubland will we find all that water? No wonder the Wildlife Conservancy and other environmentalists are already opposing solar projects on some western lands.

Renewable energy is not a free lunch. It is an unprecedented assault on the American landscape. Before we find ourselves engulfed in energy sprawl, it is imperative we take a closer look at the advantages of nuclear power.

Madam President, I ask unanimous consent to have printed in the RECORD a summary of the Nature Conservancy paper entitled ''Energy Sprawl or Energy Efficiency,'' which was published on August 26.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ABSTRACT

Concern over climate change has led the U.S. to consider a cap-and-trade system to regulate emissions. Here we illustrate the land-use impact to U.S. habitat types of new energy development resulting from different U.S. energy policies. We estimated the total new land area needed by 2030 to produce energy, under current law and under various cap-and-trade policies, and then partitioned the area impacted among habitat types with geospatial data on the feasibility of production. The land-use intensity of different energy production techniques varies over three orders of magnitude, from 1.9–2.8 km^2/ TW hr/yr for nuclear power to 788–1000 km^2/TW hr/yr for biodiesel from soy. In all scenarios, temperate deciduous forests and temperate grasslands will be most impacted by future energy development, although the magnitude of impact by wind, biomass, and coal to different habitat types is policy-specific. Regardless of the existence or structure of a cap-and-trade bill, at least 206,000 km^2 will be impacted without substantial increases in energy efficiency, which saves at least 7.6 km^2 per TW hr of electricity conserved annually and 27.5 km^2 per TW hr of liquid fuels conserved annually. Climate policy that reduces carbon dioxide emissions may increase the areal impact of energy, although the magnitude of this potential side effect may be substantially mitigated by increases in energy efficiency. The possibility of widespread energy sprawl increases the need for energy conservation, appropriate siting, sustainable production practices, and compensatory mitigation offsets.

INTRODUCTION

Climate change is now acknowledged as a potential threat to biodiversity and human well-being, and many countries are seeking to reduce their emissions by shifting from fossil fuels to other energy sources. One potential side effect with this switch is the increase in area required by some renewable energy production techniques. Energy production techniques vary in the spatial extent in which production activities occur, which we refer to as their energy sprawl, defined as the product of the total quantity of energy produced annually (e.g., TW lu-/yr) and the land-use intensity of production (e.g. km^2 of habitat per TW hr/yr). While many studies have quantified the likely effect of climate change on the Earth's biodiversity due to climate-driven habitat loss, concluding that a large proportion of species could be driven extinct, relatively few studies have evaluated the habitat impact of future energy sprawl. It is important to understand the potential habitat effects of energy sprawl, especially in reference to the loss of specific habitat types, since habitats vary markedly in the species and ecosystem processes they support.

Within the United States, the world's largest cumulative polluter of greenhouse gases, concern over climate change has led to the consideration of a cap-and-trade system to regulate emissions, such as the previously proposed Lieberman-Warner Climate Security Act (S. 2191) and the Low Carbon Economy Act (S. 1766). Major points of contention in structuring a cap-and-trade system are the feasibility and desirability of carbon capture and storage (CCS) at coal plants, the creation of new nuclear plants, and whether to allow international offset programs that permit U.S. companies to meet obligations abroad. The rules of a cap-and-trade system, as well as technological advances in energy production and changes in the price of fossil fuels, will affect how the U.S. generates energy. In this study we take scenarios of a cap-and-trade system's effect on United States energy production and evaluate each scenario's impact on habitat due to energy sprawl. Our scenarios are based on the Energy Information Administration (EIA) forecast of energy production in 2030 under current law (the ''Reference Scenario''), including the renewable fuel standard of the Energy Independence and Security Act of 2007, and under three cap-and-trade scenarios: the ''Core Cap-and-Trade Scenario'', where the full Lieberman-Warner Climate Change Act is implemented; the ''Few Options Scenario'', where international offsets are not allowed and where new nuclear production and coal production with CCS are not possible; and the ''CCS Scenario'', where Congress enacts the Low Carbon Economy Act, a cap-and-trade system more favorable to coal with CCS.

Under each scenario, we first estimate the total new land area in the U.S. needed to produce energy for each production technique as a function of the amount of energy needed and the land-use intensity of production. We examine the effect of U.S. climate policy on future energy sprawl using energy scenarios based on proposed legislation, building on a body of literature on this topic. Note that our analysis focuses only on U.S. land-use implications, ignoring other, potentially significant international land-use implications of U.S. climate policy. Second, we use available information on where new energy production facilities would be located to partition this area among major habitat types. We calculate the new area directly impacted by energy development within each major habitat type, but do not attempt to predict where within each major habitat

type energy development will take place, nor possible indirect effects on land-use regionally or globally due to altered land markets. Our analysis provides a broad overview of what change in the energy sector will mean for area impacted in different natural habitat types, recognizing that such a broad analysis will inevitably have to simplify parts of a complex world.

Mr. ALEXANDER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. ENSIGN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIX HOUSING FIRST

Mr. ENSIGN. Mr. President, my home State of Nevada has seen devastating effects from this recession. The foreclosure crisis has turned neighborhoods across my State literally almost into ghost towns. I have long argued the crash of the housing market has been at the root of our economic crisis. We have to focus on fixing the housing problem in this country if we want the economy to turn around.

In February, I offered a bill called the Fix Housing First Act. This would have fixed the housing problem; it would have turned the housing market around in this country. I believe it would have created jobs all across this country, including in my home State of Nevada.

My Fix Housing First Act would have let American home owners refinance their mortgages at around a 4-percent interest rate in a 30-year fixed mortgage. This would have meant an average of around $300 to $400 savings per month for the average homeowner in the United States and back in my home State of Nevada.

Additionally, my bill included a provision, produced by Senator JOHNNY ISAKSON from Georgia, that was a $15,000 home buyer tax credit to incentivize home ownership. The tax credit would have been a stepping stone for our country to begin to come out of the housing crisis. While my bill was defeated along party lines, we were able to pass an $8,000 first-time home buyer tax credit, sponsored by myself and Senator BEN CARDIN, from Maryland.

Today I join my colleagues in a bipartisan manner to extend this $8,000 first time home buyer tax credit for another 6 months, until June of next year. Unless Congress acts, this $8,000 is set to expire at the end of November. There is evidence that is showing the tax credit is working. If we do not extend this tax credit, homes will not be saved, and they will likely go into foreclosure.

We in the Senate need to act in a bipartisan fashion to extend the first-time home buyer tax credit of $8,000. It is the right thing to do to get housing back on the track, especially in States such as Nevada, Florida, California, and Arizona. These states are still suffering when it comes to the housing industry. Housing is at the root of a lot of the economic problems we have in this country.

I encourage this body to act. Chairman Bernanke said the other day the recession is over. At 9.7 percent unemployment rate in this country, I don't think the recession looks to be over to those people still out of a job. My State of Nevada has over a 12-percent unemployment rate. Clark County, where Las Vegas is, has over a 13-percent unemployment rate. I don't think folks living there think the recession is over.

We need to continue to work to fix this economy, and this first-time home buyer tax credit is a good place to start.

I yield the floor.

100TH ANNIVERSARY OF CRAGIN & PIKE INSURANCE COMPANY

Mr. REID. Mr. President, Cragin & Pike Insurance began on a hot, dusty day in August of 1909 when Peter Buol proudly opened his ''Real Estate and Insurance Office'' on what is now Main Street in Las Vegas. Buol eventually sold his business to Ernie Cragin and William Pike, whose names combined to brand the new company.

Ernie Cragin served as Las Vegas's mayor for 25 years and was instrumental in establishing Helldorado Days and bringing in the Army's Aerial Gunnery School, now known as Nellis Air Force Base. William Pike saw to the legalization of gambling and the construction of the Hoover Dam. Their combined efforts have contributed to the political, economic, and environmental history of the southern Nevada community.

After Pike passed away, Cragin brought in Paul McDermott as a partner, and following the unexpected passing of Cragin, McDermott partnered with Frank Kerestesi. McDermott and Kerestesi carried on the Cragin & Pike Insurance name and became well known throughout the valley with their catchy jingle that played on local radio stations. Both men were active in the community, especially with the establishment and growth of the University of Nevada, Las Vegas, UNLV.

Cragin & Pike are celebrating their 100th anniversary of continuous business in southern Nevada this year. Their dedicated, professional staff continues to offer Las Vegas businesses the very best in personal service and attention. On behalf of all Nevadans, I am pleased to extend my best wishes to Cragin & Pike for another 100 years of success in Nevada.

RECOGNIZING STEEL DAY 2009

Mr. DURBIN. Mr. President, I rise today to recognize the critical role of structural steel in our nation's infrastructure and industrial economy.

On September 18, 2009, Steel Day will be celebrated through events hosted nationwide. These events recognize the many employment opportunities the structural steel industry has provided to American workers and the contribution structural steel has made to our construction industry as a safe, strong and effective building material.

The structural steel industry is a major employer in Illinois and other States across the country. Today, the United States has three major steel mills and more than 2,600 steel fabricators, which together employ over 250,000 Americans.

Roughly 98 percent of structured steel in a building can be recovered and recycled and 93 percent of all columns and beams produced at U.S. steel mills are composed of recycled materials. In fact, interest in domestic steel as a building material has been bolstered by its desirable status in LEED certification, a rating system developed by the US Green Building Council.

Improvements in the technology used to create and erect steel projects have lowered construction costs and improved onsite safety, resulting in increased demand worldwide. In light of these economic, environmental, and safety factors, it is no surprise that there is currently a three-to-one preference for using structural steel in the construction of multistory residential and nonresidential buildings.

I congratulate the structural steel industry on Steel Day. Steel has featured prominently in America's past and present and will undoubtedly play an important role in our Nation's future.

REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. SPECTER. Mr. President, I have sought recognition to pay respect to the life and character of our dear friend Ted Kennedy. A man as much a part of this institution as the very walls of the Capitol, Ted has earned his place in the world's history books and will never be forgotten.

I consider myself privileged to have worked with Ted on several important issues, ranging from hate crimes legislation, to our time together on the Judiciary Committee. Ted was responsible for the Matthew Shepard Hate Crimes Act, an important piece of legislation providing protection for vulnerable Americans that I was proud to cosponsor. He was instrumental in the passage of SCHIP, a program that now insures the health of millions of children across the country. The impact Ted Kennedy had on civil rights legislation throughout his career is simply immeasurable. Countless programs now serving the American people could not

exist today if not for the hard work and determination of Ted Kennedy.

One of my most vivid memories working with Senator Kennedy was during the now well known confirmation hearings of Robert Bork for the Supreme Court. Ted spoke eloquently and with conviction against Judge Bork's nomination, fearing the erosion of civil rights that would occur were he confirmed. Ted refused to let this erosion of rights take place, and I am proud to have joined him in his fight against the nomination of Robert Bork.

Ted proved through his actions, both on and off the Senate floor, that he was, above all, a man of compassion. The single unifying theme of Ted's distinguished body of work was his clear commitment to the people of this great country. His love for the American people was clear through the legislation he so strongly supported. Ted's greatest concern was for the well-being of every American, and he made it his mission to ensure the underprivileged received the fair treatment they deserved.

In his lifetime, Ted Kennedy was able to accomplish more than most men could ever dream of accomplishing. I have no doubt that if we were lucky enough to have him with us today, he would continue to add even greater accomplishments to his already impressive resume. Ted will be deeply missed.

ENUMERATED POWERS ACT

Mr. HATCH. Mr. President, I rise on this Constitution Day to urge support for S. 1319, the Enumerated Powers Act. My friend and Judiciary Committee colleague from Oklahoma, Senator COBURN, introduced the bill in June, and I am proud to be a cosponsor. It would create a mechanism by which we can highlight and, if necessary, debate whether we actually have the power to do what we do.

Today, the prevailing view seems to be that Congress can do anything we want to do, any time, and in any way. There are always problems to solve, good ideas to implement, money to spend, activities to regulate, agendas to pursue, or constituencies to please. But those are merely the ends and, in our system of government at least, the ends cannot not justify the means. Not if we truly value our liberty. Our liberty requires that government be limited, that government's actions have legal authority, ultimately rooted in the Constitution itself.

The Constitution, for example, does not grant Congress all legislative authority. Article I gives Congress only ''legislative powers herein granted.'' Those powers are listed, or enumerated, in article I, section 8. The 10th amendment affirms that the Federal Government has only powers that are affirmatively delegated to it. James Madison explained in The Federalist No. 45 that these powers delegated to the Federal Government are ''few and defined.'' Why all this emphasis on definition and limitation, especially of the Federal Government? Because individual liberty requires limited government.

In The Federalist No. 51, Madison wrote that ''if men were angels, no government would be necessary.'' In other words, some government is necessary to have any liberty at all. But Madison went right on to write that ''if angels were to govern men, neither external nor internal controls on government would be necessary.'' In other words, unlimited government makes liberty impossible. The truth is that men are not angels and angels do not govern men. Acknowledging that truth, America's Founders in their genius created a system of limited government to maximize ordered liberty.

I realize that such notions as definition and limitation are not in fashion today. Many today think these ideas passe, antiquated, or—and this is my personal favorite—archaic. Limited government is fine when we have no major problems to solve, when there are no big crises looming large. But today we face the worst economic crisis since the Great Depression and many Americans want government to be robust and full-throttled. We want government to come to the rescue, to set things right, to make everything OK. I realize that today saying no is not popular, whether for individuals or for the government.

So we have to make the same basic, fundamental choice that America's Founders did. How much do we prize liberty? The laws of human nature and, therefore, of government have not changed. Men have not become angels and angels do not govern men. That condition will never exist. Ordered liberty will always require limited government, and so we must repeatedly ask whether, and how much, we prize liberty.

This bill embodies these principles by requiring that each of Congress state its constitutional authority. In other words, each act of Congress must state the very condition that indicates it is consistent with limited government. Congress has no authority to act, Congress has no authority to exist at all, unless that authority is derived from the Constitution. It is no less important than that. So this bill would require that each act of Congress state the one condition that is necessary for that act of Congress to be legitimate—authority derived from the Constitution.

That statement alone would be important but purely symbolic. Virtually everyone could ignore it. So this bill would create a mechanism for challenging and even debating whether an act of Congress is indeed authorized by the Constitution. It does not require such a debate for every act of Congress but provides for a point of order that can result in such a debate. That debate would focus everyone's attention on the absolutely necessary connection between Congress' actions and the Constitution and, ultimately, on the Constitution itself.

In the landmark case of Marbury v. Madison, Chief Justice John Marshall wrote that ''[t]he powers of the legislature are defined, and limited; and that those limits may not be mistaken, or forgotten, the constitution is written.'' A written Constitution that delegates enumerated powers to Congress is central to limited government and, therefore, central to our liberty. If we prize liberty, we must prize limitations on government. Chief Justice Marshall later wrote in McCulloch v. Maryland that ''this government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it . . . is now universally admitted.''

That was then. How about today? Do we still believe that ordered liberty requires limited government? Do we still believe that Congress may only do what the Constitution authorizes us to do? Or do we believe that Congress needs no more than a good idea powered by a good intention? Are the principles embraced by Madison, by Marshall, still universally admitted today? If so, then this bill is an important way to prove it. On this Constitution Day, I urge my colleagues once again to embrace those principles of limited government and to demonstrate it by supporting this bill. Policy ideas and political positions shape our legislative activity, the Constitution should do so as well. I applaud my colleague from Oklahoma, Senator COBURN, for introducing this bill and offering this opportunity to raise these principles closer to the position of importance they deserve.

CONSTITUTION DAY 2009

Mr. LEAHY. Mr. President, today marks the 222nd anniversary of the signing of the Constitution by the States that assembled in Philadelphia. The constitutional design of our three branches of Government has provided for collaboration in protecting this fundamental balance. Earlier this week, when I addressed the Chief Justice and the Judicial Conference of the United States, I noted the anniversary of the signing of our Constitution. This anniversary deserves more attention than it has received, and I was heartened to see that one of Vermont's great newspapers, The Caledonian-Record, also saw fit to note this anniversary in a recent editorial. The Caledonian-Record noted, ''Our Constitution is timeless and the most relevant guide to continuing our freedoms. Millions of Americans have died in its defense. Celebrate it!''

As chairman of the Senate Judiciary Committee I am constantly reminded of the Constitution's continued importance and relevance to our daily lives. From the first amendment, which protects newspapers like The Caledonian-Record, to the rights of Americans to vote, the Constitution is the cornerstone of our democracy. We all must

remember how fortunate we are to enjoythe rights our Founders embedded in our guiding document.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Caledonian-Record, Sept. 14, 2009]

IT'S CONSTITUTION WEEK: CELEBRATE OUR FREEDOMS

Every year, America's newspapers celebrate the United States Constitution by focusing on the document, with features and editorials that acknowledge the central place in America's freedoms that the Constitution possesses. We do it to assure that Americans, in the rush of making a living, of raising children, of growing up or growing old, and of all of the other distractions of our lives, do not forget the vision and the wisdom that almost miraculously guided our Founding Fathers in composing this document. It is as important today, indeed, probably more important, than it was in 18th century America.

This is Constitution Week. It is fitting that it should immediately follow the national commemoration of the worst, most deadly domestic terrorism attack in our history, Sept. 11, 2001. That attack, literally brought home that nowhere in the world are freedom loving people safe from the militant insanity of ideologically driven terrorists, in this case of radical Islamists. In previous epochal events, they were Nazis, Japanese imperialists, Marxists, and others. In every case, the adjuration that arose from 9/11 applies, and never more strongly than in reverence of the Constitution, ''Never forget!''

For the last 200-plus years, there have been, and are now, those who would like to change our Constitution in ways that occupy the whole continuum, from updating its grammar to totally destroying it in the name of social action and the progressive insistence that only the evolution of the present to the future is relevant, that a document so old is a totally irrelevant relic.

Not so! Our Constitution is timeless and the most relevant guide to continuing our freedoms. Millions of Americans have died in its defense. Celebrate it!

2009 DAVIDSON FELLOW AWARD RECIPIENTS

Mr. GRASSLEY. Mr. President, it is my distinct pleasure to bring before the Senate today the achievements of some of the most brilliant, inventive young minds in the United States. I take this time to acknowledge the 19 recipients of the 2009 Davidson Fellows Award, a scholarship awarded to exceptional students to assist them in furthering their education. These scholarships are given by the Davidson Institute for Talent Development to profoundly gifted individuals under the age of 18 who have completed academically rigorous projects that demonstrate a potential to make a significant, positive contribution to society. This year's recipients achieved academic distinction in the areas of science, literature, philosophy, out-of-the-box thinking, technology, and music. These young individuals are more than deserving of this honor and our recognition. I would like to take a few moments to describe what each recipient has accomplished.

In the realm of science, we have eleven remarkable young people, including Eric Sherman, from Ephrata, PA, who developed a technique that allows scientists to identify potential bone marrow donors for 6 percent of the cost and 1 percent of the time of traditional techniques. Using polymerase chain reaction and cycle sequencing, he sequenced the genes that determine a person's Human Leukocyte Antigen type. Eric then wrote a computer program to analyze the DNA sequence and return possible antigen matches. This technique can potentially be used to identify donors for other transplantable organs, such as kidney, liver, and lung, creating the opportunity to save hundreds of lives and millions of dollars each year. Eric is 15 years old.

A 17-year-old young woman from Albuquerque, NM, Erika DeBenedictis researched methods of identifying low-energy paths for spacecraft. By carefully planning the route a spacecraft will take, it is possible to reduce the amount of fuel needed by utilizing the natural gravity and motion of planets in the solar system. Erika developed an itinerary-based algorithm to reach specified destinations, which streamlines the process of finding low-energy paths. Such orbits are particularly useful for heavy spacecraft, in which self-propulsion is especially difficult. Use of low-energy paths would allow these spacecraft to reach previously impractical destinations.

A 17-year-old young man from Rochester, MI, Rahul Pandey created a negative index refraction lens made of metamaterials. Metamaterials have the unique property to bend electromagnetic waves of a certain frequency backward, so an image is possible on the opposite side of a lens. He modeled the energy flow of negative index materials in terms of lens geometry, refractive index, focal length, and source distance, finding a perfectly linear relationship. Rahul's work has applications in stealth technology, antenna elements, radio frequency signal switching, and lenses that do not adhere to the diffraction limit.

Aditya Palepu, from Oakton, VA, developed a pattern classification algorithm that extracts linear and Gaussian relationships from raw data using a bottom-up approach. Given any data set, all possible models are generated, iteratively weeded down, and refined to better fit the data. This algorithm is effective on benchmark Iris data and synthetic distributions, and was designed so the model library can be expanded to more data sets. Aditya's work has applications in facial/object recognition, data mining, trend analysis, and was used to classify a Washington, DC crime database revealing the clustering of criminal activity. Aditya is 17 years old.

From Woodbury, MN, Prithwis Mukhopadhyay researched the molecular mechanism by which carrageenan may induce pre-malignant cell transformation. Carrageenan is an FDA-approved food additive found in dairy products, processed meats, dog food, infant formula, and cosmetics. Using mammary epithelial cells, he found carrageenan reduced ASB activity and increased sulfated sGAG, especially chondroitin sulfate, which induced cell migration and pre-malignant transformation. At 16 years old, Prithwis' work shows how carrageenan influences breast cancer cell proliferation and migration.

Fiona Wood, from North Haven, CT, explored the brain's ability to perceive and measure interval time using late-spiking (LS) neurons. She created the first biophysically realistic computational model of an LS neuron, and used it to construct neural networks that can accurately and realistically encode time. For all animals, an ability to perceive and measure time is essential for a wide variety of tasks. Fiona's work can lead to better understanding of brain diseases in which interval time encoding is impaired, such as Parkinson's, Huntington's, and schizophrenia. Fiona is 17 years old.

A 17-year-old young man from Winston Salem, NC, Darren Zhu worked to develop more efficient data storage technologies by exploring nanofabrication methods for spintronics. Spintronics, or spin-based electronics, are inherently more powerful than electronics, as they exploit electron spin and subsequently are more sensitive than integrated circuit technology. He incorporated molecular self-assembled monolayers, or SAMs, into spintronics and performed surface analyses to find that isocyanide-based SAMs are a viable candidate for implementation in nanoscale spintronics fabrication. Darren's work has strong applications in nanotechnology, specifically in the field of nanolithography.

A 16-year-old young man from Addison, TX, Roman Stolyarov designed and produced an omnidirectional dielectric mirror for visible light using a unique one-step fabrication process. The mirror is composed of 12 ultrathin alternating layers of two chalcogenide glasses, which were deposited by thermal evaporation onto a transparent silicon dioxide glass substrate. Simulations show that doubling the number of alternating layers would produce near perfect reflectivity, a phenomenon impossible for silvered mirrors, given their inherent losses in the visible spectrum. Roman's process will allow for rapid manufacturing of wavelength specific mirrors with applications in radar filtration and fiber technologies.

From Teaneck, NJ, Yael Dana Neugut studied arsenic metabolism and renal function in an arsenic-exposed population in Bangladesh. She found that the association between urinary excretion of arsenic metabolites and creatinine is likely due to their shared metabolic pathway, and that creatine may be an effective way to prevent and treat long-term exposure to arsenic.

More than 100 million people worldwide are chronically exposed to high levels of arsenic and are at risk of serious diseases, such as cancer and heart disease. A randomized trial of creatine supplementation is currently underway in Bangladesh. Yael is 17 years old.

A 17-year-old young man from East Setauket, NY, Jason Karelis studied an enzyme called MenD that plays a role in the biosynthesis of a lipid called menaquinone in Staphylococcus aureus, the bacterium that causes staph infections. Menaquinone is an electron carrier crucial to S. aureus. Jason constructed a mutant strain of S. aureus with a disrupted MenD gene and observed its growth on media only with menaquinone added, evidence that MenD is vital for S. aureus. Staph infections are a major public health concern and Jason's work provides a platform for a new class of antibiotics.

From Hilo, HI, Nolan Kamitaki designed a computer simulation to determine how viral characteristics and medical supply distribution patterns affect an epidemic's spread across a social network. Starting with a particle-based simulation to analyze basic interaction rates, he moved to a small world network, modeling an epidemic's spread across a population. Nolan's findings showed that children, due to their greater degree of social connection, are most useful for prevention and are the most effective recipients of medical processes. Nolan is 16 years old.

In the area of literature, we have a young woman from North Potomac, MD. Amy Levine, a 16-year-old, examines the shades of gray between black and white in her literature collection, Grayscale Unraveled. She demonstrates how life choices that have the greatest impact initially do not appear to be choices at all, but have the potential to be the most transformative. Amy's portfolio explores the small yet important events that determine who we are and how we live, while breaking down the black and white decisions people make to show the grayscale that describes the world.

Also in the area of literature, we have Nicole Rhodes, a 17-year-old from Vancouver, WA, who created the portfolio The Dictionary of Distance to explore different facets of distance in writing. She considers the distance between a piece's narrator and characters, the space between the author and the work, and the space separating characters and other elements to determine how distance alters memory. Through this examination, Nicole is able to analyze the writing process, the writer's perspective, and the final written product. Her portfolio includes a variety of forms, styles, and subjects, united in this investigation.

From Indianapolis, IN, Doreen Xu explores the foundation of evil in her philosophy portfolio, The Roots of Evil. She delves into the human psyche to examine several distinct sources of evil, concluding that all human evil is caused by frustrated human desire. Doreen explores this newly defined dimension of evil with an enlightened perspective, fostering a new method of viewing evil. She hopes this will allow evil to be more effectively combated, leading to a more progressive and harmonious global society. Doreen is 16 years old.

The first recipient in the world of music is Melody Lindsay, from Honolulu, HI, who believes we celebrate mankind's best achievements through music. In her portfolio, Harping Around the World: Cultural Leadership for the 21st Century, she draws on her experience as a harpist to connect with audiences. She is particularly interested in inspiring young people to discover and pursue their own passion for classical music. Melody, at age 17, has performed on and serves as a Cultural Ambassador for NPR's ''From the Top'' and was a Focus on Youth Performer for the ninth and tenth World Harp Congresses.

From La Crescenta, CA, Connie Kim-Sheng seeks to convey the insights of classical composers in her portfolio, Inspired by Beauty: Piano Masterworks. Her performance of pieces by Bach, Beethoven, Chopin, Debussy, and Ginastera provide musical texts that illuminate the span of human feeling and experience, demonstrating a multitude of complex harmonies. At 17 years old, Connie has performed on NPR's ''From the Top,'' and for audiences in Sydney, Australia; Calgary, Canada; and Los Angeles. Through her music, Connie hopes to encourage greater respect for cooperation and pluralism in society.

A 13-year-old young woman from San Diego, CA, Sarina Zhang strives to show the beauty and emotional value of classical music in her portfolio, Reaching out to the World with the Magic of Music. Through performance, she strives to connect with her audience, moving them with the simple truth of classical music. A pianist and cellist attending The Juilliard Pre-College Division, she has been featured on NPR's ''From the Top,'' performed at Carnegie Hall, and toured internationally with the San Diego Civic Youth Orchestra.

For exemplary works in the category of ''Outside the Box,'' recipients include Allison Ross from Mercer Island, WA. She created a portfolio, African and Western Heroes' Journeys in Literature: An Exemplification. Against the backdrop of August Wilson's fiction and the constructs of Joseph Campbell's Hero's Cycle, she explores the relationship between classical Western and African hero mythologies. Allison, at 16, investigates the derivations, common motives and cultural differences between the two traditions offering original narratives and critical analysis. Through this work, Allison hopes that others will share her enthusiasm for exploring themes that unite our heritages.

And finally, in his ''Outside the Box'' project, a 15-year-old young man from Cupertino, CA, Anshul Samar seeks to make learning a side effect of fun with his project, Igniting Interest in Chemistry with Elementeo Chemistry Card Game. In Elementeo, players battle with their element army, activate reactions, create compounds, and conquer opponents using black holes and slippery bases. Anshul hopes that by introducing young people to chemistry in a fun and interactive manner, they will discover a passion for science and pursue it throughout their lives.

These brilliant young men and women are essential for the success of their generation. It is our duty to recognize, support, and nurture their progression through academia as they mature into the leaders of their generation. We should consider ourselves privileged that some of the triumphs of these ingenious young minds have already born fruit. I would like to thank the Davidson Institute for making such scholarships available and for taking the time to seek out these worthy candidates. I would also like to thank each winner and applicant of the Davidson Award for showing to us the promise and potential your generation holds. We can rest assured that our future is in good hands.

TRIBUTE TO ERNIE HARWELL

Mr. LEVIN. Mr. President, today I pay tribute to the man whose voice was the sound of summer, to the man who guided Michiganders through baseball seasons for more than 40 years. I rise in tribute to Ernie Harwell.

For those who love baseball and the Detroit Tigers, Ernie Harwell's easy Georgia drawl on a summer evening has been a tonic after a hard day's toil. He has been our eyes and ears at the corner of Michigan and Trumbull and, later, at the team's new downtown ballpark. Since 1960, when Ernie broadcast his first Tigers game, until today, perhaps no person, no player nor manager, has been more closely identified with Tigers baseball. Certainly none has formed so strong an emotional tie with the fans of our team.

Ernie grew up in Atlanta, and he often tells fans that as a boy he was tongue-tied, coping with a speech impediment, but with therapy and hard work, he turned his voice into a tool so powerful it brought the game to life. His first broadcasting job was with the minor league team in his hometown, but in 1948, when broadcasting legend Red Barber of the Brooklyn Dodgers fell ill, Dodgers general manager Branch Rickey called down to Atlanta. He asked if he could bring up young Ernie to fill Barber's seat at Ebbets Field. OK, the Atlanta general manager replied, but you will have to give me something in return. And so Ernie became the first and so far only broadcaster in baseball history to be included in a trade, sent to Brooklyn for a minor league catcher.

That was one of Branch Rickey's finest deals. In Brooklyn and then in Baltimore, Ernie honed his craft and won

the admiration of fans. He was the television broadcaster for one of the most famous moments in baseball history, Bobby Thompson's ''Shot Heard Round the World'' in 1951. The national networks began to tap his talent for other events, such as pro and college football games and the Masters golf tournament.

And then, in 1960, he came to Detroit.

It is hard to describe to those who aren't from Michigan or fans of the Tigers just what Ernie Harwell meant to us over the next five decades. His voice on the radio guided us through good seasons and bad, through our city's times of prosperity and of tragedy. Through that ebb and flow he was a constant, his voice never too excited, never too downcast. We rejoiced when he told us an opposing batter took strike three ''like the house by the side of the road,'' chuckled as he reported a foul ball had become a souvenir for a fan from Detroit or Howell or Warren or Lansing, or another town Michigan fans recognized. In the first days of every March, at the opening of his very first broadcast of spring training, Ernie announced the official end of Michigan winter with a reading from the Song of Solomon:

''For lo, the winter is past, the rain is over and gone; the flowers appear on the earth; the time of the singing of birds is come, and the voice of the turtle is heard in our land.''

But over the decades, Ernie became more to us than just a welcome voice on the radio. He became a friend. For as good as he was behind the microphone, he is an even better man, and the quality of his character shone brightly, on his broadcasts and on the countless times he greeted fans with a hearty hello, or treated a clubhouse attendant with the same respect and affection as the million-dollar ballplayer. We came to respect and honor his voice, but to cherish his great heart.

This beloved friend is hurting now. His illness, he tells us without a trace of bitterness, will soon take him from us. But as he faces what he calls the end of his journey, the greatness of his heart has once again shined forth.

Last night, the Tigers took a break from the heat of another pennant race to pay tribute to this legend and friend. Amid the cheers and tears, Ernie once again put the fans first. Here is what he said:

''In my almost 92 years on this earth, the good Lord has blessed me with a great journey, and the blessed part of that journey is it's going to end here in the great state of Michigan.

''I deeply appreciate the great people of Michigan. I love their grit. I love the way they face life. I love the family values they have. And you Tiger fans are the greatest fans of all. No question about that.''

There is an example of true courage and grace for all of us to try to follow.

Soon, this great voice will be silenced, a great heart stilled. But Ernie Harwell's love of the game, his humanity, his courage, will remain with us always. I treasure the moments I have spent with him. I thank him for the hours of joy he has given me, my wife and children, and the people of Michigan. I wish him and his beloved wife Lulu all the joy they deserve.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS JARED C. MONTI

Mr. KERRY. Mr. President, I hope the Senate will take time today not just to remember but to honor the sacrifice and courage of SFC Jared C. Monti of Raynham, MA. It is a solemn privilege to do so for a man who has been awarded our Nation's highest military decoration—the Medal of Honor.

Sergeant Monti joins an elite group of Americans who have received the Medal of Honor. Just 3,447 before him—all soldiers, sailors, marines, and airmen of uncommon courage, valor, and gallantry—have been so honored. He is the sixth to be awarded the Medal of Honor for the wars in Afghanistan and Iraq.

Millions of Americans have defended our Nation's liberty for more than two centuries. But these 3,447 and now Sergeant Monti—risked their lives above and beyond the call of duty. And 617, like Sergeant Monti, gave their lives for the cause of America's freedom.

Our soldiers, sailors, marines, and airmen perform acts of bravery every day. But some of those acts, like Sergeant Monti's on June 26, 2006, exceed even our country's highest expectations.

During his more than 12 years in the Army, Sergeant Monti was recognized by his superiors as a man with a career of unlimited potential ahead of him. But Sergeant Monti's final act of bravery, on that fateful day in June 2006, also showed him to be a selfless leader with uncommon courage.

Sergeant Monti was leading a patrol of 16 troops on a mountain range in Afghanistan when attacked by a Taliban force of more than 50 fighters. Sergeant Monti not only prevented the Taliban force from overrunning his unit but also positioned his forces to disrupt a flanking attempt.

The sergeant managed to call in air support which eventually forced the enemy to retreat and prevented the patrol from being overrun against overwhelming odds.

When he realized one of his fellow soldiers was missing, he went searching for him. He found him lying wounded and exposed in the open ground. Sergeant Monti exposed himself to heavy enemy fire three times trying to rescue the wounded soldier. On the third attempt, the sergeant was mortally wounded.

Sergeant Monti's ability to act quickly and decisively in the midst of enemy fire is testimony to his leadership, without which his patrol's casualty rate that day would have been substantially higher.

Courage is one of the virtues we as Americans admire most. That is why the highest military decoration—and one of the oldest—our country bestows on its soldiers is the Medal of Honor. It has been awarded only to the few possessing a special brand of courage, heroism, and patriotism, Americans like Sergeant Monti.

Sergeant Monti was an extraordinary American and an extraordinary soldier, one of extraordinary gallantry. By his actions, he has taken his rightful place in the revered company of our country's most selfless heroes.

By tradition, Medal of Honor winners are shown the highest respect with salutes by all ranks, from the Commander in Chief on down. It is a fitting tradition for we stand in awe of these brave warriors. So I am proud to join all those saluting Sergeant Monti this day, including the Commander in Chief. And on behalf of a grateful nation and his home State of Massachusetts, we also salute his parents, Paul and Janet, and express our gratitude to them for their sacrifice which cannot be expressed in words.

ADDITIONAL STATEMENTS

COMMENDING LEONID NEVZLIN

• Mr. LIEBERMAN. Mr. President, I wish to pay tribute to Leonid Nevzlin on his recent appointment to serve as international chair of the United Jewish Communities UJC/ Jewish Federations of North America 2009 General Assembly in Washington, DC, beginning on November 8 of this year. Leonid's leadership in the Jewish community and his commitment to so many philanthropic causes around the world make him a natural for this important role. I am pleased to commend him today on this honor.

The UJC/Jewish Federations of North America plays an extraordinary role in inspiring a spirit of philanthropy and service. It has brought notable energy to the Save Darfur movement and continues to promote effective lobbying on a broad range of social justice issues. The UJC's General Assembly, which is held annually, is an event that brings people from across North America and the world together to discuss and to plan the organization's important work.

Leonid Nevzlin has shown a steadfast commitment to human rights, social justice, and democracy in his life and philanthropic work. Born and educated in Russia, Leonid began his philanthropic efforts by establishing the Moscow Jewish Cultural Center and worked to develop a number of Jewish educational programs that serve communities throughout Russia. As president of the Russian Jewish Congress, Leonid showed his leadership on a range of noteworthy causes, including preserving Jewish culture.

Leonid continued this service when he moved to Israel and established a

charitable foundation dedicated to preserving and promoting Jewish heritage globally. Among other initiatives, Leonid founded a research center at Hebrew University in Jerusalem that adopts a multidisciplinary approach to the study of Jewish history. He has carried his commitment to education and cross-cultural exchange beyond universities and continues to have a meaningful impact on Jewish communities worldwide through the Jewish People Policy Planning Institute, the Birthright Israel and Masa Israel Journey Programs, and his leadership in the redevelopment of Beit Hatfutsot, the Museum of the Jewish People, in Tel Aviv.

The Torah tells us that ''Deeds of giving are the very foundation of the world.'' Leonid Nevzlin has built a strong foundation for so many Jewish communities around the world through his deeds of giving. He inspires us with his philanthropic and entrepreneurial spirit, and I congratulate him today on a well-deserved appointment.●

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.)

MESSAGE FROM THE HOUSE

At 12:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 1713. An act to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley ''Wes'' Watkins.

H.R. 3246. An act to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy.

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

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.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1713. An act to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley ''Wes'' Watkins; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3246. An act to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1687. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now.

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–3024. A communication from the Senior Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Track Safety Standards; Continuous Welded Rail (CWR)'' (RIN2130–AB90) as received during adjournment of the Senate in the Office of the President of the Senate on September 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3025. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''State Highway—Rail Grade Crossing Action Plans'' (RIN2130–AC05) received in the Office of the President of the Senate on September 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3026. A communication from the Deputy Assistant General Counsel for Regulation and Enforcement, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs'' (RIN2105–AD89) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3027. A communication from the Senior Attorney and Advisor, Office of the Secretary of Transportation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Administrative Wage Garnishment'' (RIN2105–AD78) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3028. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Door Locks and Door Retention Components'' (RIN2127–AK35) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3029. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Requirements and Procedures for Consumer Assistance to Recycle and Save Program'' ((RIN2127–AK54)(49 CFR Part 599)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3030. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Requirements and Procedures for Consumer Assistance to Recycle and Save Program'' ((RIN2127–AK53)(49 CFR Parts 512 and 599)) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3031. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Air Brake Systems'' (RIN2127–AJ37) as received during adjournment of the Senate in the Office of the President of the Senate on August 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3032. A communication from the Deputy Chief Counsel of Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Air Cargo Screening'' (RIN1652–AA64) received in the Office of the President of the Senate on September 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3033. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the United States Merchant Marine Academy's Board of Visitors; to the Committee on Commerce, Science, and Transportation.

EC–3034. A communication from the Acting Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's intent to enter into a contract with Trinity Technology Group, for screening services at (7) Montana airports; to the Committee on Commerce, Science, and Transportation.

EC–3035. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the clarification of license requirements for transfers (in country) to persons listed on the Entity List; to the Committee on Commerce, Science, and Transportation.

EC–3036. A communication from Chairman of the National Transportation Safety Board, transmitting, pursuant to law, a report relative to the OMB's request for the Board's views on H.R. 3371, the ''Airline Safety and Pilot Training Improvement Act of 2009''; to the Committee on Commerce, Science, and Transportation.

EC–3037. A communication from the Chair of the Council on Environmental Quality, Executive Office of the President, transmitting, pursuant to law, a report relative to

the Ocean Policy Task Force report regarding the nation's ocean policy; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1679. An original bill to make quality, affordable health care available to all Americans, reduce costs, improve health care quality, enhance disease prevention, and strengthen the health care workforce.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*David C. Jacobson, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Nominee: David C. Jacobson.

Post: Ambassador to Canada.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Donor, Recipient, date, and amount:

David Jacobson: SNR PAC, 3/2/2000, $265; Wesley Clark, 11/25/2003, $1,000; Wesley Clark, 10/31/2003, $250; Barack Obama, 3/5/2004, $250; John Kerry, 4/26/2004, $1,000; Kerry Victory 2004, 7/20/2004, $1,600; John Kerry, 10/22/2004, $1,000; Barack Obama for Illinois, 2/24/2005, $1,000; Matthew Brown, 3/28/2005, $500; Debbie Stabenow, 3/31/2005, $250; DSCC, 9/6/2005, $2,000; Citizens for Joe Biden, 11/22/2005, $2,000; Claire McCaskill, 12/31/2005, $1,000: Matthew Brown, 1/25/2006, $500; Nick Lampson, 2/15/2006, $250; SNR PAC, 3/15/2006, $1,400; Dan Seals, 3/19/2006, $250; Dick Durbin, 6/28/2006, $1,000; Joe Biden, 6/30/2006, $900; DSCC, 10/13/2006, $2,500; Dan Seals, 11/4/2006, $250; Dan Seals, 11/4/2006, $250; Dick Durbin, 3/29/2007, $1,100; Dick Durbin, 3/29/2007, $900; Barack Obama, 3/30/2007, $2,300; Harry Reid, 3/31/2007, $1,000; Tom Udall, 12/30/2007, $1,000; Dick Durbin, 1/8/2008, $500; Dick Durbin, 5/16/2008, $900; Senate 08/Bruce Lunsford, 5/16/2008, $1,000; Joe Biden, 6/23/2008, $300; Joe Biden, 6/23/2008, $200; Obama Victory Fund, 7/1/2008, $2,300; Hillary Clinton, 7/14/2008, $500.

Julie Jacobson: Barack Obama, 7/14/2004, $500; Debbie Stabenow, 8/9/2005, $500; Progressive Choices PAC, 7/24/2006, $250; Barack Obama, 6/28/2007, $1,000; Barack Obama, 12/17/2007, $1,300; Obama Victory Fund, 7/1/2008, $2,300.

Wynne Jacobson: None.

Jeremy Jacobson: None.

Winifred Jacobson: Deceased.

Jerry Jacobson: Deceased.

Jamie Wainwright: None.

David Wainwright: None.

Robin Nichols: DSCC, 10/17/2006, $500; Dan Seals, 3/3/2006, $300; Dan Seals, 10/20/2007, $500; Wesley Clark, 11/25/2003, $500; Wesley Clark, 1/27/2004, $200; Dan Seals, 6/16/2006, $500; Dan Seals, 7/24/2008, $500; Dan Seals, 6/30/2008, $500; Joe Biden, 11/18/2005, $200; Barack Obama, 6/28/2007, $1,000; John Kerry, 5/25/2004, $500.

Jay Nichols: Dan Seals, 6/30/2008, $500; Dan Seals, 9/21/2008, $500; Obama Victory Fund, 7/1/2008, $500; Obama Victory Fund, 9/18/2008, $500; Barack Obama, 7/31/2008, $500; Barack Obama, 9/30/2008, $500.

*Alan D. Solomont, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Andorra.

Nominee: Alan D. Solomont.

Post: Spain and Andorra.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee: $2,300.00, 2/16/2007, Allen, Tom for Senate; $1,000.00, 6/17/2005, Allen, Tom for Congress; $2,000.00, 5/4/2007, Ameripac: The Fund for a Greater America; $2,300.00, 6/8/2007, Born Fighting PAC; ($1,900.00), 6/1/2006, Brown, Matt for US Senate (Refund); $900.00, 6/12/2005, Brown, Matthew for US Senate; $2,000.00, 4/13/2005, Brown, Matthew for US Senate; $2,000.00, 9/20/2005, Byrd, Friends of Robert C; $5,000.00, 3/30/2005, Campaign for Our Country; $2,100.00, 3/9/2005, Cantwell, Friends of Maria; $2,000.00, 6/12/2005, Capuano for Congress; $1,500.00, 9/6/2006, Cardin, Ben for Senate; $1,000.00, 5/10/2005, Carper for Senate; ($300.00), 1/18/2006, Casey, Bob for Pennsylvania (Refund); $2,500.00, 5/22/2005, Casey, Bob for Pennsylvania—$2,100 Casey, Bob for Pennsylvania; $400 Casey, Bob for Pennsylvania; $1,000.00, 5/1/2008, Childers for Congress; ($200.00), 7/26/2005, Clinton, Friends of Hillary (Refund)*; ($1,600.00), 7/13/2005, Clinton, Friends of Hillary (Refund)**; $200.00, 6/20/2005, Clinton, Hillary, Friends of; $1,000.00, 11/27/2005, DeLahunt for Congress; $250.00, 6/29/2007, Democracy for America; $25,000.00, 3/31/2005, Democratic Congressional Campaign Committee; $28,500.00, 3/31/2007, Democratic Congressional Campaign Committee; $5,000.00, 6/14/2005, Democratic Senatorial Campaign Committee; $10,000.00, 5/17/2007, Democratic Senatorial Campaign Committee; $10,000.00, 6/20/2005, DNC Services Corp/Democratic National Committee; $10,000.00, 6/29/2007, DNC Services Corp/Democratic National Committee; $10,000.00, 4/3/2007, DNC Services Corp/Democratic National Committee; $2,500.00, 4/15/2005, Durbin, Friends of Dick Committee; $1,000.00, 6/6/2005, Emily's List; $1,000.00, 6/29/2007, Feder, Judy for Congress; $1,000.00, 3/29/2007, Finegold, Barry for Congress; $1,300.00, 6/26/2007, Finegold, Barry for Congress; $2,300.00, 6/9/2007, Footlik for Congress; $1,000.00, 7/6/2006, Frank, Barney Frank for Congress; $1,000.00, 11/15/2008, Franken, Al; $2,100.00, 10/9/2005, Harkin, Citizens for**; $300.00, 3/1/2007, Harkin, Citizens for; $2,300.00, 5/10/2007, Hodes, Paul for Congress; $5,000.00, 12/16/2005, Hopefund, Inc.; $2,000.00, 3/3/2005, Kennedy for Senate 2012; $4,200.00, 1/11/2007, Kerry, John for Senate; $500.00, 10/23/2005, KIDSPAC; ($2,100.00), 9/18/2006, Lampson, Nick for Congress (Refund); $4,200.00, 8/16/2006, Lampson, Nick Lampson for Congress; $1,000.00, 5/11/2007, Levin, Carl Friends of; $2,100.00, 6/1/2005, Lieberman, Friends of Joe; $2,300.00, 3/29/2007, Markey Committee; $2,000.00, 6/24/2005, Markey Committee; ($2,000.00), 12/26/2005, Markey Refund; $5,000.00, 2/14/2005, McAuliffe, Friends of Chairman; $2,000.00, 4/24/2005, McGovern, Re-Elect Committee; $1,000.00, 5/5/2006, McCaskill, Claire for US Senate; $2,000.00, 5/5/2005, Meehan, Marty for Congress; $1,000.00, 5/8/2008, Merkley, Jeff for Oregon; $1,000.00, 5/15/2006, Moore, Bean Moore JT. Committee—$500 Melissa Bean, $500 Dennis Moore; $1,000.00, 11/1/2005, Nadler for Congress; $1,000.00, 4/17/2005, Neal, Richard E. Committee; $1,000.00, 11/21/2005, Nelson, Bill for US Senate; $2,100.00, 1/26/2007, Obama Exploratory Committee; $2,500.00, 3/30/2007, Obama for America; ($248.12), 11/3/2008, Obama Refund; $2,000.00, 6/4/2005, Obey, Dave, A Lot of People for; $1,000.00, 4/2/2007, Obrien, David for Congress; $2,300.00, 3/5/2007, Olver, John Citizens for; $4,200.00, 11/1/2005, Pelosi, Nancy for Congress; $4,200.00, 1/4/2006, Pelosi, Nancy for Congress (Refund); $2,300.00, 5/18/2007, Reed Committee; $1,000.00, 2/15/2007, Richardson for President; $1,300.00, 6/26/2007, Richardson for President; $2,300.00, 8/24/2007, Schwartz, Allyson for Congress**; $1,000.00, 3/7/2005, Schwartz, Allyson for Congress; $2,000.00, 6/1/2005, Stabenow for US Senate**; $1,000.00, 3/31/2007, Tsongas, Nicki for Congress; $1,000.00, 6/20/2005, Udall for Colorado; 1,300.00, 6/26/2007, Udall for Colorado; $1,000.00, 3/31/2007, Udall for Colorado; $2,100.00, 1/22/2007, Vilsack, Tom for President; $1,000.00, 11/25/2007, Warner, Friends of Mark**; $500.00, 11/13/2005, Welch for Congress; $1,000.00, 4/25/2007, Welch for Congress.

*Recorded incorrectly on FEC website as ($100).

**Recording incorrectly on FEC website as a contribution made by Susan Solomont; should be attributed to Alan Solomont.

2. Spouse: Susan Lewis Solomont: $1,000.00, 9/28/2007, Allen, Tom for Senate; $1,000.00, 3/21/2006, Allen, Tom for Congress; $1,000.00, 1/29/2006, Bingaman, Jeff A Lot of People For; $1,000.00, 9/25/2005, Brown, Matt for US SenatE **; $250.00, 1/29/2006, Brown, Matt Friends of (RI); $1,000.00, 12/16/2006, Campaign for Our Country; $2,000.00, 3/21/2006, Cardin, Ben for Senate; ($1,500.00), 9/6/2006, Cardin, Ben for Senate (Refund); $2,100.00, 5/1/2005, Clinton, Hillary, Friends of ***; $25,000.00, 3/7/2006, Democratic Congressional Campaign Committee—$9,000 Dem. Congressional Campaign Comte, $6,000 Dem. Congressional Campaign Comte; $10,000 Dem. Congressional Campaign Comte; $28,500.00, 6/18/2007, Democratic Congressional Campaign Committee; $7,500.00, 3/20/2008 Democratic Congressional Campaign Committee; $10,000.00, 2/28/2006, DNC Services Corp./Democratic National Committee; $28,500.00, 3/28/2008 DNC Services Corp/Democratic National Committee; $1,000.00, 2/7/2008 Durbin, Friends of Dick; $1,000.00, 9/28/2007, Footlik for Congress; $2,000.00, 2/21/2006, Ford, Harold Ford Jr. for Tennessee; $2,300.00, 11/2/2007, Franken, Al for Senate; $2,000.00, 9/19/2005, Harkin, Friends of Tom; $4,600.00, 3/1/2007, Harkin, Friends of Tom; $1,000.00, 3/21/2006, Hodes, Paul for Congress; $1,000.00, 10/5/2007, Hodes, Paul for Congress; $5,000.00, 3/21/2006, Hopefund Inc.; $20,000.00, 9/29/2006, House and Senate Victory Fund **—$10,000 DSCC, $10,000 DCCC, –$2,000.00, 3/3/2005, Kennedy for Senate 2012; $1,000.00, 3/7/2006, Kennedy, Friends of Patrick; $2,300.00, 7/26/2007, Kennedy, Friends of Patrick; $4,200.00, 1/11/2007, Kerry, John for Senate; $4,200.00, 12/31/2005, Lampson, Nick for Congress—$2,100 Lampson, Nick for Congress, $2,100 Lampson, Nick for Congress; ($4,200.00) 9/6/2006, Lampson, Nick for Congress (Refund); $2,000.00, 12/22/2005, Markey Committee; $2,000.00, 3/29/2006, Nelson, Bill for U.S. Senate; $2,100.00, 1/26/2007, Obama Exploratory Committee; $2,500, 3/30/2007, Obama for America; $2,000.00, 6/4/2005, Obey, Dave, A Lot of People For; $2,000.00, 3/12/2005, Olver, Citizens for John for Congress; $4,200.00, 12/31/2005, Pelosi, Nancy for Congress; $1,000.00, 9/28/2007, Pingree for Congress; $1,000.00, 10/26/2007, Polis, Jay for Congress; $2,300.00, 7/12/2007, Reed Committee; $1,000.00, 11/21/2007, Reed Committee; $2,300.00, 9/30/2007, Richardson for President; $2,300.00, 11/19/2007, Rockefeller, Friends of Jay; $1,000.00, 12/29/2006, Sanders, Congressman Bernie for Senate; $250.00, 3/21/2006, Schultz, Debbie Wasserman-Schultz for Congress; $2,000.00, 8/29/2005, Schwartz, Allyson for Congress; $2,300.00, 9/20/2007, Shaheen, Jeanne for Senate; $2,300.00, 11//26/07, Shaheen, Jeanne for Senate; $2,000.00, 12/28/2005, Stabenow, Debbie for U.S. Senate;

$1,000.00, 3/18/2005, Stabenow, Debbie for U.S. Senate; $1,000.00, 3/29/2006, Stabenow, Debbie for U.S. Senate; $1,000.00, 3/21/2006, Tester, Jon Tester for Senate (MT); $1,000.00, 3/29/2006, Tierney, John for Congress; $1,000.00, 10/26/2007, Tsongas, Nicki for Congress; $2,300.00, 9/2/2007, Tsongas, Nicki for Congress; $2,300.00, 3/1/2007, Tsongas, Nicki for Congress; ($2,300.00), 5/7/2009, Tsongas, Nicki for Congress (Refund); $2,100.00, 1/29/2006, Udall for Congress; $2,100.00, 1/22/2007, Vilsack, Tom for President; $500.00, 3/21/2006, Welch, for Congress.

*Recorded incorrectly on FEC website as $900.

**Recorded incorrectly on FEC website as contribution made by Alan Solomont; should be attributed to Susan Solomont.

***Recorded incorrectly on FEC website as $1700.5

3. Children and Spouses: Rebecca Solomont: $2,300.00, 7/14/2008, Clinton, Hillary for President; $2,000.00, 9/3/2006, Ford, Harold Ford for Senate; $2,000.00, 7/14/2008, Markey Committee; $2,300.00, 3/30/2007, Obama for America; $2,300.00, 3/31/2007, Obama for America; $2,500.00, 7/21/2008, Reid, Friends of Harry. Stephanie Solomont: None.

4. Parents: Joseph Solomont: Deceased; Ethel Solomont: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: David and Joan Solomont: None. Jay and Deborah Solomont: None. Ahron and Sheera Solomont: None.

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*Lee Andrew Feinstein, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Nominee: Lee Feinstein.

Post: Ambassador to Poland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date and donee:

Self: $2300, Aug. 2008, Obama for America.

2. Spouse: n/a.

3. Children and Spouses: n/a.

4. Parents: n/a.

5. Grandparents: n/a.

6. Brothers and Spouses: Michael Feinstein: $50, 2008, Obama for America; $100, 2008, Obama for America; $50, 2008, Obama for America; Alan Feinstein: $250, 2007, Rockville Center Dem. Party.

7. Sisters and Spouses: Merril Feinstein: $50, 2008, Hillary Clinton for Pres.

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*Barry B. White, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway

Nominee: Barry B. White.

Post: Ambassador to the Kingdom of Norway.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Candidate, office, date, and amount:

Self: Patrick Murphy, Congress, March 2008, $250; Chris Gregoire, Governor, April 2008, $250; Nat'l Jewish Dem. Committee, Committee, June 2008, $2,000; John Kerry, Senate, July 2008, $1,000; Obama Victory Fund, Committee, July 2008, *$10,000; Mark Warner, Senate, August 2008, $1,000; Scott Kleeb, Senate, September 2008, $250; Tom Allen, Senate, September 2008, $500; John Olver, Congress, October 2008, $250; Jeanne Shaheen, Senate, October 2008, $1,000; Patrick Murphy, Senate, October 2008, $250; Paul Hodes, Congress, October 2008, $270; Obama Victory, President, September 2008, $2,000; DNC Services, Committee, September 2008, $2,000; Mark Begich, Senate, October 2008, $250; Obama for America, President, October 2008, (−$2300); Barney Frank, Congress, April 2008, $1,000; Niki Tsongas, Congress, March 2008, $1,000; N.H. Dem Party, Committee, December 2007, $1,000; Paul Hodes, Congress, September 2007, $1,000; Obama for America, President, March 2007, $2,300; Niki Tsongas, Congress, June 2007, $1,000; Niki Tsongas, Congress, October 2007, $1,300; Hillary Clinton, President, July 2008, $1,000; Niki Tsongas, Congress, March 2007, $1,000; Niki Tsongas, Congress, March 2007, $300; MA Democratic State Committee, Committee, April 2006, $500; HopeFund, Committee, March 2006, $1,350; Edward Kennedy, Senate, March 2006, $1,000; Keeping America's Promise, Committee, March 2006, $1,000; Rob Simmons, Congress, June 2006, $1,000; Jon Tester, Senate, July 2006, $1,000; Bill Delahunt, Congress, August 2006, $1,000; Obama 2010, Senate, September 2006, $1,000; Nancy Johnson, Congress, November 2006, $1,000; Richard Neal, Congress, November 2006, $1,000; John Larson, Congress, November 2006, $1,000; Ed Markey, Congress, October 2006, $1,000; Jeb Bradley, Congress, November 2006, $1,000; Barney Frank, Congress, October 2006, $1,000; HopeFund, Committee, March 2006, $1,350; Paul Hodes, Congress, October 2006, $500; Campaign for Country, Committee, April 2006, $1,000; Edward Kennedy, Senate, March 2005, **$1,000; Edward Kennedy, Senate, March 2005, $1,000; HopeFund, Committee, September 2005, $1,000; Campaign for Country, Committee, December 2005, $1,000; Natl Jewish Dem Committee, Committee, September 2005, $500.

*Attributed by the DNC mistakenly as $5,400 for the DNC and $4,600 for Obama for America. When the mistake was discovered, Obama for America refunded me $2,300 in October, 2008. It is on the FEC report as a refund to Mr. Barry White.

**FEC filings show this as a contribution of $900 but it was $1000.

2. Spouse: Eleanor G. White: MA Democratic State Committee, Committee, May 2009, $500; Jon Tester, Senate, March 2009, –$1,000; Niki Tsongas, Congress, March 2009, $500; GREBPAC, Committee, –February 2009, $500; Barney Frank, Congress, April 2008, $1,000; GREBPAC, Committee, March 2008, $250; Hillary Clinton, President, July 2008, $1,000; Niki Tsongas, Congress, October 2008, $125; Barney Frank, Congress, October 2007, $250; Barney Frank, Congress, October 2007, $250; Niki Tsongas, Congress, March 2007, $1,000; GREBPAC, Committee, March 2007, $250; Obama, President, June 2007, $2,300; Niki Tsongas, Congress, June 2007, $1,300; Niki Tsongas, Congress, October 2007, $500; Obama, President, June 2007, $1,300; Barney Frank, Congress, October 2006, $250.

3. Children and Spouses: Joshua and Nicole White: none; Adam White: none; Benjamin White: Joe Biden, President, 2008, $25; Obama, President, 2008, $100.

4. Parents: Harold and Rosalyn White—deceased.

5. Grandparents: Louis and Sadie Schneider—deceased; Joseph and Bessie White—deceased.

6. Brothers and Spouses: Alan White and Christiana Taylor, none; Michael White and Elizabeth White: Obama, President, May 2007, $2,000; John Morrison, Senate, April 2005, $250; Don Young, Congress, October 2007, $500; Maria Cantwell for Senate, Senate, July 2006, $500; Nick Lampkin, Congress, Uncertain, $500; Jon Tester, Senate, Uncertain, $250.

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*Michael H. Posner, of New York, to be Assistant Secretary of State for Democracy, Human Rights, and Labor.

*Robert D. Hormats, of New York, to be an Under Secretary of State (Economic, Energy, and Agricultural Affairs).

*Robert D. Hormats, of New York, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development.

*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 Mr. HARKIN:

S. 1679. An original bill to make quality, affordable health care available to all Americans, reduce costs, improve health care quality, enhance disease prevention, and strengthen the health care workforce; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mr. WHITEHOUSE:

S. 1680. A bill to amend titles XVIII and XIX of the Social Security Act to provide the authorized representative of a deceased beneficiary full access to information with respect to the deceased beneficiary's benefits under the Medicare and Medicaid programs; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. FEINGOLD, Ms. CANTWELL, Mr. DURBIN, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1681. A bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself and Mr. NELSON of Florida):

S. 1682. A bill to provide the Commodity Futures Trading Commission with clear antimarket manipulation authority, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENNET:

S. 1683. A bill to apply recaptured taxpayer investments toward reducing the national debt; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1684. A bill to establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries and to require the Attorney General to establish a national criminal arsonist and criminal bomber registry program, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS (for himself, Mr. LEAHY, Mr. WHITEHOUSE, and Mr. DODD):

S. 1685. A bill to provide an emergency benefit of $250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a cost-of-living adjustment for such year, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. DURBIN, Mr. TESTER, Mr. UDALL of

New Mexico, Mr. BINGAMAN, Mr. SANDERS, Mr. AKAKA, Mr. WYDEN, Mr. MENENDEZ, and Mr. MERKLEY):

S. 1686. A bill to place reasonable safeguards on the use of surveillance and other authorities under the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHANNS (for himself, Mr. VITTER, Mr. CHAMBLISS, Mr. BROWNBACK, Mr. INHOFE, Mr. BURR, Mrs. HUTCHISON, Mr. BARRASSO, Mr. HATCH, Mr. ENZI, Mr. ISAKSON, Mr. ROBERTS, Mr. BENNETT, Mr. ENSIGN, Mr. CRAPO, Mr. SHELBY, Mr. THUNE, Mr. GREGG, Mr. BUNNING, Mr. DEMINT, and Mr. GRAHAM):

S. 1687. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now; read the first time.

By Mr. BENNETT (for himself, Mr. ENZI, Mr. BUNNING, and Mr. CRAPO):

S. 1688. A bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 1689. A bill to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LEAHY, Ms. KLOBUCHAR, Mr. CORNYN, Mr. BROWN, Mr. CONRAD, Mr. FRANKEN, Mrs. HUTCHISON, Mr. BAUCUS, Mr. CASEY, Ms. STABENOW, Mr. BENNET, Mr. JOHANNS, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. THUNE, and Mrs. GILLIBRAND):

S. Res. 273. A resolution commemorating Dr. Norman Borlaug, recipient of the Nobel Peace Prize, Congressional Gold Medal, Presidential Medal of Freedom, and founder of the World Food Prize; considered and agreed to.

By Mr. MENENDEZ (for himself, Mrs. GILLIBRAND, and Mr. HARKIN):

S. Res. 274. A resolution supporting the goals and ideals of Peace Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 162

At the request of Mr. FEINGOLD, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 162, a bill to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 619

At the request of Mr. SANDERS, his name was added as a cosponsor of S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 658

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 769

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 769, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B program.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 934

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 1042

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1042, a bill to prohibit the use of funds to promote the direct deposit of Veterans and Social Security benefits until adequate safeguards are established to prevent the attachment and garnishment of such benefits.

S. 1210

At the request of Mr. KAUFMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1210, a bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1319

At the request of Mr. COBURN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1446

At the request of Mrs. GILLIBRAND, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1446, a bill to amend title XIX of the Social Security Act to provide incentives for increased use of HIV screening tests under the Medicaid program.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1538

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1538, a bill to establish a black

carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that supports observations, monitoring, modeling, and for other purposes.

S. 1539

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1539, a bill to authorize the National Oceanic and Atmospheric Administration to establish a comprehensive greenhouse gas observation and analysis system, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1643

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1643, a bill to amend the Internal Revenue Code of 1986 to allow a credit for the conversion of heating using oil fuel to using natural gas or biomass feedstocks, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. RES. 226

At the request of Mrs. GILLIBRAND, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 226, a resolution designating September 2009 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable contributions to the culture of the United States.

S. RES. 272

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 272, a resolution commemorating Dr. Norman Borlaug, recipient of the Nobel Peace Prize, Congressional Gold Medal, Presidential Medal of Freedom, and founder of the World Food Prize.

AMENDMENT NO. 2394

At the request of Mr. JOHANNS, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kentucky (Mr. BUNNING), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. DEMINT), the Senator from Texas (Mrs. HUTCHISON) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of amendment No. 2394 proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. FEINGOLD, Ms. CANTWELL, Mr. DURBIN, Mr. SCHUMER, and Mrs. FEINSTEIN):

S. 1681. A bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, our Nation's antitrust laws exist to protect consumers. These laws promote competition, which ensures that consumers will pay lower prices, and receive more choices of higher quality products. The vast majority of the companies doing business in the U.S. are subject to the Federal antitrust laws.

A few industries have used their influence to obtain a special, statutory exemption from the antitrust laws, and the insurance industry is one of them. In the markets for health insurance and medical malpractice insurance, patients and doctors are paying the price, as costs continue to increase at an alarming rate. As the insurance industry prospers behind its exemption, patients and small businesses suffer. I am pleased to introduce today the Health Insurance Industry Antitrust Enforcement Act of 2009, which will repeal the antitrust exemption for health insurance and medical malpractice insurance providers.

The health care industry is the subject of a great deal of debate. There are many proposals to bring competition to health insurance providers. While we are debating these solutions, we should not lose sight of the fact that the health insurance industry currently does not have to play by the same, good-competition rules as other industries. That is wrong, and this legislation corrects it.

The lack of affordable health insurance plagues families throughout our country, and the rising prices that hospitals and doctors pay for medical malpractice insurance drains resources that could otherwise be used to improve patient care. Antitrust oversight in these industries will provide consumers with the confidence that insurance companies are operating in a competitive marketplace.

There is simply no justification for health insurance and medical malpractice insurance companies to be exempt from Federal laws prohibiting price fixing. Subjecting health and medical malpractice insurance providers to the antitrust laws will enable customers to feel confident that the price they are being quoted is the product of a fair marketplace. This bill will prohibit the most egregious anticompetitive conduct—price fixing, bid rigging and market allocations—conduct that harms consumers and drives up health care costs.

In the 110th Congress, I introduced a much broader repeal of the McCarran-Ferguson Act with Senator Lott. While Congress did not reach consensus on that legislation, surely in this environment of rising health care costs, we can agree on this more narrowly tailored repeal. Insurers should not object to being subject to the same antitrust laws as everyone else. If they are operating in an appropriate way, they should have nothing to fear. American families, doctors and hospitals rely on insurance. It is important to ensure that the prices they pay for this insurance are established in a fair and competitive way.

I look forward to repealing the antitrust exemption in the health insurance and medical malpractice insurance industries.

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. 1681

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 ''Health Insurance Industry Antitrust Enforcement Act of 2009''.

SEC. 2. PURPOSE.

It is the purpose of this Act to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

SEC. 3. PROHIBITION OF ANTI-COMPETITIVE ACTIVITIES.

Notwithstanding any other provision of law, nothing in the Act of March 9, 1945 (15 U.S.C. 1011 et seq., commonly known as the ''McCarran-Ferguson Act'') shall be construed to permit health insurance issuers (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91) or issuers of medical malpractice insurance to engage in any form of price fixing, bid rigging, or market allocations in connection with the conduct of the business of providing health insurance coverage (as defined in such section) or coverage for medical malpractice claims or actions.

SEC. 4. APPLICATION TO ACTIVITIES OF STATE COMMISSIONS OF INSURANCE AND OTHER STATE INSURANCE REGULATORY BODIES.

Nothing in this Act shall apply to the information gathering and rate setting activities of any State commission of insurance, or any other State regulatory entity with authority to set insurance rates.

By Ms. CANTWELL (for herself and Mr. NELSON, of Florida):

1682. A bill to provide the Commodity Futures Trading Commission with

clear antimarket manipulation authority, and for other purposes; to the Committee on Agriculture. Nutrition, and Forestry.

Ms. CANTWELL. Mr. President, I rise today to introduce the Commodities Market Manipulation Prevention Act of 2009.

When bad-actors like Enron and Amaranth Advisors, LLC, manipulate commodities prices, it means that Americans pay more for commodities like oil, gasoline, heating oil, food, and natural gas. Unfortunately, current law does not protect our economy with a tough enough standard to prevent, deter, and enforce illegal market manipulation in critical commodity futures markets.

Current law makes it very difficult for the Commodities Futures Trading Commission to prosecute market manipulation cases. This is because current law requires the CFTC to meet a more rigorous standard to prove market manipulation than other financial market regulatory agencies such as the Securities and Exchange Commission, the Federal Energy Regulatory Commission, and the Federal Trade Commission.

Specifically, the Commodities Exchange Act requires the CFTC to prove ''specific intent'' to manipulate. That is a very difficult standard to reach. You would have to have a pretty dumb individual to, for example, write in an e-mail that you specifically intend to manipulate prices. But that's what current law currently requires the CFTC to prove.

In addition, CFTC case law also requires that it prove an artificial price exists, that the defendant had market power to move the price, and that he or she actually did cause the artificial price. Particularly in today's complex markets, proving ''artificial price'' can be a daunting task, which more often than not comes down to a ''battle of the experts'' in court. Because these requirements are so onerous, the CFTC often ends up moving to a lesser charge of ''attempted manipulation,'' which requires only proving intent and some act showing that intent. This is still a high standard, but is much easier than proving a full manipulation case.

As a result, Federal courts have recognized that, with the CFTC's weaker anti-manipulation standard, market ''manipulation cases generally have not fared well.'' In fact, the standard is so weak that in the CFTC's 35-year history, it has only successfully prosecuted and won one single case of manipulation. That case is currently on appeal in Federal court.

The Securities and Exchange Commission, on the other hand, under section 10(b) of the Securities and Exchange of 1934, has a different, easier-to-prove manipulation standard that it has employed successfully for over 75 years. Basically, the SEC does not need to prove specific intent, as the CFTC does. The SEC just has to prove that the defendant acted ''recklessly.''

This legislation would give the CFTC the same anti-manipulation standard currently employed by the SEC. This means that the CFTC would be empowered to prove a manipulation case under the same ''reckless conduct'' standard that the SEC, FERC, and FTC employ, in contrast to its current difficult-to-prove ''specific intent'' standard. That is, this legislation will repeal the affirmative rule that says you are allowed to act recklessly in the commodity futures markets as long as you have no specific intent to do harm.

Congress also recently granted this same authority to the FERC in 2005 and the FTC in 2007 in legislation I wrote that carefully tracked section 10(b) of the Securities and Exchange Act of 1934 to ensure the FERC and FTC would interpret and enforce their new market manipulation authorities consistent with the SEC. This legislation also carefully tracks section 10(b) of the Securities Exchange Act of 1934 in part because Federal case law is clear that when the Congress uses language identical to that used in another statute, Congress intended for the courts and the Commission to interpret the new authority in a similar manner.

In the words of the Supreme Court from the 1904 case of Kepner v. United States, ''when a statute uses words whose meaning under the judicial decisions has become well-known and well-settled, it will be presumed that the Legislature used such words in the sense justified by long judicial sanction.'' In the 75 years since the enactment of the Securities and Exchange Act 1934, a substantial body of case law has developed over the last half century around section 10(b). This will provide certainty in how this legislation will be interpreted and applied by the Courts and the CFTC.

In fact, the Supreme Court has compared this body of law to ''a judicial oak which has grown from little more than a legislative acorn.'' So it's worth noting that courts have held that the SEC's manipulation authority is not intended to catch sellers who take advantage of the natural market forces of supply and demand; only those who attempt to affect the market or prices by artificial means unrelated to the natural forces of supply and demand.

In this country, our current standard in the futures arena just isn't working. It is not sufficient to fully prosecute and deter abuses in the markets. We need to get the right standard to prevent, deter, and enforce market manipulation in these markets.

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. 1682

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 ''Derivatives Market Manipulation Prevention Act of 2009''.

SEC. 2. CIVIL PENALTIES FOR MARKET MANIPULATION.

Subsection (c) of section 6 of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended to read as follows:

''(c) PROHIBITION REGARDING MARKET MANIPULATION AND FALSE INFORMATION.—

''(1) PROHIBITION REGARDING MARKET MANIPULATION.—It shall be unlawful for any person, directly or indirectly, to use or employ, or attempt to use or employ, in connection with a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Derivatives Market Manipulation Prevention Act of 2009.

''(2) PROHIBITION REGARDING FALSE INFORMATION.—It shall be unlawful for any person to report information relating to any registration application, any report filed with the Commission, or any other information relating to a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, or to omit any material fact that is required to be stated in any application or report if the person knew, or reasonably should have known, the information to be false or misleading.

''(3) ENFORCEMENT.—

''(A) AUTHORITY OF COMMISSION.—If the Commission has reason to believe that any person is violating or has violated this subsection, or any other provision of this Act (including any rule, regulation, or order promulgated in accordance with this subsection or any other provision of this Act), the Commission may serve upon the person a complaint.

''(B) CONTENTS OF COMPLAINT.—A complaint under subparagraph (A) shall—

''(i) contain a description of the charges against the person that is the subject of the complaint; and

''(ii) have attached or contain a notice of hearing that specifies the date and location of the hearing regarding the complaint.

''(C) HEARING.—A hearing described in subparagraph (B)(ii)—

''(i) shall be held not later than 3 days after the date on which the person described in subparagraph (A) receives the complaint;

''(ii) shall require the person to show cause regarding why—

''(I) an order should not be made—

''(aa) to prohibit the person from trading on, or subject to the rules of, any registered entity; and

''(bb) to direct all registered entities to refuse all privileges to the person until further notice of the Commission; and

''(II) the registration of the person, if registered with the Commission in any capacity, should not be suspended or revoked; and

''(iii) may be held before—

''(I) the Commission; or

''(II) an administrative law judge designated by the Commission, under which the administrative law judge shall ensure that all evidence is recorded in written form and submitted to the Commission.

''(4) SUBPOENA.—For the purpose of securing effective enforcement of the provisions of this chapter, for the purpose of any investigation or proceeding under this chapter, and for the purpose of any action taken under section 12(f) of this title, any member of the Commission or any Administrative Law Judge or other officer designated by the Commission (except as provided in paragraph (6)) may administer oaths and affirmations,

subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records that the Commission deems relevant or material to the inquiry.

''(5) WITNESSES.—The attendance of witnesses and the production of any such records may be required from any place in the United States, any State, or any foreign country or jurisdiction at any designated place of hearing.

''(6) SERVICE.—A subpoena issued under this section may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States in such manner as the Federal Rules of Civil Procedure prescribe for service of process in a foreign country, except that a subpoena to be served on a person who is not to be found within the territorial jurisdiction of any court of the United States may be issued only on the prior approval of the Commission.

''(7) REFUSAL TO OBEY.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction in which the investigation or proceeding is conducted, or where such person resides or transacts business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records. Such court may issue an order requiring such person to appear before the Commission or member or Administrative Law Judge or other officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question.

''(8) FAILURE TO OBEY.—Any failure to obey such order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in the judicial district wherein such person is an inhabitant or transacts business or wherever such person may be found.

''(9) EVIDENCE.—On the receipt of evidence under paragraph (3)(C)(iii)(II), the Commission may—

''(A) prohibit the person that is the subject of the hearing from trading on, or subject to the rules of, any registered entity and require all registered entities to refuse the person all privileges on the registered entities for such period as the Commission may require in the order;

''(B) if the person is registered with the Commission in any capacity, suspend, for a period not to exceed 180 days, or revoke, the registration of the person;

''(C) assess such person—

''(i) a civil penalty of not more than an amount equal to the greater of—

''(I) $140,000; or

''(II) triple the monetary gain to such person for each such violation; or

''(ii) in any case of manipulation or attempted manipulation in violation of this subsection, subsection (d), or section 9(a)(2), a civil penalty of not more than an amount equal to the greater of—

''(I) $1,000,000; or

''(II) triple the monetary gain to the person for each such violation; and

''(D) through an order of the Commission, require restitution to customers of damages proximately caused by violations of the person.

''(10) ORDERS.—

''(A) NOTICE.—The Commission shall provide to a person described in paragraph (9)(A) and the appropriate governing board of the registered entity notice of the order described in paragraph (9)(A) by—

''(i) registered mail;

''(ii) certified mail; or

''(iii) personal delivery.

''(B) REVIEW.—

''(i) IN GENERAL.—A person that has received notice of an order by the Commission may obtain a review of the order or such other equitable relief as determined to be appropriate by a court described in clause (ii).

''(ii) PETITION.—To obtain a review or other relief under clause (i), a person may, not later than 15 days after the date of receipt of a notice under clause (i), file a written petition to set aside the order with the United States Court of Appeals—

''(I) for the circuit in which the petitioner carries out the business of the petitioner; or

''(II) in the case of an order denying registration, the circuit in which the principal place of business of the petitioner is located, as listed on the application of the petitioner.

''(C) PROCEDURE.—

''(i) DUTY OF CLERK OF APPROPRIATE COURT.—The clerk of the appropriate court under subparagraph (B)(ii) shall transmit to the Commission a copy of a petition filed under subparagraph (B)(ii).

''(ii) DUTY OF COMMISSION.—In accordance with section 2112 of title 28, United States Code, the Commission shall file in the appropriate court described in subparagraph (B)(ii) the record theretofore made.

''(iii) JURISDICTION OF APPROPRIATE COURT.—Upon the filing of a petition under subparagraph (B)(ii), the appropriate court described in subparagraph (B)(ii) shall have jurisdiction to affirm, set aside, or modify the order of the Commission, and the findings of the Commission as to the facts, if supported by the weight of evidence, shall in like manner be conclusive.''.

SEC. 3. CEASE AND DESIST ORDERS, FINES.

Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended to read as follows:

''(d) If any person (other than a registered entity), directly or indirectly, is using or employing, or attempting to use or employ, in connection with a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Derivatives Market Manipulation Prevention Act of 2009, the Commission may, upon notice and hearing, and subject to appeal as in other cases provided for in sections 9 and 15 of this title, make and enter an order directing that such person shall cease and desist therefrom and, if such person thereafter and after the lapse of the period allowed for appeal of such order or after the affirmance of such order, shall fail or refuse to obey or comply with such order, such person shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than the higher of $140,000 or triple the monetary gain to such person, or imprisoned for not less than six months nor more than one year, or both, except that if such failure or refusal to obey or comply with such order involves any offense within subsection (a) or (b) of section 13 of this title, such person shall be guilty of a felony and, upon conviction thereof, shall be subject to the penalties of said subsection (a) or (b): Provided, That any such cease and desist order against any respondent in any case of under this subsection shall be issued only in conjunction with an order issued against such respondent under sections 9 and 15 of this title. Each day during which such failure or refusal to obey or comply with such order continues shall be deemed a separate offense.''.

SEC. 4. MANIPULATIONS; PRIVATE RIGHTS OF ACTION.

Section 22(a)(1) of the Commodity Exchange Act (7 U.S.C. 25(a)(1)) is amended by striking subparagraph (D) and inserting the following:

''(D) who purchased or sold a contract referred to in subparagraph (B) hereof if the violation constitutes the use or employment of, or an attempt to use or employ, in connection with a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, any manipulative device or contrivance in contravention of such rules and regulations as the Commission shall promulgate by not later than 1 year after the date of enactment of the Derivatives Market Manipulation Prevention Act of 2009.''.

SEC. 5. DEFINITION OF SWAP.

Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended by adding at the end the following:

''(35) SWAP.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'swap' means any agreement, contract, or transaction that—

''(i) is a put, call, cap, floor, collar, or similar option of any kind for the purchase or sale of, or based on the value of, one or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind;

''(ii) provides for any purchase, sale, payment, or delivery (other than a dividend on an equity security) that is dependent on the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

''(iii) provides on an executory basis for the exchange, on a fixed or contingent basis, of one or more payments based on the value or level of one or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, including any agreement, contract, or transaction commonly known as an interest rate swap, a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, currency swap, foreign exchange swap, total return swap, equity index swap, equity swap, debt index swap, debt swap, credit spread, credit default swap, credit swap, weather swap, energy swap, metal swap, agricultural swap, emissions swap, or commodity swap;

''(iv) is an agreement, contract, or transaction that is, or in the future becomes, commonly known to the trade as a swap; or

''(v) is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of clauses (i) through (iv);

''(B) EXCLUSIONS.—The term 'swap' does not include:

''(i) any contract of sale of a commodity for future delivery or security futures product traded on or subject to the rules of any board of trade designated as a contract market under section 5 or 5f;

''(ii) any sale of a nonfinancial commodity for deferred shipment or delivery, so long as such transaction is physically settled;

''(iii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof, that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

''(iv) any put, call, straddle, option, or privilege relating to foreign currency entered into on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a));

''(v) any agreement, contract, or transaction providing for the purchase or sale of one or more securities on a fixed basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.);

''(vi) any agreement, contract, or transaction providing for the purchase or sale of one or more securities on a contingent basis that is subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.) and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), unless such agreement, contract, or transaction predicates such purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

''(vii) any note, bond, or evidence of indebtedness that is a security as defined in section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a));

''(viii) any agreement, contract, or transaction that is—

''(I) based on a security; and

''(II) entered into directly or through an underwriter (as defined in section 2(a) of the Securities Act of 1933) (15 U.S.C. 77b(a)) by the issuer of such security for the purposes of raising capital, unless such agreement, contract, or transaction is entered into to manage a risk associated with capital raising; or

''(ix) any agreement, contract, or transaction a counterparty of which is a Federal Reserve bank, the United States government or an agency of the United States government that is expressly backed by the full faith and credit of the United States.

''(C) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—The term 'swap' shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a swap pursuant to subparagraph (A), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a swap pursuant to subparagraph (A), except that the master agreement shall be considered to be a swap only with respect to each agreement, contract, or transaction under the master agreement that is a swap pursuant to subparagraph (A).''.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by sections 2, 3, and 4 shall take effect on the date on which the final rule promulgated by the Commodity Futures Trading Commission pursuant to the Derivatives Market Manipulation Prevention Act of 2009 takes effect.

(b) DEFINITION OF SWAP.—The amendment made by section 5 shall take effect on the date of enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1684. A bill to establish guidelines and incentives for States to establish criminal arsonist and criminal bomber registries and to require the Attorney General to establish a national criminal arsonist and criminal bomber registry program, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I am pleased to join with Senator BOXER in introducing the Managing Arson Through Criminal History, MATCH, Act of 2009. This bill is a companion to a bill introduced in the House of Representatives by Representatives BONO MACK and SCHIFF.

The bill would establish Federal and State arson registries; require convicted arsonists and bombers to register and update certain specified information for 5 years after a first conviction, 10 years after a second conviction, and for life after a third conviction; and authorize grants and incentives through the Department of Justice so that these registries will be operational within 3 years.

Southern California just went through one of the worst fire disasters in its history. The Station Fire destroyed 160,500 acres, destroyed more than 80 homes and threatened more than 12,000 homes. Right now, the fire is still burning in wilderness areas on its eastern flank in the Angeles National Forest.

Two firefighters, Fire Captain Tedmund ''Ted'' Hall, 47, of San Bernardino County, and Firefighter Specialist Arnaldo ''Arnie'' Quinones, 34, of Palmdale, served with dedication and courage. They were killed August 30th when their truck slipped off a winding dirt road high in the Angeles National Forest. Officials believe the truck might have been overrun by flames from the wildfire.

Though the incident is still under investigation, officials believe that Hall and Quinones may have ordered dozens of people to seek shelter while they fought through active flames to search for an escape route.

There is no doubt that the Station Fire, the largest wildfire in the history of Los Angeles County, was the result of arson after investigators examined forensic evidence from scorched landscape off Angeles Crest Highway. The spot is believed to be the source of origin of the Station fire and investigators have found incendiary material near the site.

This was a disaster of massive proportions—preliminary estimates indicate that these fires will cost $100 million. In these tough economic times, this cost and its effect on the economy of California is enormous and will have an impact for years to come.

Although the Federal Government may foot 80 to 90 percent of the bill for fighting the fire, which broke out in national parkland, the state's share will hit at a time when California is in the grip of a fiscal crisis.

Unfortunately, this is not the first or last time that a wildfire in California is started by an arsonist. It doesn't need to be that way. The bill that I introduce today—the MATCH Act would assist fire investigators and law enforcement officials by giving them up-to-date information on potential arsonists and bombers.

The bill would require convicted arsonists and bombers to register and regularly update their personal information in a new arsonist registry. In the future this will allow law enforcement and fire investigators to have an accessible database they can use to either find or rule out people of interest.

This will allow them to more easily complete their investigations, find the person responsible, and ensure that more wildfires won't get started intentionally.

This bill represents common-sense legislation that will help law enforcement officers do their jobs. Hundreds of firefighters worked on controlling the Station Fire. We owe it to these brave men and women who put their lives on the line—and others like them who will do so in the future—to give fire investigators this important new tool, so they can help bring arsonists and bombers to justice.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1684

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 ''Managing Arson Through Criminal History (MATCH) Act of 2009''.

SEC. 2. CRIMINAL ARSONIST AND CRIMINAL BOMBER REGISTRATION AND NOTIFICATION PROGRAM.

(a) REGISTRY REQUIREMENTS FOR JURISDICTIONS.—

(1) JURISDICTION TO MAINTAIN A REGISTRY.—Each jurisdiction shall establish and maintain a jurisdiction-wide arsonist and bomber registry in accordance with this section.

(2) GUIDELINES AND REGULATIONS.—The Attorney General shall issue guidelines and regulations to carry out this section.

(b) REGISTRY REQUIREMENTS FOR CRIMINAL ARSONISTS AND BOMBERS.—

(1) IN GENERAL.—A criminal arsonist or criminal bomber shall register, and shall keep the registration current in accordance with paragraph (3), in each jurisdiction in which the criminal arsonist or criminal bomber resides, is an employee, or is a student.

(2) INITIAL REGISTRATION.—A criminal arsonist or criminal bomber shall initially register—

(A) in addition to any jurisdiction described in paragraph (1), in the jurisdiction in which the criminal arsonist or criminal bomber was convicted; and

(B)(i) before completing a sentence of imprisonment with respect to the arson offense or bombing offense giving rise to the registration requirement; or

(ii) not later than 5 business days after being sentenced for the arson offense or bombing offense giving rise to the registration requirement, if the criminal arsonist or criminal bomber is not sentenced to a term of imprisonment.

(3) KEEPING THE REGISTRATION CURRENT.—

(A) IN GENERAL.—Not later than 10 business days after each change of name, residence,

employment, or student status, a criminal arsonist or criminal bomber shall appear in person in at least 1 jurisdiction described in paragraph (1) and inform the jurisdiction of all changes in the information required for that criminal arsonist or criminal bomber in the arsonist and bomber registry involved.

(B) PROVISION TO OTHER JURISDICTIONS.—A jurisdiction receiving information under subparagraph (A) shall immediately provide the revised information to all other jurisdictions in which the criminal arsonist or criminal bomber is required to register.

(4) APPLICATION OF REGISTRATION REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in the guidelines established under subparagraph (B), the requirements of this section, including the duties to register and to keep a registration current, shall apply only to a criminal arsonist or criminal bomber who was—

(i) convicted of an arson offense or a bombing offense on or after the date of enactment of this Act; and

(ii) notified of the duties and registered in accordance with subsection (f).

(B) APPLICATION TO CRIMINAL ARSONISTS OR CRIMINAL BOMBERS UNABLE TO COMPLY WITH PARAGRAPH (2)(B).—

(i) GUIDELINES.—The Attorney General shall establish guidelines in accordance with this subparagraph for each jurisdiction for—

(I) the application of the requirements of this section to criminal arsonists or criminal bombers convicted before the date of the enactment of this Act, or the date of the implementation of this section in such a jurisdiction; and

(II) the registration of any criminal arsonist or criminal bomber described in subclause (I) who is otherwise unable to comply with paragraph (2)(B).

(ii) INFORMATION REQUIRED TO BE INCLUDED IN REGISTRY.—With respect to each criminal arsonist or criminal bomber described in clause (i) convicted of an arson offense or bombing offense during the 10-year period ending on the date of enactment of this Act, the guidelines under clause (i) shall provide for the inclusion in the arsonist and bomber registry of each applicable jurisdiction (and, in accordance with subsection (j), the provision by the jurisdiction to each entity described in subsection (j)) of—

(I) the name of the criminal arsonist or criminal bomber (including any alias used by the individual);

(II) the Social Security number of the individual;

(III) the most recent known address of the residence at which the individual has resided;

(IV) a physical description of the individual;

(V) the text of the provision of law establishing the arson offense or bombing offense giving rise to the duty of the individual to register;

(VI) a set of fingerprints and palm prints of the individual;

(VII) a photocopy of a valid driver's license or identification card issued to the individual by a jurisdiction, if available; and

(VIII) any other information required by the Attorney General.

(iii) NOTICE REQUIRED.—The guidelines under clause (i) shall require notice to each criminal arsonist or criminal bomber included in an arsonist and bomber registry pursuant to this subparagraph of such inclusion.

(5) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a criminal arsonist or criminal bomber to comply with the requirements of this section.

(6) AUTHORITY TO EXEMPT CERTAIN INDIVIDUALS FROM REGISTRY REQUIREMENTS.—A jurisdiction may exempt a criminal arsonist or criminal bomber who has been convicted of an arson offense or a bombing offense for the first time from the registration requirements under this section in exchange for the substantial assistance of the individual in the investigation or prosecution of another person who has committed a criminal offense. The Attorney General shall ensure that any regulations promulgated under this section include guidelines establishing criteria regarding when it is appropriate to exempt an individual from the registration requirements under this section.

(c) INFORMATION REQUIRED IN REGISTRATION.—

(1) PROVIDED BY ARSONIST OR BOMBER.—A criminal arsonist or criminal bomber shall provide to the appropriate officer of a jurisdiction in which the individual is required to register for inclusion in the arsonist and bomber registry of the jurisdiction—

(A) the name of the individual (including any alias used by the individual);

(B) the Social Security number of the individual;

(C) the address of each residence at which the individual resides or will reside;

(D) the name and address of any place where the individual is an employee or will be an employee;

(E) the name and address of any place where the individual is a student or will be a student;

(F) the license plate number and a description of any vehicle owned or operated by the individual; and

(G) any other information required by the Attorney General.

(2) PROVIDED BY THE JURISDICTION.—The jurisdiction in which a criminal arsonist or criminal bomber registers shall ensure that the arsonist and bomber registry of the jurisdiction includes—

(A) a physical description of the individual;

(B) the text of the provision of law establishing the arson offense or bombing offense giving rise to the duty of the individual to register;

(C) the criminal history of the individual, including the date of all arrests and convictions, the status of parole, probation, or supervised release, registration status, and the existence of any outstanding arrest warrants for the individual;

(D) a current photograph of the individual;

(E) a set of fingerprints and palm prints of the individual;

(F) a photocopy of a valid driver's license or identification card issued to the individual by a jurisdiction; and

(G) any other information required by the Attorney General.

(d) DURATION OF REGISTRATION REQUIREMENT; EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN JUVENILE CRIMINALS.—

(1) DURATION OF REGISTRATION REQUIREMENT.—A criminal arsonist or criminal bomber shall keep the registration information provided under subsection (c) current in accordance with subsection (b)(3) for the full registration period.

(2) EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN JUVENILE CRIMINALS.—

(A) IN GENERAL.—In the case of a criminal arsonist or criminal bomber described in subparagraph (B), a jurisdiction shall expunge the arson and bomber registry of the jurisdiction of information relating to the criminal arsonist or criminal bomber on the date that is 5 years after the last day of the full registration period for the criminal arsonist or criminal bomber.

(B) CRIMINAL ARSONIST OR BOMBER DESCRIBED.—A criminal arsonist or criminal bomber described in this subparagraph is a criminal arsonist or criminal bomber who—

(i) was a juvenile tried as an adult for the arson offense or bombing offense giving rise to the duty of the individual to register under this section; and

(ii) was not convicted of any other felony during the period beginning on the first day of the full registration period for the criminal arsonist or criminal bomber and ending on the last day of the 5-year period described in subparagraph (A).

(C) APPLICATION TO OTHER DATABASES.—The Attorney General shall establish a process to ensure that each entity that receives information under subsection (j) with respect to a criminal arsonist or criminal bomber described in subparagraph (B) shall expunge the applicable database of the information on the date that is 5 years after the last day of the full registration period for the criminal arsonist or criminal bomber.

(e) ANNUAL VERIFICATION.—Not less than once during each calendar year during the full registration period, a criminal arsonist or criminal bomber required to register under this section shall—

(1) appear in person at not less than 1 jurisdiction in which the individual is required to register;

(2) allow the jurisdiction to take a photograph of the individual; and

(3) while present at the jurisdiction, verify the information in each arsonist and bomber registry in which the individual is required to be registered.

(f) DUTY TO NOTIFY CRIMINAL ARSONISTS AND CRIMINAL BOMBERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.—

(1) IN GENERAL.—An appropriate officer shall, shortly before release of a criminal arsonist or criminal bomber from custody, or, if the individual is not in custody, immediately after the sentencing of the individual for the arson offense or bombing offense giving rise to the duty of the individual to register—

(A) inform the individual of the duties of the individual under this section and explain those duties in a manner that the individual can understand in light of the native language, mental capability, and age of the individual;

(B) ensure that the individual understands the registration requirement, and if so, require the individual to read and sign a form stating that the duty to register has been explained and that the individual understands the registration requirement;

(C) if the individual is unable to understand the registration requirements, sign a form stating that the individual is unable to understand the registration requirements; and

(D) ensure that the individual is registered in accordance with this section.

(2) NOTIFICATION OF CRIMINAL ARSONISTS AND CRIMINAL BOMBERS WHO CANNOT COMPLY WITH PARAGRAPH (1).—The Attorney General shall prescribe rules to ensure the notification and registration in accordance with this section of criminal arsonists and criminal bombers who cannot be registered in accordance with paragraph (1).

(g) ACCESS TO INFORMATION THROUGH THE INTERNET.—

(1) IN GENERAL.—Except as provided in this subsection, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to law enforcement personnel and fire safety officers located in the jurisdiction, all information about each criminal arsonist and criminal bomber in the arsonist and bomber registry of the jurisdiction.

(2) COORDINATION WITH NATIONAL DATABASE.—Each jurisdiction shall—

(A) ensure that the Internet site of the jurisdiction described in paragraph (1) includes all field search capabilities needed for full participation in the national Internet site established under subsection (i); and

(B) participate in the national Internet site established under subsection (i) in accordance with regulations promulgated by the Attorney General under this section.

(3) PROHIBITION ON ACCESS BY THE PUBLIC.—Information about a criminal arsonist or criminal bomber shall not be made available on the Internet to the public under paragraph (1).

(4) MANDATORY EXEMPTIONS.—A jurisdiction shall exempt from disclosure on the Internet site of the jurisdiction described in paragraph (1)—

(A) any information about a criminal arsonist or criminal bomber involving conviction for an offense other than the arson offense or bombing offense giving rise to the duty of the individual to register;

(B) if the criminal arsonist or criminal bomber is participating in a witness protection program, any information about the individual the release of which could jeopardize the safety of the individual or any other person; and

(C) any other information identified as a mandatory exemption from disclosure by the Attorney General.

(5) OPTIONAL EXEMPTIONS.—A jurisdiction may exempt from disclosure on the Internet site of the jurisdiction described in paragraph (1)—

(A) the name of an employer of a criminal arsonist or criminal bomber; and

(B) the name of an educational institution where a criminal arsonist or criminal bomber is a student.

(6) CORRECTION OF ERRORS.—The Attorney General shall establish guidelines to be used by each jurisdiction to establish a process to seek correction of information included in the Internet site of the jurisdiction described in paragraph (1) if an individual contends the information is erroneous. The guidelines established under this paragraph shall establish the period, beginning on the date on which an individual has knowledge of the inclusion of information in the Internet site, during which the individual may seek the correction of the information.

(7) WARNING.—An Internet site of a jurisdiction described in paragraph (1) shall include a warning that—

(A) information on the site is to be used for law enforcement purposes only and may only be disclosed in connection with law enforcement purposes; and

(B) any action in violation of subparagraph (A) may result in a civil or criminal penalty.

(h) NATIONAL CRIMINAL ARSONIST AND CRIMINAL BOMBER REGISTRY.—

(1) IN GENERAL.—The Attorney General shall maintain a national database at the Bureau of Alcohol, Tobacco, Firearms, and Explosives that includes relevant information for each criminal arsonist or criminal bomber (including any information provided under subsection (j)). The database shall be known as the National Criminal Arsonist and Criminal Bomber Registry.

(2) ELECTRONIC FORWARDING.—The Attorney General shall ensure (through the national registry maintained under this subsection or otherwise) that updated information about a criminal arsonist or criminal bomber is immediately transmitted by electronic forwarding to all relevant jurisdictions.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this subsection such sums as may be necessary for each of fiscal years 2010 through 2014.

(i) NATIONAL ARSONIST AND BOMBER INTERNET SITE.—

(1) IN GENERAL.—The Attorney General shall establish and maintain a national arsonist and bomber Internet site. The Internet site shall include relevant information for each criminal arsonist or criminal bomber. The Internet site shall allow law enforcement officers and fire safety officers to obtain relevant information for each criminal arsonist or criminal bomber by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

(2) PROHIBITION ON ACCESS BY THE PUBLIC.—Information about a criminal arsonist or criminal bomber shall not be made available on the Internet to the public under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this subsection such sums as may be necessary for each of fiscal years 2010 through 2014.

(j) NOTIFICATION PROCEDURES.—

(1) IN GENERAL.—Immediately after a criminal arsonist or criminal bomber registers in the arsonist and bomber registry of a jurisdiction, or updates a registration in the arsonist and bomber registry of a jurisdiction, an appropriate officer of the jurisdiction shall provide the information in the arsonist and bomber registry (other than information exempted from disclosure by this section or the Attorney General) about the individual to the entities described in paragraph (2).

(2) ENTITIES.—The entities described in this paragraph are—

(A) the Attorney General;

(B) appropriate law enforcement agencies (including probation agencies, if applicable) in each area in which the criminal arsonist or criminal bomber resides, is an employee, or is a student;

(C) each jurisdiction in which the criminal arsonist or criminal bomber resides, is an employee, or is a student; and

(D) each jurisdiction from or to which a change of residence, employment, or student status occurs.

(k) ACTIONS TO BE TAKEN WHEN CRIMINAL ARSONIST OR CRIMINAL BOMBER FAILS TO COMPLY.—

(1) JURISDICTIONS.—An appropriate officer of a jurisdiction shall—

(A) notify the Attorney General and appropriate law enforcement agencies if a criminal arsonist or criminal bomber fails to comply with the requirements of the arsonist and bomber registry of the jurisdiction; and

(B) revise the arsonist and bomber registry of the jurisdiction to reflect the nature of the failure.

(2) ENSURING COMPLIANCE.—If a criminal arsonist or criminal bomber fails to comply with the requirements of the arsonist and bomber registry of a jurisdiction, an appropriate officer of the jurisdiction, the Attorney General, and any law enforcement agency notified under paragraph (1)(A) shall take any appropriate action to ensure compliance.

(l) DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.—

(1) DUTY TO DEVELOP AND SUPPORT.—In consultation with the jurisdictions, the Attorney General shall develop and support software to enable jurisdictions to establish and operate arsonist and bomber registries and Internet sites described in subsection (g).

(2) CRITERIA.—The software described in paragraph (1) shall facilitate—

(A) immediate exchange of information among jurisdictions;

(B) access over the Internet to appropriate information, including the number of registered criminal arsonists or criminal bombers in each jurisdiction;

(C) full compliance with the requirements of this section; and

(D) communication of information as required under subsection (j).

(3) DEADLINE.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall make available to jurisdictions a fully operational edition of the software described in paragraph (1).

(m) PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.—

(1) DEADLINE.—A jurisdiction shall implement this section not later than the later of—

(A) 3 years after the date of enactment of this Act; or

(B) 1 year after the date on which the software described in subsection (l) is made available to the jurisdiction.

(2) EXTENSIONS.—The Attorney General may make not more than 2 1-year extensions of the deadline under paragraph (1) for a jurisdiction.

(3) FAILURE OF JURISDICTION TO COMPLY.—For any fiscal year after the expiration of the deadline specified in paragraph (1) (including any extension under paragraph (2)), that a jurisdiction fails to substantially implement this section, as determined by the Attorney General, the jurisdiction shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(n) ELECTION BY INDIAN TRIBES.—

(1) ELECTION.—

(A) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body, elect to carry out this section as a jurisdiction subject to its provisions.

(B) IMPLEMENTATION.—A federally recognized Indian tribe that, as of the date that is 1 year after the date of enactment of this Act, has not made an election described in subparagraph (A) shall, by resolution or other enactment of the tribal council or comparable governmental body, enter into a cooperative agreement to arrange for a jurisdiction to carry out any function of the tribe under this section until such time as the tribe elects to carry out this section.

(2) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(A) NONDUPLICATION.—A federally recognized Indian tribe subject to this section is not required to duplicate functions under this section that are fully carried out by 1 or more jurisdictions within which the territory of the tribe is located.

(B) COOPERATIVE AGREEMENTS.—A federally recognized Indian tribe, through cooperative agreements with 1 or more jurisdictions within which the territory of the tribe is located, may—

(i) arrange for the tribe to carry out any function of the jurisdiction under this section with respect to criminal arsonists or criminal bombers subject to the jurisdiction of the tribe; and

(ii) arrange for the jurisdiction to carry out any function of the tribe under this section with respect to criminal arsonists and criminal bombers subject to the jurisdiction of the tribe.

(3) LAW ENFORCEMENT AUTHORITY IN INDIAN COUNTRY.—Enforcement of this section in Indian country, as defined in section 1151 of title 18, United States Code, shall be carried out by the Federal Government, tribal governments, and State governments under jurisdictional authorities in effect on the date of enactment of this Act.

(o) IMMUNITY FOR GOOD FAITH CONDUCT.—The Federal Government, a jurisdiction, a political subdivision of a jurisdiction, and an agency, officer, employee, and agent of the Federal Government, a jurisdiction, or a political subdivision of a jurisdiction shall not be held liable in any Federal or State court for any good faith conduct to carry out this section.

(p) CRIMINAL ARSONIST AND CRIMINAL BOMBER MANAGEMENT ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Attorney General shall establish and implement a Criminal Arsonist and Bomber Management Assistance program (in this subsection referred to as the ''Assistance Program''), under which the Attorney General may make grants to jurisdictions to offset the costs of implementing this section.

(2) APPLICATION.—A jurisdiction desiring a grant under this subsection for a fiscal year shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(3) INCREASED GRANT PAYMENTS FOR PROMPT COMPLIANCE.—

(A) IN GENERAL.—A jurisdiction that, as determined by the Attorney General, has substantially implemented this section not later than 2 years after the date of enactment of this Act is eligible for a bonus payment in addition to the amount of a grant to the jurisdiction under paragraph (1). The Attorney General may make a bonus payment to a jurisdiction for the first fiscal year beginning after the date on which the Attorney General determines the jurisdiction has substantially implemented this section.

(B) AMOUNT.—A bonus payment under this paragraph shall be—

(i) if the Attorney General determines that the jurisdiction has substantially implemented this section not later than the date that is 1 year after the date of enactment of this Act, in an amount equal to 10 percent of the amount of a grant to the jurisdiction under paragraph (1) for the fiscal year in which the bonus payment is made; and

(ii) if the Attorney General determines that the jurisdiction has substantially implemented this section after the date that is 1 year after the date of the enactment of this Act, and not later than 2 years after the date of enactment of this Act, in an amount equal to 5 percent of the amount of a grant to the jurisdiction under paragraph (1) for the fiscal year in which the bonus payment is made.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this subsection such sums as may be necessary for each of fiscal years 2010 through 2014.

(q) DEFINITIONS.—In this section:

(1) ARSONIST AND BOMBER REGISTRY.—The term ''arsonist and bomber registry'' means a registry of criminal arsonists and criminal bombers, and a notification program, maintained by a jurisdiction under this section.

(2) ARSON OFFENSE.—The term ''arson offense'' means any criminal offense for committing arson, attempting arson, or conspiracy to commit arson in violation of the laws of the jurisdiction in which the offense was committed or the laws of the United States.

(3) BOMBING OFFENSE.—The term ''bombing offense'' means any criminal offense for committing a bombing, attempting a bombing, or conspiracy to commit a bombing in violation of the laws of the jurisdiction in which the offense was committed or the laws of the United States.

(4) CRIMINAL ARSONIST.—The term ''criminal arsonist''—

(A) means an individual who is convicted of an arson offense; and

(B) does not include a juvenile who is convicted of an arson offense unless the juvenile was tried as an adult for the arson offense.

(5) CRIMINAL BOMBER.—The term ''criminal bomber''—

(A) means an individual who is convicted of a bombing offense; and

(B) does not include a juvenile who is convicted of a bombing offense unless the juvenile was tried as an adult for the bombing offense.

(6) CRIMINAL OFFENSE.—The term ''criminal offense'' means a Federal, State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 10 U.S.C. 951 note)) or other criminal offense.

(7) EMPLOYEE.—The term ''employee'' includes an individual who is self-employed or works for any other entity, whether compensated or not.

(8) FIRE SAFETY OFFICER.—The term ''fire safety officer'' means an individual serving in an official capacity as a firefighter, fire investigator, or other arson investigator, as defined by the jurisdiction for the purposes of this section.

(9) FULL REGISTRATION PERIOD.—

(A) IN GENERAL.—The term ''full registration period'' means the period—

(i) beginning on the later of—

(I) the date on which an individual is convicted of an arson offense or bombing offense;

(II) the date on which an individual is released from custody for conviction of an arson offense or bombing offense; or

(III) the date on which an individual is placed on parole, supervised release, or probation for an arson offense or bombing offense; and

(ii) ending—

(I) for an individual who has been convicted of an arson offense or bombing offense for the first time, 5 years after the date described in clause (i);

(II) for an individual who has been convicted of an arson offense or bombing offense for the second time, 10 years after the date described in clause (i); and

(III) for an individual who has been convicted of an arson offense or bombing offense more than twice, on the date on which the individual dies.

(B) EXCLUSION OF TIME IN CUSTODY.—Any period during which an individual is in custody shall not be included in determining the end of the period under subparagraph (A).

(10) JURISDICTION.—The term ''jurisdiction'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;

(G) the Virgin Islands; and

(H) to the extent provided in and subject to the requirements of subsection (o), a federally recognized Indian tribe.

(11) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given that term in section 1204 of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796b).

(12) RESIDES.—The term ''resides'' means the location of the home of an individual or other place where an individual habitually lives.

(13) STUDENT.—The term ''student'' means an individual who enrolls in or attends an educational institution (whether public or private), including a secondary school, trade or professional school, and institution of higher education.

By Mr. FEINGOLD (for himself, Mr. DURBIN, Mr. TESTER, Mr. UDALL, of New Mexico, Mr. BINGAMAN, Mr. SANDERS, Mr. AKAKA, Mr. WYDEN, Mr. MENENDEZ, and Mr. MERKLEY):

S. 1686. A bill to place reasonable safeguards on the use of surveillance and other authorities under the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased today to introduce the Judicious Use of Surveillance Tools In Counterterrorism Efforts, or JUSTICE, Act of 2009. I have had the privilege of working closely on this bill with Senator DURBIN, as I have on so many of these issues over the years, and I welcome the support of Senators TESTER, TOM UDALL, BINGAMAN, SANDERS, AKAKA and WYDEN. I am also pleased that the bill has the support of organizations and activists across the political spectrum, from former Republican Congressman Bob Barr to the American Civil Liberties Union to the American Library Association.

At the end of this year, three provisions of the USA PATRIOT Act will sunset unless Congress acts to reauthorize them. In my view, Congress should take this opportunity to revisit not just those three provisions, but rather a broad range of surveillance laws enacted in recent years to assess what additional safeguards are needed.

The JUSTICE Act does just that: It takes a comprehensive approach to fixing the Patriot Act and the FISA Amendments Act, once and for all. It permits the government to conduct necessary surveillance, but within a framework of accountability and oversight. It ensures both that our government has the tools to keep us safe, and that the privacy and civil liberties of innocent Americans will be protected. Because we can and must do both. These are not mutually exclusive goals.

Indeed, the Department of Justice just this week acknowledged as much in a letter setting forth its views on Patriot Act reauthorization. The Department said: ''We also are aware that Members of Congress may propose modifications to provide additional protection for the privacy of law abiding Americans. As President Obama said in his speech at the National Archives on May 21, 2009, 'We are indeed at war with al Qaeda and its affiliates. We do need to update our institutions to deal with this threat. But we must do so with an abiding confidence in the rule of law and due process; in checks and balances and accountability.' Therefore, the Administration is willing to consider such ideas, provided

that they do not undermine the effectiveness of these important authorities.''

I welcome the administration's openness to potential reforms of the Patriot Act and look forward to working together as the reauthorization process moves forward this fall.

But I remain concerned that critical information about the implementation of the Patriot Act has not been made public—information that I believe would have a significant impact on the debate. During the debate on the Protect America Act and the FISA Amendments Acts in 2007 and 2008, critical legal and factual information remained unknown to the public and to most members of Congress—information that was certainly relevant to the debate and might even have made a difference in votes. And during the last Patriot Act reauthorization debate in 2005, a great deal of implementation information remained classified. This time around, we must find a way to have an open and honest debate about the nature of these government powers, while protecting national security secrets.

As a first step, the Justice Department's letter made public for the first time that the so-called ''lone wolf'' authority—one of the three expiring provisions—has never been used. That was a good start, since this is a key fact as we consider whether to extend that power. But there also is information about the use of Section 215 orders that I believe Congress and the American people deserve to know. I do not underestimate the importance of protecting our national security secrets. But before we decide whether and in what form to extend these authorities, Congress and the American people deserve to know at least basic information about how they have been used. So I hope that the administration will consider seriously making public some additional basic information, particularly with respect to the use of Section 215 orders.

There can be no question that statutory changes to our surveillance laws are necessary. Since the Patriot Act was first passed in 2001, we have learned important lessons, and perhaps the most important of all is that Congress cannot grant the government overly broad authorities and just keep its fingers crossed that they won't be misused. Congress has the responsibility to put appropriate limits on government authorities—limits that allow agents to actively pursue criminals, terrorists and spies, but that also protect the privacy of innocent Americans.

This lesson was most clear in the context of National Security Letters. In reports issued in 2007 and 2008, the Department of Justice Inspector General carefully documented rampant misuse and abuse of the National Security Letter, NSL, authority by the FBI. The Inspector General found—as he put it—''widespread and serious misuse of the FBI's national security letter authorities. In many instances, the FBI's misuse of national security letters violated NSL statutes, Attorney General Guidelines, or the FBI's own internal policies.'' After those Inspector General reports, there can no longer be any doubt that granting overbroad authority leads to abuses. The FBI's apparently lax attitude and in some cases grave misuse of these potentially very intrusive authorities is attributable in no small part to the USA PATRIOT Act. That flawed legislation greatly expanded the NSL authorities, essentially granting the FBI a blank check to obtain some very sensitive records about Americans, including people not under any suspicion of wrong-doing, without judicial approval. Congress gave the FBI very few rules to follow, and failed to adequately remedy those shortcomings when it considered the NSL statutes as part of the Patriot Act reauthorization process in 2005.

The JUSTICE Act, like the bipartisan National Security Letter Reform Act that I introduced in the 110th Congress, would finally provide the statutory safeguards needed to protect against abuse of NSLs. And it would remedy First Amendment violations in the NSL statutes that were identified last year by the U.S. Court of Appeals for the Second Circuit, in a decision where Justice Sotomayor participated on the panel.

Specifically, the JUSTICE Act restricts the types of records that can be obtained without a court order to those that are the least sensitive and private, and it ensures that the FBI can only use NSLs to obtain information about individuals with some nexus to a suspected terrorist or spy. It makes sure that the FBI can no longer obtain the sensitive records of individuals three or four times removed from a suspect, most of whom would be entirely innocent. It follows the road map laid out by the Second Circuit to make sure the gag orders that accompany NSLs do not violate the First Amendment.

It prevents the use of so-called ''exigent letters,'' which the IG found the FBI was using in violation of the NSL statutes. It requires additional congressional reporting on NSLs, and it requires the FBI to establish a compliance program and tracking database for NSLs. And it requires the Attorney General to issue minimization procedures for information obtained through NSLs, so that information obtained about Americans is subject to enhanced protections and the FBI does not retain information obtained in error.

The JUSTICE Act also fixes Section 215, one of the most controversial provisions of the Patriot Act and one of the three that is subject to the 2009 sunset. This provision permits the government to obtain court orders for Americans' business records under the Foreign Intelligence Surveillance Act; it is often referred to as the ''library'' provision, although it covers all types of business records.

On Section 215, the legislation establishes a standard of individualized suspicion for obtaining a FISA business records order, requiring that the government be able to demonstrate the records have some nexus to terrorism or espionage, and it creates procedural protections to prevent abuses. The bill also ensures robust, meaningful and constitutionally sound judicial review of both National Security Letters and Section 215 business records orders, and the gag orders that accompany them.

The bill also ensures that Americans can feel safe in their homes by placing reasonable checks on the so-called ''sneak and peek'' search warrant provision of the Patriot Act. It would eliminate the overbroad catch-all provision that allows these searches to be used in virtually any criminal case, and it would shorten the presumptive time limits for notification that the search occurred. It also would create a statutory exclusionary rule, in recognition of the strong Fourth Amendment interests at stake with regard to this extraordinary exception to the usual requirement that law enforcement knock and announce themselves before executing a search warrant.

The JUSTICE Act also includes a number of reasonable safeguards to protect Americans' private communications. It permits the FBI to use roving wiretaps under FISA, but provides safeguards to protect innocent Americans from unnecessary surveillance. It ensures that the FBI does not obtain sensitive information about Americans' Internet usage without satisfying an appropriate standard, and subjects those authorities, called ''pen registers and trap and trace devices'', to new procedural checks. It provides new safeguards for the Patriot Act provision on computer trespass, which allows computer owners who are subject to hacking to give the government permission to monitor individuals on their systems without a warrant.

The bill also addresses the FISA Amendments Act, FAA, which granted the government new, over-expansive surveillance authorities and provided immunity to any companies that cooperated with the blatantly illegal warrantless wiretapping program that went on for more than five years—and that the prior administration repeatedly misled Congress about. That legislation became law last year over my strong objection, but it is not too late for Congress to fix it.

I offered several amendments to the FISA Amendments Act on the Senate floor—amendments that would have helped to make sure that the privacy of Americans' communications are properly protected. And now those amendments are part of the JUSTICE Act.

First, the bill would ensure that the FISA Amendments Act cannot be used to authorize the government to collect the content of all communications between the U.S. and the rest of the world. Under the FAA, millions upon millions of communications between

innocent Americans and their friends, families, or business associates overseas could legally be collected, with absolutely no suspicion of any wrongdoing. The JUSTICE Act would ensure such bulk collection will never occur.

Second, the JUSTICE Act would include a meaningful prohibition on the practice of reverse targeting—namely, wiretapping a person overseas when what the government is really interested in is listening to an American here at home with whom the foreigner is communicating. It would do so by requiring the government to obtain a court order whenever a significant purpose of the surveillance is to acquire the communications of an American in the U.S.

Third, the bill would create potential consequences if the government initiates surveillance under the FAA using procedures that have not been approved by the FISA Court, and the FISA Court later finds that those procedures were unlawful. Say, for example, the FISA Court determines that the procedures were not even reasonably designed to wiretap foreigners outside the U.S., rather than Americans here at home. Under the bill, the FISA Court would have the discretion to place limits on how the illegally obtained information on Americans can be retained and used.

Fourth, this bill includes a provision that will help protect the privacy of Americans whose international communications will be collected in vast new quantities. On the Senate floor last year, I joined with Senator WEBB and Senator TESTER to offer an amendment to provide real protections for the privacy of Americans, while also giving the government the flexibility it needs to wiretap terrorists overseas. And that amendment is in this bill.

And finally with respect to the FAA, the bill would repeal the grant of immunity to any companies that participated in the illegal NSA wiretapping program. Senator DODD was a leader on this during debate on the FAA and deserves a great deal of credit for drawing attention to this issue. Granting immunity seriously undercut our statutory scheme, which relies on both the government and the private sector to follow the law in implementing surveillance techniques. That is exactly why the surveillance laws have long provided liability protection for companies that cooperate with a government request for assistance, as long as they receive either a court order or a certification from the Attorney General that no court order is needed and the request meets all statutory requirements. But if requests are not properly documented, companies are supposed to refuse the government's request, and they are subject to liability if they instead decide to cooperate.

This framework, which has been in place for 30 years, protects companies that comply with legitimate government requests while also protecting the privacy of Americans' communications from illegitimate snooping. Granting companies that allegedly cooperated with an illegal program the retroactive immunity that was in the FAA undermines the law that has been on the books for decades—a law that was designed to prevent exactly the type of abuses that occurred. Repealing that provision helps bolster the statutory framework that has for so long helped to protect the privacy of Americans' communications.

The JUSTICE Act also provides additional congressional and judicial oversight of the Foreign Intelligence Surveillance Act. It ensures that the FBI provides some limited public reporting regarding its secret intelligence surveillance authority under FISA. It would give courts more authority to oversee the process for determining whether and how criminal defendants against whom FISA-derived evidence is being used should get access to the underlying applications and orders so they can mount a challenge.

The last title of the bill simply ensures that the law labels as terrorists only those people who truly wish to do this country harm—not domestic protesters who engage in civil disobedience or people who provide humanitarian assistance.

These concerns are not new. ''Sneak and peek'' searches, the need for reasonable limits on the FBI's use of roving wiretaps, access to business records, and the overly expansive computer trespass authority were all issues I first raised in the fall of 2001 as some of the reasons why I believed the PATRIOT Act was flawed and threatened fundamental constitutional rights and protections. Eight years later, it is time to finally get this right. Again and again, the previous administration requested and the Congress provided vast new surveillance authorities with minimal checks and balances. Many of these new tools were appropriate, and passage of this bill would leave in place surveillance authorities that are dramatically broader than what existed prior to 9/11. But what has been missing—what this bill finally provides—is the assurances that these new authorities are tailored to our national security needs and subject to proper oversight. Every single one of the changes in this bill is reasonable, measured and justifiable. I urge my colleagues to support it.

Mr. BENNETT (for himself, Mr. ENZI, Mr. BUNNING, and Mr. CRAPO):

S. 1688. A bill to prevent congressional reapportionment distortions by requiring that, in the questionnaires used in the taking of any decennial census of population, a checkbox or other similar option be included for respondents to indicate citizenship status or lawful presence in the United States; to the Committee on Homeland Security and Governmental Affairs.

Mr. BENNETT. Mr. President, I am pleased to rise today to introduce this important legislation, The Fairness in Representation Act, with my colleagues Senators ENZI and BUNNING. Next year's decennial census will be an enormous and expensive effort to complete the constitutionally mandated ''actual enumeration.'' I am proud of our Census department and the many people around the nation that will work together to produce what we hope and expect will be a fair and accurate census.

Unfortunately, current 2010 Census questionnaires lack a critical question: Are you a U.S citizen? How are we to accurately apportion representation in the House of Representatives and the Electoral College when no count of legal residents exists? Article 1 Section 2 of the U.S. Constitution mandates that a census be taken every 10 years expressly for the purpose of apportioning seats in the House of Representatives. However apportionment is based on each State's total population—including illegal aliens—relative to the rest of the country. Currently our census doesn't give us a count of the legal residents of this country. In the 1964 Supreme Court ruling, Wesberry v. Sanders the Court states that ''The House of Representatives, the [Constitutional] Convention agreed, was to represent the people as individuals and on a basis of complete equality for each voter.'' By counting citizens, legal residents and illegals alike, we are in effect eroding the power of the vote of those citizens who live in areas with fewer non-citizens. The large number of non-citizens in a district erases the principle of ''one man, one vote'' because it takes fewer votes to be elected to Congress.

The political costs of this broken system are great. I have drafted this legislation to require the decennial census to include a question regarding citizenship. The legislation will further direct the census to make such adjustments in the total population figures as may be necessary, in order that those who are not U.S. citizens or are not lawfully present in the U.S. are not counted in tabulating population for the purposes of apportionment. Apportionment of congressional seats and the Electoral College will be based on the legal population, rather than unfairly advantaging those communities with high illegal populations. I urge my colleagues to support this legislation that will correct an inexcusable error and return our representation system to its constitutional roots.

By Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico):

S. 1689. A bill to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to rise today with my colleague

Senator TOM UDALL to introduce the Organ Mountains-Desert Peaks Wilderness Act. This legislation will designate approximately 259,000 acres of wilderness in Doña Ana County, including the iconic Organ Mountains that overlook the City of Las Cruces. The legislation will also establish two Conservation Areas in Doña Ana County—the 86,600-acre Organ Mountains National Conservation Area on the east side of Las Cruces, and the 75,600-acre Desert Peaks National Conservation Area to the west, which adjoins the Prehistoric Trackways National Monument to its south.

The Organ Mountains are among the many scenic landscapes in Doña Ana County that define Southern New Mexico and the rich culture of its people. In addition to protecting the viewshed of the Organ Mountains from future development, this proposal seeks to preserve other important landscapes such as the Daña Ana Mountains, Robledo Mountains, and the ancient volcanic cinder cones and grasslands of the Potrillo Mountains. Many visitors also come to explore the caves, limestone cliffs, and winding canyons of the proposed Desert Peaks National Conservation Area.

While the public lands protected by this bill are important for their scenic and recreational values, they also represent a valuable economic resource for county residents, through ranching, hunting, and tourism that takes place here. This proposal will preserve healthy habitat for game and sensitive species; quality grazing land; and cultural resources like petroglyphs and historical features. Even those who may never visit these areas will benefit from their protection by consuming the clean water that these major watersheds provide to the people living in the valleys below.

This proposal is the culmination of over 2 years of consensus building accomplished by listening to input from a broad spectrum of the community. As a result, the proposal that has been developed meets the goals of conserving our treasured landscapes in Doña Ana County while addressing the valid concerns raised by frequent users of our public lands. I would like to take a moment to mention a couple of important changes we have made to the bill based on the input we received from the community to address both border security concerns as well as access issues for the ranchers who graze cattle in the region.

Doña Ana County shares its southern border with Mexico, and national security issues are always an important factor to consider in any legislation that involves border counties. For example, currently the West Potrillo Mountains Wilderness Study Area comes as close as a half mile in some places from the U.S.-Mexico border, which has created challenges for both the Department of Interior and the Department of Homeland Security to meet the goals of their distinct, yet equally important missions. This legislation seeks to provide additional flexibility for Customs and Border Patrol to accomplish its mission of border enforcement by releasing from Wilderness Study Area status more than 16,000 acres along the southern border. By assisting Border Patrol with its mission, the Bureau of Land Management will be better suited to meet its goals of natural resource protection as well.

With regard to ranching, access to water infrastructure is critical in the hot climate of southern New Mexico. To this end, we worked closely with all grazing permittees in the area to ensure all roads that lead to water improvements, like windmills, solar wells, water troughs and pipelines, were excluded from new wilderness areas. Other major infrastructure, like corrals, have also been excluded, and the congressional grazing guidelines that are referred to in this legislation will provide ranchers with the ability to use motorized vehicles to maintain stock ponds, fences, and other improvements in wilderness areas and to respond to emergencies. It is my belief that this approach will allow for the protection of these public lands while ensuring that ranching will continue.

My constituents in Doña Ana County have long expressed their desire to strike a balance between development and the preservation of the public lands that they grew up enjoying or that attracted them to the area in the first place. As such, this proposal is supported by a wide array of constituencies ranging from conservation and sportsmen's groups, city and county officials, to the Hispano Chamber of Commerce. With enactment of this bill, it is my hope that while Doña Ana County continues to prosper and grow, our unique places will be protected for generations to come. I am pleased that Senator UDALL has cosponsored this bill, and I urge all my colleagues to support the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1689

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 ''Organ Mountains-Desert Peaks Wilderness Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means each of the Organ Mountains National Conservation Area and the Desert Peaks National Conservation Area established by section 4(a).

(2) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Conservation Areas developed under section 4(d).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of New Mexico.

SEC. 3. DESIGNATION OF WILDERNESS AREAS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) ADEN LAVA FLOW WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 27,650 acres as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated September 16, 2009, which shall be known as the ''Aden Lava Flow Wilderness''.

(2) BROAD CANYON WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 13,900 acres as generally depicted on the map entitled ''Desert Peaks National Conservation Area'' and dated September 16, 2009, which shall be known as the ''Broad Canyon Wilderness''.

(3) CINDER CONE WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 16,950 acres as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated September 16, 2009, which shall be known as the ''Cinder Cone Wilderness''.

(4) ORGAN MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 19,400 acres as generally depicted on the map entitled ''Organ Mountains National Conservation Area'' and dated September 16, 2009, which shall be known as the ''Organ Mountains Wilderness''.

(5) POTRILLO MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 143,450 acres as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated September 16, 2009, which shall be known as the ''Potrillo Mountains Wilderness''.

(6) ROBLEDO MOUNTAINS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 17,000 acres as generally depicted on the map entitled ''Desert Peaks National Conservation Area'' and dated September 16, 2009, which shall be known as the ''Robledo Mountains Wilderness''.

(7) SIERRA DE LAS UVAS WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 11,100 acres as generally depicted on the map entitled ''Desert Peaks National Conservation Area'' and dated September 16, 2009, which shall be known as the ''Sierra de las Uvas Wilderness''.

(8) WHITETHORN WILDERNESS.—Certain land administered by the Bureau of Land Management in Doña Ana and Luna counties comprising approximately 9,600 acres as generally depicted on the map entitled ''Potrillo Mountains Complex'' and dated September 16, 2009, which shall be known as the ''Whitethorn Wilderness''.

(b) MANAGEMENT.—Subject to valid existing rights, the wilderness areas designated by subsection (a) shall be administered by the Secretary in accordance with this Act and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is within the boundary of a wilderness area designated by subsection (a) that is acquired by the United States shall—

(1) become part of the wilderness area within the boundaries of which the land is located; and

(2) be managed in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.);

(B) this Act; and

(C) any other applicable laws.

(d) GRAZING.—Grazing of livestock in the wilderness areas designated by subsection (a), where established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(e) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas designated by subsection (a), including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(f) BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any wilderness area designated by subsection (a).

(2) ACTIVITIES OUTSIDE WILDERNESS AREAS.—The fact that an activity or use on land outside any wilderness area designated by subsection (a) can be seen or heard within the wilderness area shall not preclude the activity or use outside the boundary of the wilderness area.

(g) POTENTIAL WILDERNESS AREA.—

(1) ROBLEDO MOUNTAINS POTENTIAL WILDERNESS AREA.—

(A) IN GENERAL.—Certain land administered by the Bureau of Land Management, comprising approximately 100 acres as generally depicted as ''Potential Wilderness'' on the map entitled ''Desert Peaks National Conservation Area'' and dated September 16, 2009, is designated as a potential wilderness area.

(B) DESIGNATION AS WILDERNESS.—

(i) IN GENERAL.—On the date on which the Secretary publishes in the Federal Register the notice described in clause (ii), the potential wilderness area designated under subparagraph (A) shall be—

(I) designated as wilderness and as a component of the National Wilderness Preservation System; and

(II) incorporated into the Robledo Mountains Wilderness designated by subsection (a)(6).

(ii) NOTICE.—The notice referred to in clause (i) is notice that—

(I) the communications site within the potential wilderness area designated under subparagraph (A) is no longer used;

(II) the associated right-of-way is relinquished or not renewed; and

(III) the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.).

(h) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in Doña Ana County administered by the Bureau of Land Management not designated as wilderness by subsection (a)—

(1) has been adequately studied for wilderness designation;

(2) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(3) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this Act; and

(C) any other applicable laws.

SEC. 4. ESTABLISHMENT OF NATIONAL CONSERVATION AREAS.

(a) ESTABLISHMENT.—The following areas in the State are established as National Conservation Areas:

(1) ORGAN MOUNTAINS NATIONAL CONSERVATION AREA.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 86,650 acres as generally depicted on the map entitled ''Organ Mountains National Conservation Area'' and dated September 16, 2009, which shall be known as the ''Organ Mountains National Conservation Area''.

(2) DESERT PEAKS NATIONAL CONSERVATION AREA.—Certain land administered by the Bureau of Land Management in Doña Ana County comprising approximately 75,600 acres, as generally depicted on the map entitled ''Desert Peaks National Conservation Area'' and dated September 16, 2009, which shall be known as the ''Desert Peaks National Conservation Area''.

(b) PURPOSES.—The purposes of the Conservation Areas are to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, archaeological, natural, geological, historical, ecological, wildlife, educational, recreational, and scenic resources of the Conservation Areas.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Areas—

(A) in a manner that conserves, protects, and enhances the resources of the Conservation Areas; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this Act; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Areas that the Secretary determines would further the purposes described in subsection (b).

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Conservation Areas shall be permitted only on roads designated for use by motorized vehicles in the management plan.

(ii) NEW ROADS.—No additional road shall be built within the Conservation Areas after the date of enactment of this Act unless the road is necessary for public safety or natural resource protection.

(C) GRAZING.—The Secretary shall permit grazing within the Conservation Areas, where established before the date of enactment of this Act—

(i) subject to all applicable laws (including regulations) and Executive orders; and

(ii) consistent with the purposes described in subsection (b).

(D) UTILITY RIGHT-OF-WAY UPGRADES.—Nothing in this section precludes the Secretary from renewing or authorizing the upgrading (including widening) of an existing utility right-of-way through the Organ Mountains National Conservation Area—

(i) in accordance with—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(II) any other applicable law; and

(ii) subject to such terms and conditions as the Secretary determines to be appropriate.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a management plan for each of the Conservation Areas.

(2) CONSULTATION.—The management plans shall be developed in consultation with—

(A) State, tribal, and local governments; and

(B) the public.

(3) CONSIDERATIONS.—In preparing and implementing the management plans, the Secretary shall consider the recommendations of Indian tribes and pueblos on methods for—

(A) ensuring access to, and protection for, traditional cultural and religious sites in the Conservation Areas; and

(B) enhancing the privacy and continuity of traditional cultural and religious activities in the Conservation Areas.

(e) INCORPORATION OF ACQUIRED LAND AND INTERESTS IN LAND.—Any land or interest in land that is within the boundary of a Conservation Area designated by subsection (a) that is acquired by the United States shall—

(1) become part of the Conservation Area within the boundaries of which the land is located; and

(2) be managed in accordance with—

(A) this Act; and

(B) any other applicable laws.

(f) TRANSFER OF ADMINISTRATIVE JURISDICTION.—On the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as ''Transfer from DOD to BLM'' on the map entitled ''Organ Mountains National Conservation Area'' and dated September 16, 2009, shall—

(1) be transferred from the Secretary of Defense to the Secretary;

(2) become part of the Organ Mountains National Conservation Area; and

(3) be managed in accordance with—

(A) this Act; and

(B) any other applicable laws.

SEC. 5. GENERAL PROVISIONS.

(a) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Conservation Areas and the wilderness areas designated by section 3(a) with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(b) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Conservation Areas and the wilderness areas designated by section 3(a) shall be administered as components of the National Landscape Conservation System.

(c) FISH AND WILDLIFE.—Nothing in this Act affects the jurisdiction of the State with respect to fish and wildlife located on public land in the State, except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may designate zones where, and establish periods during which, hunting, or fishing shall not be allowed for reasons of public safety, administration, the protection for nongame species

and their habitats, or public use and enjoyment.

(d) WITHDRAWALS.—

(1) IN GENERAL.—Subject to valid existing rights, the Federal land within the Conservation Areas, the wilderness areas designated by section 3(a), and the approximately 6,300 acres of land generally depicted as ''Parcel B'' on the map entitled ''Organ Mountains National Conservation Area'' and dated September 16, 2009, including any land or interest in land that is acquired by the United States after the date of enactment of this Act within such areas, is withdrawn from—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) LIMITED WITHDRAWAL.—The approximately 1,300 acres of land generally depicted as ''Parcel A'' on the map entitled ''Organ Mountains National Conservation Area'' and dated September 16, 2009, is withdrawn in accordance with paragraph (1), except from disposal under the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'' (43 U.S.C. 869 et seq.)).

SEC. 6. PREHISTORIC TRACKWAYS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

Section 2103(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 431 note; Public Law 111–11; 123 Stat. 1097) is amended by striking ''December 17, 2008'' and inserting ''July 30, 2009''.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. UDALL of New Mexico. Mr. President, today I join Senator BINGAMAN in introducing Organ Mountains-Desert Peaks Wilderness Act. The bill celebrates and preserves a portion of the unique and delicate landscape of southern New Mexico. Wilderness and conservation areas in Dona Ana and Luna Counties will protect a vast number of archeological sites and riparian areas, maintain habitat and migration corridors for wildlife, and preserve some of the only Chihuahuan Desert in the United States.

Set in the heart of Dona Ana County, Las Cruces is New Mexico's second largest city, and growing. The citizens of Las Cruces and the surrounding communities want to ensure that the area will continue to develop in a way that preserves the surrounding pristine landscapes including the iconic Organ Mountains. The Organ Mountains-Desert Peaks Wilderness Act is consistent with the city and County's long-term growth plan, and will act to maintain growth patterns in a way that will allow all citizens to enjoy the impressive views and landscapes surrounding Las Cruces.

The Organ Mountains Wilderness and NCA, just one portion of this comprehensive legislation, will keep these impressive peaks available for the enjoyment of southern New Mexicans, and all who visit the area. This mountain range is strikingly unique and gives great character and identity to other surrounding landscape and to the city of Las Cruces itself. A vast range of individual and public and private organizations came together to work on the protection of the Organ Mountains and the seven other wilderness areas included in the bill. Hunters, anglers and conservationists worked with ranchers and city and county officials to determine what areas were in greatest need of protection. Nearby military facilities worked with the Bureau of Land Management on land exchanges that are reflected in the bill and will benefit the public and military entities. Recommendations from the Border Patrol on how to ensure that the new wilderness fit into their homeland security efforts were incorporated into the bill. Years of negotiation and cooperation have resulted in the legislation being introduced today.

In total, the Organ Mountains-Desert Peaks Wilderness Act will protect 421,344 acres of desert landscape including 162,270 acres of National Conservation Area, and 259,071 acres of Wilderness Area. This area of rare and beautiful landscapes will be valued for generations. From the jagged basalt lava flows of the Cinder Cone Wilderness to the roaming hawks and scrambling javelinas of the Robledo Mountains, this unique piece of southern New Mexico has abundant natural value for its citizens.

With this legislation, we build upon the work of conservation greats like Aldo Leopold, a man who saw the beauty of New Mexico's untamed wilderness lands and sought to preserve them for future generations. It was Mr. Leopold who said, ''Conservation is a state of harmony between men and land.'' With the Organ Mountains-Desert Peaks Wilderness Act, we move a step closer to achieving that state of perfect harmony. I thank Senator BINGAMAN for his work to preserve this landscape and urge my colleagues to support this important bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 273—COMMEMORATING DR. NORMAN BORLAUG, RECIPIENT OF THE NOBEL PEACE PRIZE, CONGRESSIONAL GOLD MEDAL, PRESIDENTIAL MEDAL OF FREEDOM, AND FOUNDER OF THE WORLD FOOD PRIZE

Mr. HARKIN (for himself, Mr. GRASSLEY, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LEAHY, Ms. KLOBUCHAR, Mr. CORNYN, Mr. BROWN, Mr. CONRAD, Mr. FRANKEN, Mrs. HUTCHISON, Mr. BAUCUS, Mr. CASEY, Ms. STABENOW, Mr. BENNET, MR. JOHANNS, Mr. ROBERTS, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. THUNE, and Mrs. GILLIBRAND) submitted the following resolution; which was considered and agreed to:

S. RES. 273

Whereas Dr. Norman E. Borlaug was born on March 25, 1914, of Norwegian parents on a farm in Cresco, Iowa, and was educated in a 1-room school house throughout grades 1 through 8;

Whereas Dr. Borlaug attended the University of Minnesota, where he earned a Ph.D. degree in Plant Pathology;

Whereas, beginning in 1944, Dr. Borlaug spent 2 decades in rural Mexico working to assist the poorest farmers through a pioneering Rockefeller Foundation program;

Whereas Dr. Borlaug's research and innovative ''shuttle breeding'' in Mexico enabled him to develop a new approach to agriculture and a new disease-resistant variety of wheat with triple the output of grain;

Whereas this breakthrough achievement in plant production enabled Mexico to become self-sufficient in wheat by 1956, and concurrently raised the living standard for thousands of poor Mexican farmers;

Whereas Dr. Borlaug was asked by the United Nations to travel to India and Pakistan in the 1960s, as South-Asia and the Middle East faced an imminent widespread famine, where he eventually helped convince those 2 warring governments to adopt his new seeds and new approach to agriculture to address this critical problem;

Whereas, Dr. Borlaug brought miracle wheat to India and Pakistan, which helped both countries become self-sufficient in wheat production, thus saving hundreds of millions of people from hunger, famine, and death;

Whereas Dr. Borlaug and his team trained young scientists from Algeria, Tunisia, Egypt, Jordan, Iraq, Turkey, and Afghanistan in this same new approach to agriculture, which introduced new seeds but also put emphasis on the use of fertilizer and irrigation, thus increasing yields significantly in those countries as well;

Whereas Dr. Borlaug's approach to wheat was adapted by research scientists working in rice, which spread the Green Revolution to Asia, feeding and saving millions of people from hunger and starvation;

Whereas Dr. Borlaug was awarded the Nobel Peace Prize in 1970 as the ''Father of the Green Revolution'' and is only 1 of 5 people to have ever received the Nobel Peace Prize, Presidential Medal of Freedom, and Congressional Gold Medal;

Whereas Dr. Borlaug headed the Sasakawa Global 2000 program to bring the Green Revolution to 10 countries in Africa, and traveled the world to educate the next generation of scientists on the importance of producing new breakthrough achievements in food production;

Whereas Dr. Borlaug tirelessly promoted the potential that biotechnology offers for feeding the world, while also preserving biodiversity, in the 21st century when the global population is projected to rise to 9,000,000,000 people;

Whereas Dr. Borlaug continued his role as an educator as a Distinguished Professor at Texas A&M University, while also working at the International Center for the Improvement of Wheat and Maize in Mexico;

Whereas Dr. Borlaug founded the World Food Prize, called by several world leaders ''The Nobel Prize for Food and Agriculture'', which is awarded in Iowa each October so as to recognize and inspire Nobel-like achievements in increasing the quality, quantity, and availability of food in the world;

Whereas the Senate designated October 16 as World Food Prize Day in America in honor of Dr. Borlaug; and

Whereas it is written of Dr. Borlaug that throughout all of his work he saved 1,000,000,000 lives, thus making him widely known as saving more lives than any other person in human history: Now, therefore, be it

Resolved, That—

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of Dr. Norman Borlaug; and

(2) the Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of the deceased.

SENATE RESOLUTION 274—SUPPORTING THE GOALS AND IDEALS OF PEACE DAY

Mr. MENENDEZ (for himself, Mrs. GILLIBRAND, and Mr. HARKIN) submitted the following resolution; which was considered and agreed to:

S. RES. 274

Whereas, beginning in 2002, the United Nations has designated September 21 of each year as the International Day of Peace, which is known in the United States as Peace Day;

Whereas the United Nations dedicates the International Day of Peace to the cessation of hostilities and nonviolence, and calls upon all Nations and people to commemorate the day appropriately, including through educational efforts, and public awareness;

Whereas Peace Day activities around the world include vaccination campaigns, peace walks, concerts, peace-related discussions and debates, poetry readings, mass prayer ceremonies, art exhibitions, memorial services, school assemblies, and sporting events;

Whereas, on Peace Day 2006, the World Food Programme carried out a 60-ton food drop in Southern Sudan;

Whereas, on Peace Day 2007, the Peace One Day organization worked alongside the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), and the Afghan Ministry of Public Health to vaccinate 1,400,000 children of Afghanistan against the polio virus and, on Peace Day 2008, approximately 14,000 health workers and volunteers delivered polio vaccinations to 1,600,000 children under the age of 5 in 6 Afghan provinces;

Whereas, on Peace Day 2007, Star Syringe vaccinated children in rural areas against measles, diptheria, tuberculosis, hepatitis, and whooping cough in 20 locations, including Uganda, India, Ethiopia, and Indonesia;

Whereas, on Peace Day 2007, in the conflict-torn South Kivu province of the Democratic Republic of Congo, UNICEF and other organizations provided insecticide-treated mosquito nets to protect 600,000 children from malaria, and also provided vitamin A, de-worming medication, and measles immunizations;

Whereas, on Peace Day 2007, there were 82 Peace Day initiatives in Afghanistan alone, involving more than 30 United Nations agencies, government departments, radio stations, and civil society organizations, and including arms handover ceremonies, community prayers for peace, painting schools white, educational activities, and a Peace Walk through the streets of Heart, Afghanistan;

Whereas the Peace One Day organization provides free educational materials to schools in the United States and worldwide that enable young people to prepare for and participate in Peace Day activities, learn the skills needed to resolve conflicts peacefully, and cultivate a sense of active global citizenship; and

Whereas the ''One Day One Goal'' initiative promotes soccer matches in all member states of the United Nations on Peace Day, and ''One Day One Goal'' soccer matches reflect cooperation, unity, and the power of soccer to bring people together as part of Peace Day in many countries, including Iraq, Uganda, Afghanistan, Burundi, Cambodia, the United Arab Emirates, the Côte d'Ivoire, the United States, and the United Kingdom: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the goals and ideals celebrated on Peace Day, which is observed each year on September 21;

(2) supports continuing efforts to raise global awareness of the goals of Peace Day and to engage all sectors of society in the peaceful observance of the International Day of Peace, in accordance with United Nations General Assembly Resolution 55/282 of September 7, 2001, including work with United Nations agencies and non-governmental organizations to promote life-saving and humanitarian activities on Peace Day; and

(3) encourages people in the United States to observe Peace Day, September 21, 2009, with appropriate programs, ceremonies, and educational activities, in order to raise awareness of the need for peaceful resolution of conflicts of all kinds.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2423. Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table .

SA 2424. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2425. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2426. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2427. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2428. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2429. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2430. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2431. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2432. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2433. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2434. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2435. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2436. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2437. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2438. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2439. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2440. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2441. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2442. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2443. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2444. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2423. Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, line 10, insert before the period at the end the following: '': *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), $170,800 shall be made available to the city of Prescott for a wastewater treatment plant construction project and $129,200 shall be made available to the city of Wichita for a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for the Konza Water Main Extension project''.

SA 2424. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes;

which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4_____. None of the funds made available by this Act may be used to construct a drinking water reservoir in Fayette County, Alabama.

SA 2425. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4_____. None of the funds made available by this Act may be used for the Sewall-Belmont House in Washington, District of Columbia.

SA 2426. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4_____. None of the funds made available by this Act may be used for an interpretive center at the California National Historic Trail in Nevada.

SA 2427. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4_____. None of the funds made available by this Act may be used for rat eradication at the Palmyra Atoll National Wildlife Refuge in Hawaii.

SA 2428. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4_____. None of the funds made available by this Act may be used for a National Conservation Training Center in West Virginia.

SA 2429. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4_____. None of the funds made available by this Act may be used to manage excess sewage flows of the city of Plattsmouth, Nebraska.

SA 2430. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4____. None of the funds made available by this Act may be used to relocate a Forest Service dispatch center in the Black Hills National Forest, South Dakota.

SA 2431. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4____. None of the funds made available by this Act may be used for the State of Vermont for the Vermont Wood Products Collaborative.

SA 2432. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4____. None of the funds made available by this Act may be used for the town of Moorefield, West Virginia, for wastewater treatment facility upgrades.

SA 2433. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

SEC. 2____. None of the funds made available by this Act may be used for any targeted infrastructure assistance grant under the State and Tribal Assistance Grants program.

SA 2434. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 186, line 7, strike ''$15,000,000'' and insert ''$10,000,000''.

SA 2435. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, line 16, before the period, insert the following '': *Provided*, That none of the funds made available under this Act may be used for a tropical botanical garden in the State of Hawaii''.

SA 2436. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, lines 1 through 4, strike '', of which'' and all that follows through ''of 2004''.

SA 2437. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, lines 2 through 10, strike '': *Provided further*,'' and all that follows through ''drinking water system improvements''.

SA 2438. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, line 3, before the period, insert the following '': *Provided further*, That none of the funds made available under this Act may be used for trail improvements on the Reno-to-Reno Rim Trail in the State of Nevada''.

SA 2439. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, line 16, before the period, insert the following '': *Provided*, That none of the funds made available under this Act may be used to carry out the Native Hawaiian culture and arts program in the State of Hawaii''.

SA 2440. Mr. VITTER submitted an amendment intended to be proposed by

him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

FUNDING LIMITATION

SEC.____. None of the funds made available by this Act may be obligated for the purpose of implementing directives or policies of the Federal Government at the direction of the Assistant to the President for Energy and Climate Change (commonly known as the ''White House Climate Change Czar'').

SA 2441. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 173, strike line 12 and all that follows through page 174, line 5, and insert the following:

''(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

''(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

''(2) PROPERTY REMOVAL.—

''(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

''(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area.''.

SA 2442. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, line 10, insert before the period at the end the following: '': *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $400,000 made available to the City of Lake Norden, South Dakota, for wastewater infrastructure improvements (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the City of Lake Norden, South Dakota, for drinking water infrastructure improvements''.

SA 2443. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, line 10, insert before the period at the end the following: '': *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, $170,800 shall be made available to the city of Prescott for a wastewater treatment plant construction project and $129,200 shall be made available to the city of Wichita for a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for the Konza Water Main Extension project''.

SA 2444. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 13 and 14, insert the following:

SEC. 4____. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking ''Agricultural Research Service'' and inserting ''Agricultural Research Service and the Forest Service''; and

(2) by adding at the end the following:

''(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government.''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests.

The hearing will be held on Thursday, October 1, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on managing Federal forests in response to climate change, including for natural resource adaptation and carbon sequestration.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to: allison_seyferth@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224–5488 or Allison Seyferth at (202) 224–4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on September 17, 2009, at 2:15 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 17, 2009, at 10 a.m., to hold a hearing entitled ''Countering the Threat of Failure in Afghanistan.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate September 17, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 17, 2009, at 10 a.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on September 17, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 17, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Drugs, be authorized to meet during the session of the Senate, on September 17, 2009, at 2 p.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Evaluating S. 1551: The Liability for Aiding and Abetting Securities Violations Act of 2009.''

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 17, 2009, at 2:30 p.m. to conduct a hearing entitled, ''Improving Transparency and Accessibility of Federal Contracting Databases.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that Tomer Hasson, an environmental legislative fellow in my office, be granted floor privileges for the pendency of H.R. 2996, the Interior appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMEMORATING DR. NORMAN BORLAUG

Mr. REID. Mr. President, I ask unanimous consent that we proceed to S. Res. 273.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 273) commemorating Dr. Norman Borlaug, recipient of the Nobel Peace Prize, the Congressional Gold Medal, Presidential Medal of Freedom, and founder of the World Food Prize.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 273) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 273

Whereas Dr. Norman E. Borlaug was born on March 25, 1914, of Norwegian parents on a farm in Cresco, Iowa, and was educated in a 1-room school house throughout grades 1 through 8;

Whereas Dr. Borlaug attended the University of Minnesota, where he earned a Ph.D. degree in Plant Pathology;

Whereas, beginning in 1944, Dr. Borlaug spent 2 decades in rural Mexico working to assist the poorest farmers through a pioneering Rockefeller Foundation program;

Whereas Dr. Borlaug's research and innovative ''shuttle breeding'' in Mexico enabled him to develop a new approach to agriculture and a new disease-resistant variety of wheat with triple the output of grain;

Whereas this breakthrough achievement in plant production enabled Mexico to become self-sufficient in wheat by 1956, and concurrently raised the living standard for thousands of poor Mexican farmers;

Whereas Dr. Borlaug was asked by the United Nations to travel to India and Pakistan in the 1960s, as South-Asia and the Middle East faced an imminent widespread famine, where he eventually helped convince those 2 warring governments to adopt his new seeds and new approach to agriculture to address this critical problem;

Whereas, Dr. Borlaug brought miracle wheat to India and Pakistan, which helped both countries become self-sufficient in wheat production, thus saving hundreds of millions of people from hunger, famine, and death;

Whereas Dr. Borlaug and his team trained young scientists from Algeria, Tunisia, Egypt, Jordan, Iraq, Turkey, and Afghanistan in this same new approach to agriculture, which introduced new seeds but also put emphasis on the use of fertilizer and irrigation, thus increasing yields significantly in those countries as well;

Whereas Dr. Borlaug's approach to wheat was adapted by research scientists working in rice, which spread the Green Revolution to Asia, feeding and saving millions of people from hunger and starvation;

Whereas Dr. Borlaug was awarded the Nobel Peace Prize in 1970 as the ''Father of the Green Revolution'' and is only 1 of 5 people to have ever received the Nobel Peace Prize, Presidential Medal of Freedom, and Congressional Gold Medal;

Whereas Dr. Borlaug headed the Sasakawa Global 2000 program to bring the Green Revolution to 10 countries in Africa, and traveled the world to educate the next generation of scientists on the importance of producing new breakthrough achievements in food production;

Whereas Dr. Borlaug tirelessly promoted the potential that biotechnology offers for feeding the world, while also preserving biodiversity, in the 21st century when the global population is projected to rise to 9,000,000,000 people;

Whereas Dr. Borlaug continued his role as an educator as a Distinguished Professor at Texas A&M University, while also working at the International Center for the Improvement of Wheat and Maize in Mexico;

Whereas Dr. Borlaug founded the World Food Prize, called by several world leaders ''The Nobel Prize for Food and Agriculture'', which is awarded in Iowa each October so as to recognize and inspire Nobel-like achievements in increasing the quality, quantity, and availability of food in the world;

Whereas the Senate designated October 16 as World Food Prize Day in America in honor of Dr. Borlaug; and

Whereas it is written of Dr. Borlaug that throughout all of his work he saved 1,000,000,000 lives, thus making him widely known as saving more lives than any other person in human history: Now, therefore, be it

Resolved, That—

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of Dr. Norman Borlaug; and

(2) the Senate directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of the deceased.

PEACE DAY

Mr. REID. I ask unanimous consent that the Senate now proceed to S. Res. 274.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 274) supporting the goals and ideals of Peace Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 274) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 274

Whereas, beginning in 2002, the United Nations has designated September 21 of each year as the International Day of Peace, which is known in the United States as Peace Day;

Whereas the United Nations dedicates the International Day of Peace to the cessation of hostilities and nonviolence, and calls upon all Nations and people to commemorate the day appropriately, including through educational efforts, and public awareness;

Whereas Peace Day activities around the world include vaccination campaigns, peace walks, concerts, peace-related discussions and debates, poetry readings, mass prayer ceremonies, art exhibitions, memorial services, school assemblies, and sporting events;

Whereas, on Peace Day 2006, the World Food Programme carried out a 60-ton food drop in Southern Sudan;

Whereas, on Peace Day 2007, the Peace One Day organization worked alongside the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), and the Afghan Ministry of Public Health to vaccinate 1,400,000 children of Afghanistan against the polio virus and, on Peace Day 2008, approximately 14,000 health workers and volunteers delivered polio vaccinations to 1,600,000 children under the age of 5 in 6 Afghan provinces;

Whereas, on Peace Day 2007, Star Syringe vaccinated children in rural areas against measles, diptheria, tuberculosis, hepatitis, and whooping cough in 20 locations, including Uganda, India, Ethiopia, and Indonesia;

Whereas, on Peace Day 2007, in the conflict-torn South Kivu province of the Democratic Republic of Congo, UNICEF and other

organizations provided insecticide-treated mosquito nets to protect 600,000 children from malaria, and also provided vitamin A, de-worming medication, and measles immunizations;

Whereas, on Peace Day 2007, there were 82 Peace Day initiatives in Afghanistan alone, involving more than 30 United Nations agencies, government departments, radio stations, and civil society organizations, and including arms handover ceremonies, community prayers for peace, painting schools white, educational activities, and a Peace Walk through the streets of Heart, Afghanistan;

Whereas the Peace One Day organization provides free educational materials to schools in the United States and worldwide that enable young people to prepare for and participate in Peace Day activities, learn the skills needed to resolve conflicts peacefully, and cultivate a sense of active global citizenship; and

Whereas the ''One Day One Goal'' initiative promotes soccer matches in all member states of the United Nations on Peace Day, and ''One Day One Goal'' soccer matches reflect cooperation, unity, and the power of soccer to bring people together as part of Peace Day in many countries, including Iraq, Uganda, Afghanistan, Burundi, Cambodia, the United Arab Emirates, the Côte d'Ivoire, the United States, and the United Kingdom: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its support for the goals and ideals celebrated on Peace Day, which is observed each year on September 21;

(2) supports continuing efforts to raise global awareness of the goals of Peace Day and to engage all sectors of society in the peaceful observance of the International Day of Peace, in accordance with United Nations General Assembly Resolution 55/282 of September 7, 2001, including work with United Nations agencies and non-governmental organizations to promote life-saving and humanitarian activities on Peace Day; and

(3) encourages people in the United States to observe Peace Day, September 21, 2009, with appropriate programs, ceremonies, and educational activities, in order to raise awareness of the need for peaceful resolution of conflicts of all kinds.

MEASURE READ THE FIRST TIME—S. 1687

Mr. REID. Mr. President, I understand that there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

A bill (S. 1687) to prohibit the Federal Government from awarding contracts, grants, or other agreements, or providing other Federal funds to or engaging in activities that promote the Association of Community Organizations for Reform Now.

Mr. REID. I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time the next legislative day.

APPOINTMENTS

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: Dr. Emma Sepulveda of Nevada vice Katherine Archuleta of Colorado.

The Chair announces, on behalf of the minority leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, the appointment of the following Senator as a member of the Senate National Security Working Group for the 111th Congress: the Honorable LINDSEY GRAHAM of South Carolina (co-chairman).

Mr. REID. 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.

Mr. REID. Mr. President, first of all, I appreciate very much the patience of the Presiding Officer and all the staff.

In prior years, before you arrived in the Senate, I used to spend a lot of time on the floor when I was the whip and we had one of the staff here who talked about how Senate time was dog time—1 minute is really 7 minutes. In fact, as his going away gift to me, my friend Jack, who was right down here, before he retired gave me a dog chain as a souvenir. I kept it in my desk here for years. But sometimes things take a long time to get worked out. It may not seem like much, but it took a long time to get this done.

NOMINATION OF ERROLL SOUTHERS

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the nomination of Erroll Southers to be Assistant Secretary of Homeland Security be referred to the Committee on Commerce, Science, and Transportation; that upon the reporting out or discharge of the nomination, it then be referred to the Homeland Security and Governmental Affairs Committee for a period not to exceed 30 calendar days; that if the Homeland Security and Governmental Affairs Committee has not reported the nomination at that time, then the Committee be discharged and the nomination be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, SEPTEMBER 21, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, September 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of Calendar No. 98, H.R. 2996, Interior appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes on Monday, as previously announced. Senators should expect the next vote to begin before the caucus on Tuesday.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 21, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Monday, September 21, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL RESERVE SYSTEM

BEN S. BERNANKE, OF NEW JERSEY, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

DEPARTMENT OF HOMELAND SECURITY

ERROLL G. SOUTHERS, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE EDMUND S. HAWLEY, RESIGNED.

DEPARTMENT OF JUSTICE

MICHAEL J. MOORE, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE MAXWELL WOOD.

CARMEN MILAGROS ORTIZ, OF MASSACHUSETTS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS, VICE MICHAEL J. SULLIVAN.

EDWARD J. TARVER, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE EDMUND A. BOOTH, JR.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

LAURIE M. MAJOR, OF MAINE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

ROBYN F. KESSLER, OF OHIO

DEPARTMENT OF STATE

SARAH AUDREY NELSON, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE JUNE 29, 2009:

DEPARTMENT OF STATE

CHAD R. NORBERG, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

ERIC G. CROWLEY, OF COLORADO
EMILY V. GEREFFI, OF VIRGINIA
DAMIAN J. FELTON, OF VIRGINIA
NANCY KREMERS, OF THE DISTRICT OF COLUMBIA
LISA WANG, OF VIRGINIA

DEPARTMENT OF STATE

FAREED A. ABDULLAH, OF GEORGIA
ROBERT ADELSON, JR., OF NEW YORK
JUANITA L. AGUIRRE, OF TEXAS
MICHAEL AHN, OF CALIFORNIA
TYSON DALE AIKEN, OF VIRGINIA
MAYRA ALEJANDRA ALVARADO TORRES, OF CALIFORNIA
JERRAD U. ANDERSON, OF VIRGINIA
KRISTER BERNT ANDERSON, OF MINNESOTA
ALICIA M. ANDREWS, OF VIRGINIA
MICHAEL C. ANNESE, OF VIRGINIA
CAROLYN M. AUZENNE, OF VIRGINIA
PAMELA L. AUZENNE, OF LOUISIANA
TERESA S. BALL, OF TENNESSEE
BRANDON C. BARRIENTEZ, OF KANSAS
BRANDON A. BATEMAN, OF VIRGINIA
DAWN ELIZABETH BEAUPAIN, OF VIRGINIA
ALBERT J. BECCACCIO, OF VIRGINIA
LAUREN BISHOP, OF VIRGINIA
MELANI M. BLECK, OF VIRGINIA
AJA C. BONSU, OF THE DISTRICT OF COLUMBIA
COREY BORDENKECHER, OF INDIANA
GABRIELLE ELIZABETH BRADEN, OF THE DISTRICT OF COLUMBIA
ANNE BRAGHETTA, OF CALIFORNIA
BRIGETTE BUCHET, OF MARYLAND
ROBERT H. BURNETT, OF TENNESSEE
SUZANNE L. BYRNE, OF VIRGINIA
ALYSSA M. CARALLA, OF GEORGIA
CHRISTIAN H. CARDONA, OF NEW YORK
MARCUS BLAIR CARPENTER, OF THE DISTRICT OF COLUMBIA
MARQUITA LEVONNE CASH, OF VIRGINIA
MARK STUART CHAMBERLAIN, OF VIRGINIA
ERIN JORDAN CLANCY, OF CALIFORNIA
TRAVIS JOHN COBERLY, OF KANSAS
DESIRE MICHELLE CORMIER, OF CALIFORNIA
ROYCE S. CRAYTON, OF VIRGINIA
JUAN CARLOS CRUZ, OF FLORIDA
DARREN DAPAS, OF NEW JERSEY
LAURA SONNET DAVIS, OF THE DISTRICT OF COLUMBIA
KAREN A. DICKERSON, OF MARYLAND
TRENTON BROWN DOUTHETT, OF OHIO
SADIE ELEN DWORAK, OF NEW HAMPSHIRE
PAULA VILLANOVA ENCARNACAO, OF MARYLAND
JOHANNA LOUISE FERNANDO, OF VIRGINIA
KYLE FIELDING, OF WASHINGTON
ERIK T. FINCH, OF TEXAS
COLIN FISHWICK, OF WASHINGTON
JANET M. FLATLEY, OF FLORIDA
JOAN H. FLYNN, OF VIRGINIA
TIMOTHY J. FUNKE, OF VIRGINIA
JOSEPH GIORDONO-SCHOLZ, OF CALIFORNIA
ANGELA C. GJERTSON, OF THE DISTRICT OF COLUMBIA
CATHRYN MARGARET GLEASMAN, OF TEXAS
BRYAN F. GRANT, OF VIRGINIA
CATHERINE GRIFFITH, OF VIRGINIA
EMILY ELIZABETH GUEST, OF VIRGINIA
LORIANA GUIDI, OF VIRGINIA
CASSANDRA HAGAR, OF TEXAS
JAMES J. HAGENGRUBER, OF WASHINGTON
KATHRYN FAYE HARPER, OF CALIFORNIA
CRAIG S. HEALY, OF ILLINOIS
GREGORY P. HENRY, OF VIRGINIA
PATRICIA ADRIENNE HILL, OF MASSACHUSETTS
ROBERT G. HOLMAN, JR., OF MARYLAND
LAUREN D. HOLMES, OF NORTH CAROLINA
KATHLEEN INGRID HOSIE, OF THE VIRGIN ISLANDS
LYNN M. HOUGHTON, OF VIRGINIA
MATTHEW JOHNSON, OF VIRGINIA
YOSHIKO K. KARLSEN, OF CALIFORNIA
GEORGE C. KAUFFER, OF VIRGINIA
CHRISTOPHER K. KING, OF VIRGINIA
LAWRENCE JOSEPH KORB, JR., OF CONNECTICUT
LORRAINE J. KRAMER, OF VIRGINIA
REBECCA M. LABANCZ, OF VIRGINIA
DEVAN TERESE LANGFORD, OF MARYLAND
JOHN F. LAPLUME, OF VIRGINIA
L. MICHAEL LEDBETTER, JR., OF VIRGINIA
ELIZABETH ERIN ANDERSON LEE, OF WEST VIRGINIA
KUANG YANG LI, OF VIRGINIA
FRANCES C. LIN, OF CALIFORNIA
SCOTT HAMILTON LINTON, OF COLORADO
JONATHAN L. LOW, OF THE DISTRICT OF COLUMBIA
W. GARY LOWMAN, JR., OF FLORIDA
AMANDA LUGO, OF TEXAS
MATTHEW R. MALOY, OF MONTANA
ARYANI ELISABETH MANRING, OF PENNSYLVANIA
IZAAK MARTIN, OF VIRGINIA
JOHN MCDANIEL, OF TEXAS
KELLY MCGUIRE, OF TEXAS
RYAN E. MCKEAN, OF WISCONSIN
ROBERT E. MELVIN, OF TEXAS
DAVID B. MILLAR, OF THE DISTRICT OF COLUMBIA
BEAU J. MILLER, OF MICHIGAN
SHANAZ MOHAMED, OF THE DISTRICT OF COLUMBIA
STEPHANIE MOLNAR, OF NEW JERSEY
ROBERT E. MORGAN, OF TEXAS
CHAD WILLIAM MORRIS, OF VIRGINIA
MILESSA NICOLE MUCHMORE, OF NEW MEXICO
MARK ROBERT NAYLOR, OF IOWA
PATRICIA NEARY, OF VIRGINIA
THOMAS ANDREW NIBLOCK, OF IOWA
NATANYA NOBEL, OF MARYLAND
ERIN O. O'NEILL, OF VIRGINIA
ALEXANDER R. ORR, OF NEW JERSEY
GERALD A. O'SHEA, OF VIRGINIA
BENNY A. PADILLA, OF CALIFORNIA
CHRISTOPHER JOHN PANUSKA, OF THE DISTRICT OF COLUMBIA
KEVIN J. PARNELL, OF VIRGINIA
ANDREW J. PARTIN, OF NEW HAMPSHIRE
EMILY PERTOSO, OF VIRGINIA
JESSICA BRIANNA PFLEIDERER, OF MINNESOTA
JULIAN I. PHILLIPPI, OF MASSACHUSETTS
ALISANDE L. PIPKIN, OF NEW YORK
PEDRO A. PLA-DAVILA, OF VIRGINIA
RICHARD JOHN POLNEY, OF NEVADA
THOMAS LEE RADKE, OF MISSOURI
HEIDI M. RAMSAY, OF CALIFORNIA
KATHERINE RAY, OF OREGON
NANCY FARQUHAR RHODES, OF TEXAS
JUSTO L. RIVERA, OF VIRGINIA
LASHANDA LELIA ROBERTS, OF MARYLAND
CHRISTOPHER RYAN RODRIGUEZ, OF VIRGINIA
TYLER J. ROGSTAD, OF MINNESOTA
JOSEPH SCHALLER, OF NEW YORK
JANET B. SCOTT, OF VIRGINIA
KIMBERLY SCRIVNER, OF NEVADA
PAUL D. SHAFFER, OF MARYLAND
JODI H. SHOUSE, OF VIRGINIA
AARON M. SINGLETERRY, OF WASHINGTON
MONICA M. SLAKEY, OF CALIFORNIA
STEPHEN B. SLICK, OF VIRGINIA
TAMMY LING SMITH, OF WASHINGTON
CHRISTINE SORENSON, OF VIRGINIA
JULIA E. SPEER, OF THE DISTRICT OF COLUMBIA
GEOFF SPENCER, OF ARIZONA
DANETTE I. SULLIVAN, OF TENNESSEE
SUSAN M. SWARTZ, OF MARYLAND
VANESSA ANNE TANTILLO, OF ILLINOIS
MICHAEL CHARLES TAPLEY, OF TEXAS
AMY L. TERRILL, OF VIRGINIA
BRETT FORSTER THURMAN, OF MICHIGAN
ROBERT EMIL TIBBETTS, OF MARYLAND
GRETCHEN L. TIETJE, OF TEXAS
NICOLE A. TOBIN, OF KANSAS
EMERITA F. TORRES, OF NEW YORK
MICHELLE T. TRAN, OF KANSAS
MATTHEW UPTON TRUMBULL, OF VIRGINIA
JOHN MICHAEL VASSALLO, OF VIRGINIA
JOHN S. VELA, OF VIRGINIA
DANIEL VILLANUEVA, OF FLORIDA
JOHN WALESIEWICZ, OF VIRGINIA
DAMIAN WAMPLER, OF NEW YORK
CORY A. WEISS, OF VIRGINIA
MATTHEW WESTBROOK, OF VIRGINIA
JUSTIN DREW WITT, OF VIRGINIA
STACEY E.V. WOOD, OF CALIFORNIA
CHRISTOPHER D. WOOSLEY, OF VIRGINIA
RUSSELL A. ZALIZNIAK, OF FLORIDA
VICKI LEIGH ZERFOSS, OF VIRGINIA
MARIA A. ZUNIGA, OF VIRGINIA
MARIA A. ZUNGIA, OF VIRGINIA

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. BRUCE W. CLINGAN

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DEREK D. BROWN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STEPHANIE LATIMER
OANH K. TRAN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MICHELLE H. MARTIN
MARGARET A. MOSLEY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

ROBERT E. POWERS
NINO A. VIDIC

To be major

LISA A. DAVIS
MARK A. DOANE
TAN D. PHAM
TIMOTHY M. RUFFF
IMRAN A. SETHI
UZMA M. SHARIF
MYSORE S. SHILPA

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

NERU B. BARNEA
WILLIAMS O. VOELKER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

ANITA AMINOSHARIAE
DENNY MARTIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

TRACY D. EMERSON
CHRIS A. MINO

To be lieutenant commander

JOSEPH D. AYERS
JAMES M. T. CONNOLLY
DEREK A. NELSON
DAVID K. SHELLINGTON

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, September 17, 2009:

THE JUDICIARY

GERARD E. LYNCH, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

EXTENSIONS OF REMARKS

HONORING THE 50TH ANNIVERSARY OF ELK GROVE BAPTIST CHURCH

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. ROSKAM. Madam Speaker, I rise today to commemorate the 50th anniversary of Elk Grove Baptist Church located in Elk Grove Village in my Congressional district. Elk Grove Baptist Church was founded with the dedication and signing of the church's charter in 1959.

Through the last fifty years, Elk Grove Baptist Church has grown into a thriving congregation of 200 weekly attendees and has become an important part of the community. From weekly outreach events, to Sunday morning worship services and community service, the church has proved to be a driving force in the township's growth and prosperity.

Over the years, Elk Grove Baptist Church has grown its facilities to keep pace with its outreach and expanding ministry. Since its inception, there have been nine senior pastors in the church's history and I am pleased to recognize the hard work and faithful service of the current Pastor, Reverend Curt Hansen.

Madam Speaker and Distinguished Colleagues, please join me in recognizing the special occasion of this 50th Anniversary as we celebrate Elk Grove Baptist Church's legacy of faith, fellowship and service. I look forward to many more years of fruitfulness.

RECOGNIZING THE GOVERNMENTS OF TURKEY AND ARMENIA

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. SESSIONS. Madam Speaker, I rise today to support the efforts underway to improve the relationship between the Republics of Turkey and Armenia.

Over the past several years, the two countries have been meeting quietly, with the assistance of Switzerland, to come to an agreement to normalize their relations and open the borders between Armenia and Turkey. I am pleased that these negotiations have been fruitful. A strong relationship between these two countries will benefit not only the citizens of Armenia and Turkey, but the region and world as well. I also encourage the two countries to continue to work together to finish this process.

I am optimistic that these efforts will lead to greater stabilization of the region, and I applaud and congratulate the governments of Armenia and Turkey on their efforts to date and offer our friendship and help as they move on to the next steps in the process.

COMMEMORATING THE 220TH ANNIVERSARY OF THE UNITED STATES MARSHALS SERVICE

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. COFFMAN of Colorado. Madam Speaker, I come to the floor today to commemorate the 220th Anniversary of the United States Marshals Service on September 24, 2009. The U.S. Marshals Service is our Nation's oldest and most versatile federal law enforcement agency. Since its national inception in 1789, the U.S. Marshals Service has served a unique place in America's history.

The first U.S. marshal in the Colorado Territory was appointed by President Lincoln and began his service on March 25, 1861. On August 1, 1876, Colorado became the 38th State, which created the Judicial District of Colorado. U.S. marshals and their deputies have served the District of Colorado since with great valor and courage. With their broad statutory law enforcement authority granted by the Judiciary Act of 1789, U.S. marshals and their deputies distributed presidential proclamations, tamed the American West, registered enemy aliens in time of war, helped conduct the national census, protected the President, and served on the front lines of the civil rights movement. More recently, deputy U.S. marshals have been called by Presidential orders and have served valiantly during national emergencies—large-scale natural disasters, hurricanes and to the terrorist attacks of September 11, 2001.

Today the men and women of the U.S. Marshals Service, District of Colorado, maintain their core mission to serve and protect our Federal courts. They ensure the safe conduct of judicial proceedings and protect Federal judges, jurors, and other members of the Federal judiciary. They provide for the safety and security of protected witnesses through the Witness Security Division. The U.S. Marshals Service also provides for the safe and secure transportation of federal inmates for federal court proceedings and to and from correctional facilities. Additionally, the U.S. Marshals Service is responsible for managing nearly 1.7 billion dollars worth of seized property illegally acquired through criminal means by maintaining and promptly disposing of assets through its Asset Forfeiture Program.

Most notably, the U.S. Marshals Service is the federal government's primary agency for conducting fugitive investigations. The men and women of the Marshals Service apprehend more federal fugitives than all other federal agencies combined. Working with law enforcement agencies at the federal, state and local levels, Marshals-led task forces arrested an additional 73,000 state and local fugitives, clearing 90,600 state and local felony warrants. The Marshals currently leads 82 district fugitive task forces and seven regional fugitive task forces dedicated to locating and apprehending wanted criminals. The U.S. Marshals Service has developed close working relationships with other law enforcement agencies on fugitive matters, and provides assistance, expertise and training to agencies on the federal, state, local and international levels. The U.S. Marshals Service is the premier agency to apprehend foreign fugitives believed to be in the United States, and it is the agency responsible for locating and extraditing American fugitives who flee to foreign countries.

In closing, Madam Speaker, I would therefore submit that we congratulate the U.S. Marshals Service on their 220th Anniversary for their past and present accomplishments, and that those men and women we recognize wear "America's Star" nationally in their selfless dedication to Justice, Integrity and Service.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. GREGORIO KILILI CAMACHO SABLAN

OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. SABLAN. Madam Chair, I rise today in support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. I wish to thank Chairman MILLER for his leadership on this bill, and express my thanks to the staff as well.

Madam Chair, the financial resources of local governments and college and university scholarship funds are quickly dwindling. I am encouraged that this Congress is working to ensure access to student grants and loans at a time when many families, including those in my district in the Northern Mariana Islands, are struggling to make ends meet. The changes made by H.R. 3221 will mean that even more students will get the opportunity to pursue higher education.

This legislation will raise the annual maximum Pell grant to unprecedented levels and ensure that these grants will continue to increase with the cost of tuition. It will open up an additional $4 million for Pell grants in the Northern Marianas alone. It will make investments in financial aid that will benefit students from every district, no matter where they go to college. Increased funding to minority-serving institutions, including those with large populations of Pacific Islanders, will ensure that our students from the Northern Marianas are cared for and supported, both socially and academically, when they are so far away from their home.

Three quarters of a million dollars will be available in the Northern Marianas for programs that encourage students to stay in

school and make sure they succeed. And money will also be dedicated to community colleges, like Northern Marianas College, to help them finance new projects and cover existing needs.

Higher education is truly the investment of a lifetime—it creates opportunities and opens doors that will benefit our students and families far into the future. I applaud this legislation.

ADVANCED VEHICLE TECHNOLOGY ACT OF 2009

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3246) to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy:

Ms. MCCOLLUM. Mr. Chair, I rise today to express may support for the Advanced Vehicle Technology Act (H.R. 3246). I thank Chairman GORDON and the members of the Science and Technology Committee for their work on this important legislation, which will fuel innovation in the American automobile sector and capitalize on America's manufacturing infrastructure to spur the creation of millions of well-paying American jobs and reduce our greenhouse gas emissions.

Our country's approach to developing advanced technology vehicles must be comprehensive and coordinated to ensure innovation and advancement in our entire vehicle fleet. Historically, the Vehicle Technologies program at the U.S. Department of Energy has lacked a comprehensive approach to research and development, with various technologies competing for funding and imbalanced investment in between passenger and heavy duty vehicles research. The Advanced Vehicle Technology Act addresses these issues through authorization of long-term, sustained funding for a new comprehensive research and development program at the Department of Energy. H.R. 3246 invests in a diverse range of near-term and long-range vehicle technologies that will improve fuel efficiency, support domestic research and manufacturing, and reduce our country's dependence on petroleum that pollutes our planet and keeps us dependent on foreign energy sources. Such a comprehensive approach will fuel American innovation now and into the future.

Innovation is America's greatest strength. As our country recovers from a serious recession, funding for research and development is one of the best investments we can make to restore our American leadership in the global economy. America excels at high tech manufacturing, and investing in the development of a new generation of advanced technology vehicles will drive the creation of millions of new, well paying manufacturing jobs here at home. Innovation in vehicle technologies is also an important component in addressing the pressing challenge of global climate change. America's passenger and commercial transport sector produces one third of our country's total carbon dioxide emissions. Meeting the challenge of global climate change will require the development of a new generation of vehicles powered with clean energy.

Modernizing our nation's vehicle fleet through American innovation is critical for our economic prosperity, energy security, and responsible stewardship of our planet. I urge my colleagues to support H.R. 3246.

CONGRATULATIONS PEORIA CHRISTIAN ELEMENTARY ON BEING NAMED A NATIONAL BLUE RIBBON SCHOOL

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. SCHOCK. Madam Speaker, I rise today to honor Peoria Christian Elementary School in Peoria, Illinois on being named a 2009 National Blue Ribbon School by the U.S. Department of Education.

Peoria Christian joined only 49 other private schools, from a pool of more than 27,000, as a private recipient of this award; the school was nominated by the Council for American Private Education, also known as CAPE. By being recognized with the award, Peoria Christian has demonstrated its successes in ensuring students achieve exceptionally high national test scores.

I applaud the concerted effort it took to elevate the school's test scores to such an extraordinary level. As I honor this school I must remind this body that while this award is presented to Peoria Christian School, the award really reflects the combined efforts of all those involved with the school. As former Peoria School Board President, I know that every successful school has the trinity of skilled educators, committed students and involved parents as a base.

Also on a personal note, I always find it impressive to see a school allow for students' academic and personal development. As such, I must applaud the school's commitment to the mission of preparing their "students to lead Christ-like lives." I'm certain that Peoria Christian will not only continue to flourish as an institution for years to come, but that its young students will eventually become active leaders in Peoria, Illinois and throughout these United States.

Again, congratulations Peoria Christian.

NETWORKS PROMOTE PRESIDENT'S HEALTH CARE AGENDA

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2009

Mr. SMITH of Texas. Madam Speaker, National news programs have boosted the Administration's health care agenda and ignored the high costs of a government takeover of health care, according to a study by the Business and Media Institute (BMI).

BMI examined 224 health care stories on ABC, CBS, and NBC from over a five-month period.

The survey found that these stories favored proponents of the Administration's health care plan over critics of the plan by a margin of more than 2-to-1.

Yet the American people are split evenly for and against it, with the trend against it.

Only nine percent of stories mentioned the high cost of the Administration's plan.

And the networks frequently repeated the Administration's incorrect claim that there are 47 million uninsured people in America—a claim the President backed down from during his recent health care speech

The national media should report the facts on health care, not tell Americans what to think.

STUDENT AID FINANCIAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. ROSKAM. Madam Chair, I rise in strong opposition to H.R. 3221, the Student Aid and Financial Responsibility Act, which abolishes a historically successful private-public partnership in the student lending market in favor of a newer government-run program. In an unwise grab for total government control over the student lending market, this Majority is going to destroy a program that has provided need-based financial assistance to thousands of graduate students that have attended Midwestern University in my Congressional District.

Created in 1966, the Federal Family Education Loan program has distributed more than 200 million loans to college students totaling nearly $800 billion. In 1993, the Direct Loan program—the government "option" in the student lending program—was established to promote competition. Now, this Majority wants to consolidate all federally supported student lending under the Direct Loan Program. Let me be clear about the consequences of this ploy: millions of dollars in financial aid for thousands of students across the country will be lost. Doing away with the Federal Family Education Loan program will also do away with the School as Lender program.

H.R. 3221 ignores the needs of graduate students. School as Lender is a vital need-based aid program for financially struggling graduate student education. Opponents of the School as Lender program have characterized these schools as profit-hungry proxies for commercial lenders. To the contrary, these schools obtain credit to make loans and use the proceeds from their origination to support financial aid. School as Lender institutions are prohibited by law from making money from the program—all proceeds from the sale of loans must be returned to graduate students in the form of need-based grants. School lenders have low default rates, indicating that schools are not irresponsibly encouraging students to

assume more loan burden than they can afford. Without School as Lender, many students will now be forced to take out more loans and student debt.

Within my Congressional District, one of the pioneers of the School as Lender program, Midwestern University, uses its School as Lender program to provide need-based grants to students who would otherwise not be able to pursue the University's graduate programs in osteopathic medicine, pharmacy, dental medicine and other health sciences. Decreasing access to education for low-income students would further inflame the shortage of the healthcare workforce as Congress considers a massive expansion of health insurance coverage. Over the past three academic years, Midwestern University has paid out over four million dollars in School as Lender scholarship monies to more than 1,500 students. Midwestern lacks profit motives to continue the program—they simply desire to maintain an affordable option to attract graduate students.

Midwestern University offers flexible and innovative student loan options. Through the School as Lender program, Midwestern is able to break down cost barriers that keep many low-income students from seeking graduate degrees. I urge my colleagues to stand on the side of students in need and reject this government grab for control of student lending that will rob many graduate students of the assistance needed to pursue advanced education.

RECOGNIZING MARJORIE HINES ON THE OCCASION OF HER BIRTHDAY

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. CHILDERS. Madam Speaker, I rise today to recognize the life of Marjorie Elizabeth Hines on the occasion of her 90th birthday. Marjorie Elizabeth Hines was born on September 27, 1919 in Hickory Valley, Tennessee to Benjamin Tamlin & Mary Raines Lake. She would become the eldest of the farm family's seven children.

Marjorie studied at Lambuth College in Jackson, Tennessee and became an elementary school teacher. In 1943 she married Curtis W. Hines, a soldier from the Hopewell Community of Benton County, Mississippi. After his return from the war they began to farm land which had been in the Hines family for generations. Mr. Hines later became Chancery Clerk of Benton County. Mrs. Hines was his invaluable helpmate.

Mr. & Mrs. Hines reared two children, Beth Hines Davis of Iuka and Frank Lesley Hines of Hopewell. They also have six grandchildren and three great grandchildren.

Mrs. Hines is known for her charm, grace, beautiful smile and dedication to family and fellow man. She prepared marvelous meals for family, friends and strangers. I ask my colleagues to join me in paying tribute to Mrs. Marjorie Hines on her 90th birthday.

TRIBUTE TO MR. FRANK BATTEN SR.

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Mr. Frank Batten Sr., who was 82 when he passed away on September 10, 2009.

America lost an icon with the death of Frank Batten Sr. Frank will be remembered for his successful business career, steadfast community involvement, and selfless charitable endeavors. Nationally, he will be remembered as the founder of Landmark Communications Inc., which employed more than 10,000 people at its peak.

Born in 1927, Frank grew up in Norfolk and seemed destined to enter the newspaper industry lending to the influence of his uncle, Samuel L. Slover, who helped raise Frank and owned the publication that would become the Norfolk Ledger-Dispatch. Frank graduated from Culver Military Academy in Indiana in 1945. After serving in the U.S. Merchant Marine, Frank graduated from the University of Virginia and earned a master's degree from Harvard University in 1952. Two years later, at the age of 27, Frank became the publisher of two newspapers, the Virginian-Pilot and the Norfolk Ledger-Dispatch.

Batten's Virginian-Pilot was the only major Virginia newspaper to courageously oppose Governor Almond's 1958 orders to close six Norfolk secondary schools rather than accept court-ordered integration, and its editorials against the plan earned its editor the 1960 Pulitzer Prize.

Frank's company grew with the acquisition of other newspapers and media outlets, and in 1967, Landmark Communications, Inc. was born. Landmark's founder is perhaps best known for the audacious proposal to create a 24-hour weather channel, known as The Weather Channel. A now familiar household name, the Channel is a trusted source that has been relied upon by millions of Americans for more than 20 years when planning family vacations and in times of severe weather.

Education was the cause Frank Batten was most passionate about. After sitting on the State Council of Higher Education and serving as a trustee of Norfolk Academy, Frank became Old Dominion College's first rector in 1962. He guided the school until it achieved university status, and donated $32 million to ODU in 2003. Frank also created the Access College Foundation in 1988, which is credited with sending 70,000 Hampton Roads high school students to college over 20 years. Frank also donated $100 million to create the University of Virginia's Frank Batten School of Leadership and Public Policy.

At home, Frank was the proud husband of Jane Parke Batten since 1957. They had three children—son Frank Jr., who followed his father's footsteps into the publishing business, and daughters Mary Elizabeth "Betsy" and Dorothy.

Frank's love for people and community will not soon be forgotten or easily replaced, and his contributions to our lives in Virginia will live on for generations.

HONORING DON FREELS FOR HIS THIRTY PLUS YEARS IN REALTOR SERVICE

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. TIBERI. Madam Speaker, it is with great pleasure I rise to recognize the distinguished career of the CEO of the Ohio Association of REALTORS, Don Freels.

Homeownership has always been the cornerstone of the American Dream. When moving into a home of our own, we gain immeasurable independence and confidence, as faith in the future of our family and our community grows. The spread of ownership and opportunity helps give us a vital stake in the future of America and the chance to realize the great promise of our country. Therefore, those who contribute to the furtherance of the American Dream for others deserve to be honored for their service. The Ohio Association of REALTORS was created to help protect the investment Americans place in their homes, and for 17 years Don Freels has led this organization with honor and distinction.

Starting over 39 years ago, Don began serving as an active REALTOR in the Chicago area, working as the executive officer of two local boards. By 1985, due to his leadership and the remarkable reputation he built with his peers, Don was selected to head the Michigan Association of REALTORS. The success he achieved in this post caught the eye of REALTORS in the Buckeye State, and in 1992 Don was hired as CEO of the Ohio Association of REALTORS. Since then, Don's unparalleled leadership and passion for his craft has helped maintain the stature of Ohio's largest professional trade organization, improve the realty profession, and solidify its irreplaceable role in the furtherance of the American Dream.

Through commendable loyalty to his profession, Don stands as a pillar of his community. As a former REALTOR, I am very pleased to thank him for all he has done for Ohio.

I offer my congratulations to Don Freels for a career spent in service to REALTORS everywhere. I hope the spirit he daily brings forth in his life and work continues to inspire his friends and co-workers for years to come.

A TRIBUTE IN RECOGNITION OF PROFESSOR GEZA VERMES

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. ALEXANDER. Madam Speaker, I rise today in recognition of Professor Geza Vermes, an internationally renowned biblical scholar.

His commitment to inspiring and educating the world has been unwavering, and he deserves our congratulations.

Among his impressive list of endeavors, Vermes is perhaps best known as publisher of the first English translation of the Dead Sea Scrolls. His latest work, "The Story of the Scrolls," is set to be published in February, 2010.

Since 1957, Vermes has been teaching in England. Today, he is Professor Emeritus of

Jewish Studies and Emeritus Fellow for Wolfson College, and is a lecturer at Oxford University and throughout the world.

In addition, Vermes is a Fellow of the British Academy (1985) and the European Academy of Arts, Sciences and Humanities (2001), holder of an Oxford higher doctorate and honorary doctorates from the universities of Edinburgh (1989), Durham (1990), Sheffield (1994) and the Central European University of Budapest (2008).

On September 24, Vermes will be a guest lecturer at the University of Louisiana—Monroe. It is an honor to welcome such a distinguished and esteemed scholar to the 5th District.

Madam Speaker, I ask my colleagues to join me in saluting Professor Geza Vermes for his remarkable career and countless accomplishments.

A PROCLAMATION HONORING PASTOR VICTOR A. MYERS FOR HIS 40TH ANNIVERSARY OF ORDINATION BY THE LUTHERAN CHURCH IN AMERICA

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. SPACE. Madam Speaker,

Whereas, the dedicated people of St. James Evangelical Lutheran Church celebrate Pastor Victor A. Myers' 40 years of service as an ordained minister of the Lutheran Church in America; and

Whereas, this milestone is the result of exemplary dedication to one's church and faith; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish that you will continue to present your work as an example to those called to the ministry everywhere; and

Whereas, you have demonstrated excellence in your calling as a minister, and we are proud to have you serving in our midst: Now, therefore be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I commend you for your unwavered labor and commitment, recognizing that such great achievements come with extraordinary effort. With great appreciation and respect, we wish you continued abundant grace as you continue to labor for your community and your faith.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1966, and for other purposes:

Ms. LEE of California. Madam Chair, I rise in support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. As a member of the Appropriations Subcommittee on Labor, HHS, and Education, with the responsibility for funding these programs, I want to thank Chairman MILLER for crafting this important bill and bringing it to the floor.

Education is the key to ensuring that our future leaders, scientists, teachers, doctors and others are well prepared to be globally competitive. This legislation will help countless students realize the dream of going to college by: (1) Improving college access and completion; (2) Increasing Pell Grant awards and expanding the low-cost Perkins Loans; (3) Investing in Historically Black Colleges and Universities and Minority-Serving Institutions; (4) Strengthening our community colleges; (5) Establishing an Early Learning Challenge Fund; (6) Streamlining student aid applications; and (7) Reforming students loans to help students not banks.

That means more of our youth will go to college and acquire the skills they need to compete in the global economy while graduating with less college debt. Now that's something we should all support.

HONORING THE ACCOMPLISHMENTS OF JIMMY COBB

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. CONYERS. Madam Speaker, I rise today to honor the career of my fellow jazz enthusiast, Jimmy Cobb. Born in Washington, D.C. in 1929, Jimmy has for more than fifty years moved audiences with his recordings and live performances.

Jimmy's passion for jazz began at an early age. He performed his first recording with Earl Bostic, and then played extensively with Dinah Washington, Billie Holiday, Pearl Bailey, Clark Terry, and Dizzy Gillespie.

In 1957, Jimmy Cobb joined Miles Davis, Bill Evans, Wynton Kelly, Paul Chambers, John Coltrane and Julian Adderley; two years later they recorded the groundbreaking Kind of Blue album. Kind of Blue stands in American history today as one of the most influential albums in jazz history, ranking number 12 in Rolling Stone magazine's 500 greatest albums of all time.

He collaborated with Wynton Kelly and Paul Chambers to produce the Wynton Kelly Trio Albums, and later released albums with Kenny Burrell, and J.J. Johnson, among others. Jimmy then worked with Sarah Vaughn for 9 years, and freelanced with other acclaimed artists worldwide throughout the 70s, 80s and 90s including, Sonny Stitt, Nat Adderly, Ricky Ford, Hank Jones, Ron Carter, George Coleman, Fathead Newman, The Great Jazz Trio, Dave Holland and Warren Bernhardt. Jimmy has also performed on Sketches of Spain, Someday My Prince will Come, Live at Carnegie Hall, Live at the Blackhawk, and Porgy and Bess.

Jimmy was honored for his contribution to the world of jazz in 2005 when New York's longest running jazz series Highlights in Jazz chose Jimmy Cobb for its annual salute to a living jazz legend. In 2008, Jimmy received the Don Redman Heritage award. He was one of six chosen on October 17, 2008 to receive the 2009 National Endowment for the Arts, NEA Jazz Masters award. He was also honored with his own album on the Marsalis Music Honors Series.

He currently performs and tours with his So What Band, featuring Miles Davis' protégé Wallace Roney on trumpet, Vincent Herring on alto saxophone, Javon Jackson on tenor sax, Larry Willis on piano, and Buster Williams on bass.

To commemorate the 50th anniversary of Kind of Blue, Jimmy and the So What Band will perform on September 24, 2009 in Washington, D.C. for the Congressional Black Caucus' Jazz Forum and Concert.

Today, Jimmy Cobb stands as the only surviving musician of the original Kind of Blue Sextet. His work remains a legendary standard in American jazz. Through the medium of music, he continues to inspire generations of performers and audiences.

A PROCLAMATION HONORING CENTRAL PRIMARY ELEMENTARY SCHOOL

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. SPACE. Madam Speaker,

Whereas, the Central Primary Elementary School in Logan, Ohio has displayed incredible dedication to creating well-rounded students; and

Whereas, the Central Primary School has been supportive of developing sharp young minds; and

Whereas, the Central Primary School has helped to plant the seeds of success in its students; and

Whereas, the Central Primary School has been an exemplary school in Appalachian Ohio: now, therefore, be it

Resolved, That along with their friends, family, and the residents of the 18th Congressional District, I congratulate the Central Primary School of Logan, Ohio on being named a Blue Ribbon School by the U.S. Department of Education in recognition of its astounding academic excellence. We recognize the tremendous dedication of the school's students, teachers and staff in achieving this honor.

HONORING MATTHEW POLNOW

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. MANZULLO. Madam Speaker, it is my distinct honor to take this opportunity to recognize a heroic resident of the 16th District of Illinois, Matthew Polnow of Rockford. Mr. Polnow works for the U.S. Postal Service and is a member of the National Association of Letter Carriers.

On June 11, 2008, as he was delivering mail on his postal route, Carrier Polnow witnessed a crushing three-vehicle accident. In a matter of seconds, he ran to the first car, checking to make sure that the occupants were not injured. Then he went on to the second vehicle, a truck, where fortunately no one

needed assistance. Carrier Polnow continued to the third vehicle, a van used to transport handicapped and wheelchair-bound individuals, which was beginning to burn. The driver's airbag had deployed, and the driver alerted Carrier Polnow to a handicapped passenger still inside the smoke-filled van.

With smoke continuing to circulate and flames erupting from the engine, Carrier Polnow went to work. He managed to free the side door that had been jammed by a ramp. Maneuvering the ramp into place, he unhooked the restraining belts and dragged the wheelchair—and the now terrified woman passenger—from the vehicle. Once free from the smoke, Carrier Polnow located the controls on the chair and engaged them to move the woman to safety.

Acts of bravery and fortitude such as this should not go unnoticed. Carrier Polnow's heroism has led him to be recognized by the National Association of Letter Carriers with the National Central Hero Award. I am privileged and humbled to represent great constituents like Carrier Polnow, and I wanted to take this brief opportunity today, Madam Speaker, to let my colleagues know of his great act of courage.

TRIBUTE TO ED HAMAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Ed Haman of Stanhope, Iowa, on his dedication to the community of Stanhope and his retirement as Fire Chief at the Stanhope Volunteer Fire Department after forty-one years of service.

The community of Stanhope is celebrating the retirement of this extraordinary man, but I feel it is imperative that we as a Congress celebrate Ed as an example of incredible and valuable citizenship. His service to his community, Iowa, and our nation represents an ideal that should be an inspiration for all Americans.

I commend Ed Haman for his many years of loyalty and service to Iowa and to our country. It is an immense honor to represent Ed in Congress, and I wish him and his family in Stanhope, Iowa, a long, happy and healthy retirement.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. KUCINICH. Madam Chair, I rise in support of the Student Aid and Fiscal Responsibility Act and thank Congressman MILLER for his leadership on this bill. I am proud to be an original cosponsor of this historic legislation. In a time of economic crisis and increased hardship across the United States, the Student Aid and Fiscal Responsibility Act ensures that students and families are supported in realizing their education goals.

Access to quality education is a key factor in securing a successful and bright future. This legislation makes historical investments to expand access to education by investing in high-quality early childhood education and increasing college affordability. It invests in community colleges and partnerships with businesses and job training programs to ensure that our nation has the most qualified workforce.

The bill ensures that the success of the students, not the private loan companies, is at the center of the student loan system by converting all federal student lending to a Direct Loan program. In addition, it increases access to federal loans by simplifying the Free Application for Federal Student Aid (FAFSA) form. I am also pleased that the bill provides for the removal of the question regarding first-time, minor drug offenses on the FAFSA form. According to the American Civil Liberties Union, lower-income communities and communities of color are disproportionately denied access to critical federal loans due to the inclusion of this question on the FAFSA form. We have a responsibility to ensure that students wishing to improve themselves and contribute positively to our society are given the chance to do so.

As a strong proponent of early childhood education and the sponsor of H.R. 555, the Universal Prekindergarten Act, I strongly support the establishment of the Early Learning Challenge Fund in this bill. The Early Learning Challenge Fund invests $8 billion dollars over the next eights years for increasing access to high-quality early childhood education for children of diverse economic and social backgrounds.

I am particularly pleased that two of my amendments are included in this bill. I worked with Congressman Hare on our amendment to expand reporting requirements to include reporting on barriers to high-quality early childhood education programs. Investment in developing and expanding access to high-quality early learning programs is critical in addressing the achievement gap for low-income children.

The other amendment in this bill was taken up as part of the 21st Century Green High-Performing Public School Facilities Act, which provides schools access to funds for modernization, renovation and repair projects that are safer and more energy efficient. My amendment ensures that those school funds can be used to remove sources of lead in drinking water such as pipes, solder and pipe fittings. Childhood exposure to lead has been associated with (see health effects from the press release)

I believe that access to quality education is a universal right. This legislation takes important steps to ensure that students of all social and economic backgrounds are afforded the opportunity to attend high-quality educational institutions. I strongly urge passage of this bill.

RECOGNIZING 15TH ANNIVERSARY OF THE VIOLENCE AGAINST WOMEN ACT

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 2009

Ms. MCCOLLUM. Mr. Speaker, I rise today in strong support of H. Res. 738, a resolution honoring the 15th Anniversary of the Violence Against Women Act (VAWA). I am an original cosponsor of this resolution to support the goals and ideals of VAWA. Today we recognize the progress that has been made in reducing domestic violence in our country but also the significant work that remains.

In 1994, the Violence Against Women Act (VAWA) began creating safe havens for families affected by domestic violence. This historic legislation has succeeded in making America's women more safe and secure and it has strengthened America's response to the crimes of domestic violence, sexual assault and stalking. Victims of domestic violence are now more able to access services and counseling during their darkest hours and prosecutors have the tools to pursue perpetrators. VAWA is working to bring communities together by coordinating law enforcement officers, victim advocates and prosecutors.

No one should have to live in fear or suffer in silence from domestic violence. We as society must provide sufficient resources to federal, state and local law enforcement officers and prosecutors who specialize in crimes targeted against women. We must also support organizations that offer services to women and families who have experienced violence.

Domestic violence hurts families and entire communities. The communities of Minnesota's Fourth District learned this all too well on September 7, 2009, when North St. Paul police officer Richard Crittenden and Maplewood police officer Julie Olson answered a domestic violence call—one of the most dangerous an officer can receive. Officer Richard Crittenden was killed and Officer Olson was injured in the line of duty. Officer Crittenden made the ultimate saceifice—his life—to protect a woman from a man who had repeatedly abused her.

Mr. Speaker, at this time I would like to acknowledge all those who work to reduce domestic violence in communities across our country. Much has been accomplished in the last fifteen years, but the number of incidents of violence against women still remains too high. On this anniversary, I urge my colleagues to recommit themselves to ending domestic violence.

CITY OF PLAINFIELD'S 10TH ANNUAL ENVIRONMENTAL FAIR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. PALLONE. Madam Speaker, I proudly rise today to recognize the Plainfield Municipal Utilities Authority (PMUA). The Plainfield Municipal Utilities Authority has provided the City of Plainfield with a stable and affordable solid waste operation and sanitary sewer service for

more than a decade. With many investments and accomplishments in the City of Plainfield, the utility authority is a mainstay in the community. It is not only the fifth largest employer of the City of Plainfield, it also holds an annual Environmental Fair. I am pleased to support Plainfield's continued efforts to positively impact both the economy and the environment.

I very much look forward to the Plainfield Municipal Utilities Authority's 10th Annual Environmental Fair on September 12, 2009. In its 10th year, this festive, community-based fair symbolizes a progressive shift toward bettering the environment. This is an important milestone for the City of Plainfield and it coincides with our hard work on energy issues.

The PMUA has done an excellent job over the years of promoting environmental awareness, particularly among the youth. The annual Environmental Fair demonstrates this achievement by featuring fun activities for children. The fair also provides the community with information about utilities, recycling and community services through vendors, public and environmental agencies and civic organizations.

This year's theme of "Conserve and Save" is a message by which we must all abide, for a safe, sustainable, clean energy future.

Congratulations to the Plainfield Municipal Utilities Authority and the City of Plainfield.

TRIBUTE TO CHERYL HAMAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Cheryl Haman of Stanhope, Iowa, on her dedication to the community of Stanhope as a librarian since 1976.

The community of Stanhope is celebrating this amazing woman, but I feel that we in Washington should praise the contributions of librarians in America and recognize Mrs. Haman for her years of dedication to the town of Stanhope. Her service to the community, Iowa, and our nation represents an ideal that should be an inspiration for all Americans.

I commend Cheryl for her many years of loyalty and service to Iowa and to our country. It is an immense honor to represent Cheryl in Congress, and I know she will serve as a role model of valuable citizenship to Stanhope and all of Iowa.

TRIBUTE TO BILL HEFNER

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. ADERHOLT. Madam Speaker, it is an honor to pay tribute to a great American servant in light of his passing on September 2, 2009, former Congressman Bill Hefner, who died of a brain aneurysm at the age of 79 years old.

Bill Hefner served for 24 years in the House of Representatives and was a committed and devoted husband and father.

Mr. Hefner joined the U.S. House back in 1975 and was later considered the dean of North Carolina's U.S. House delegation. He represented the Eighth Congressional District of North Carolina, which includes cities like Charlotte suburbs, Kannapolis and Concord and other cities like Monroe and Laurinburg. He served in Congress from January 3, 1975 until January 3, 1999.

I had the honor to also serve with Bill Hefner on the House Appropriations Committee. As a member of the Committee he fought for funding for Fort Bragg in his home state when he was chairman and later ranking minority member of the military subcommittee.

Mr. Hefner also prided himself in working very hard on veterans' issues and transportation projects that benefited the entire East Coast.

Having spent much of his life growing up in the district I represent, Bill Hefner decided to retire in the Fourth Congressional District of Alabama. In 1998, Bill Hefner moved to Guntersville in Marshall County to enjoy the beauty that North Alabama has to offer.

After his time in Congress, his days of public service were not over. Congressman Hefner served from October of 2001 until November of 2002 as a District Commissioner for Marshall County, Alabama.

What most people don't know about Bill Hefner is that the 12-term Democratic Congressman was also a southern gospel singer and was a founding member of the very popular Harvesters Quartet, which began in 1953 in Charlotte, North Carolina.

Mr. Hefner was born in Elora, Tennessee and graduated from high school in Sardis, which is located in North Alabama. He graduated college from the University of Alabama in Tuscaloosa.

Mr. Hefner leaves behind his wife, Nancy, and two daughters, Stacey and Shelly. Our prayers and condolences go out to his family and the many fans of southern gospel music, like myself, who will always remember his great tenor voice.

HONORING THE MEMORY OF THE VICTIMS OF THE 9/11 TERRORIST ATTACKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. RANGEL. Madam Speaker, I rise today in remembrance of the terrorist attacks that occurred on September 11, 2001. On this day eight years ago, those attacks struck a heavy blow to American citizens in an effort to crush the American spirit of freedom. The attacks were the first significant attacks on the continental United States since the burning of Washington in 1814 and the deadliest attack on American soil in our nation's history. On that day, nearly 3,000 people lost their lives in a senseless act of hatred and cowardice.

Today, let us remember those whose lives were lost. Let us remember the people who were trapped when the Twin Towers fell and the brave New York firefighters, policemen, policewomen and rescue workers who sacrificed their lives to help them. Let us remember the passengers onboard flights American 11, United 175, American 77 and United 93. Let us remember those who died in the attack on the Pentagon.

This horrible event filled us with outrage, loss and fear; outrage at the idea that our enemies would attack us while we went about our daily lives, loss as we remember those who did not survive, and fear that we were no longer safe. Instead of being consumed by fear and doubt, we remained strong and determined. Since that day eight years ago, we have worked hard to secure our country from those who would do us harm. Through our actions, we have returned the sense of security the attacks took from us.

Although these attacks left us shaken, they did not destroy us. We were able to rebound and grow stronger. We put aside our differences and banded together as a nation. On that day, we were not concerned with past disagreements or misunderstandings. This year, on September 11, let us not only remember those we lost with moments of silence and memorial ceremonies. Let us also commemorate them by once again setting aside our differences and banding together as Americans.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. BARROW. Madam Chair, I rise today to express my gratitude to the Chairman of the Committee on Education and Labor, Chairman MILLER, and Ranking Member KLINE, for working with me to include an amendment I offered in the Manager's Amendment of this bill.

I believe The Student Aid and Fiscal Responsibility Act will make college education more affordable for more American students than ever before, transform early education opportunities, and ultimately help build a stronger, more competitive American economy for the future, while saving taxpayers money.

For the reforms in this bill to be effective, it's critical that our colleges and universities have the right tools to make these reforms as successful as possible. My amendment requires the Secretary of Education to provide funding and technical assistance to institutions of higher education in operating the Direct Loan program, including assisting institutions with the transition into the program.

Right now, college costs more than ever, while families are struggling more than ever. Allowing our students to graduate with a better education and less debt is the best way to make sure that American workers remain competitive long into the future.

TRIBUTE TO JACK READ

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Jack Read of

Stanhope, Iowa, on his dedication to the community of Stanhope as a mayor of the town and as a member of the Stanhope Volunteer Fire Department for over fifty years.

The community of Stanhope is celebrating this incredible man, but I feel that we in the House of Representatives should praise the contributions of volunteer firefighters in Iowa and recognize Mr. Read for his years of dedication to the town of Stanhope. His years in public service, and his commitment to the safety of the citizens of Stanhope provide an incredible example of the importance of active citizen involvement in America.

I commend Jack for her many years of loyalty and service to Iowa and to our country. It is an immense honor to represent Jack in Congress, and I know he will continue to serve as a role model of valuable public service to all of Iowa.

A TRIBUTE TO JAY ROTH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. BERMAN. Madam Speaker, I am honored to pay tribute to my very good friend, Jay Roth, National Executive Director of the Directors Guild of America, DGA, on the occasion of his recognition by the Government of France with its prestigious ''Chevalier dans l'Ordre de la Legion d'Honneur.''

I enjoy, with Jay, a relationship much deeper than simply that of a politician with the leader of an important guild. He has been—for many years—my wise advisor on issues relating to the creative community, the arts, and all aspects of intellectual property. I have been privileged to know him since his days as a prominent labor lawyer in Los Angeles.

Known for his tenacity and acuity in entertainment and labor law, Jay's experience and knowledge places him in a league of his own. Born and raised in New York City and a graduate of the University of Vermont and Boston University Law School, he practiced labor and entertainment law for 25 years prior to being selected by the DGA's National Board of Directors to guide the Directors Guild of America. As the Managing Partner of Taylor, Roth, Bush & Geffner, he specialized in representing entertainment guilds, labor organizations, and pension, health and welfare funds in entertainment, bankruptcy and transactional matters around the world.

He has skillfully represented all three U.S. Guilds—DGA, Screen Actors Guild, SAG, and Writers Guild of America, WGA,—on many international copyright, bankruptcy, residuals and intellectual property rights issues for 20 years. As counsel, he represented many high-profile industries including the Motion Picture Industry and the Directors Guild/Producer Pension and Health Plans. Among his many clients were the United Teachers of Los Angeles, the International Association of Machinists and Aerospace Workers, and the International Alliance of Theatrical Stage Employees.

He is widely known for his dedication to the entertainment community, as Treasurer of the Motion Picture & Television Fund and a member of the Academy of Motion Picture Arts and Sciences. He is also a highly regarded advocate of the labor community, who has served as chair of the Labor Law Section of the Los Angeles County Bar Associations and as chair of the American Bar Association Airline-Railway Labor Law Committee. He was recently elected a Fellow of the College of Labor and Employment Lawyers, and he is also recognized as a noted lecturer around the world on matters related to entertainment, labor law, and intellectual property rights of directors, writers and actors.

Jay was appropriately recognized for his invaluable contributions to the DGA when he received the Honorary Life Member Award in 2008.

Madam Speaker and distinguished colleagues, I ask you to join me in saluting Jay Roth on the occasion of his recognition from the French Government of the French Legion of Honor.

WES WATKINS AGRICULTURAL RESEARCH LAB AND POST OFFICE

SPEECH OF

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Ms. FALLIN. Madam Speaker, Wesley Watkins spent a lifetime in service to Oklahoma and the United States. From his time serving in the Oklahoma Air National Guard to his 20 years in the United States House of Representatives, Wes continually displayed his love for his state and country. He proved to be a great asset to our state during his time as an administrator at Oklahoma State University along with his years as a member of the Oklahoma state senate.

Naming the Agricultural Research Laboratory and the Postal Service facility in honor of Wesley Watkins is the sign of the gratitude the state of Oklahoma and our nation owe the former Congressman from Oklahoma's 3rd Congressional District. Due to his dedication to public service no Oklahoman has proven more deserving of such an honor than Congressman Wesley Watkins.

DEPOSIT RESTRICTED QUALIFIED TUITION PROGRAMS ACT OF 2009

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. CLEAVER. Madam Speaker, today I am introducing the Deposit Restricted Qualified Tuition Programs Act of 2009. My bill establishes an avenue for those wanting to save for the college education of a child, grandchild or other related individual, to do so in a Federal Deposit Insurance Corporation (FDIC) insured deposit. At the present time, savers can only access the 529 college savings program through a securities based plan and my bill would not change this avenue.

However, following the recent crash of the stock market, many savers saw their accounts drop in value by fifty percent or more and as such are reluctant to place any more monies in a securities based plan. Furthermore, many small savers can find investing in securities based products both complex and intimidating. A FDIC insured deposit option would provide guaranteed principal return and a guaranteed return on the deposit, all from a commercial bank that the saver likely has a relationship with. This proposed legislation will help families across the United States save in a safe, sound and simple manner for their children and grandchildren's college education.

Again Madam Speaker, this bill does not make any changes to the current 529 college savings program nor the current delivery system of the program through a securities based plan. It simply adds another 529 college savings program delivery option through an FDIC insured deposit.

TRIBUTE TO STEVE RINGLEE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize and congratulate Steve Ringlee, a resident of Ames, Iowa, for being honored as the Ames Tribune's 2009 Citizen of the Year.

For more than a decade, Steve has shown his compassion by sharing breakfast at McDonalds with the city's homeless and dispossessed. His once a week breakfasts are filled with talk and prayer as a way to reach out to those in need. He is motivated by his strong Christian faith and follows the golden rule of loving your neighbor as yourself.

Steve moved to Ames in 1990 and has served as the president of the Ames Community School Board and vice chair of the Ames Education Foundation. Not only does Steve hold weekly prayer breakfasts, he helps men at the local shelter locate jobs and permanent housing. He helps with automobile repairs and directing men to Skunk River Cycles who assist shelter men with bicycle repairs.

I know my colleagues in the United States Congress join me in congratulating Steve Ringlee for receiving the Citizen of the Year Award. I thank Steve for his willingness to volunteer his time and uplift so many people in need within his community. I consider it a great honor to represent Steve in Congress and I wish him the best in his future service to those in need.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. BLUMENAUER. Madam Chair, I am proud today to support House Resolution 3221, the Student Aid and Fiscal Responsibility Act. This is long-overdue legislation that will provide funding directly to students, rather than to bankers. In addition, this bill expands a successful, much needed program to help more students go to college, supports job

training at a time when millions of Americans are searching for ways to survive in a tough and changing economy, simplifies the financial aid process to make it easier for families to apply, and supports early childhood education so that more children graduate from high school and proceed to higher education. At the same time, this bill streamlines government programs to put an additional $87 billion back into the federal budget over ten years.

I've heard from individuals in my home state about how this bill would impact their lives. It will mean that 20,594 students will be eligible for Pell Grants next year and the 107,677 Oregon students who applied for subsidized loans last year will be guaranteed low interest rates. An additional $1.6 million per year will go towards Oregon's College Access Challenge Grant program, which will have a huge impact on the 25,000 students who use it to help prepare for and make undergraduate and graduate work affordable. I am also pleased that the bill reinvests in our community colleges. I am impressed by the work that the two community colleges in my district, Portland Community College and Mt. Hood Community College, have done to help individuals struggling to prepare themselves for a changing economy. I am pleased that President Obama has recognized the importance of higher education and the need to make it accessible and affordable in today's changing economy.

I urge my colleagues to join me in supporting the Student Aid and Fiscal Responsibility Act.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. GALLEGLY. Madam Speaker, I wish to make the following disclosure in accordance with the Republican Earmark Transparency Standards requiring members to place a statement in the Congressional Record prior to a floor vote on a bill that includes an earmark that I have requested.

H.R. 2522, a bill to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes, which I introduced on May 20, 2009, contains one earmark as defined under House Rule XXI, clause 9. The earmark contained in H.R. 2522 would authorize additional appropriations for a project under Title XVI of Public Law 104–266, the Reclamation Recycling and Water Conservation Act of 1996.

The project authorized under H.R. 2522 would authorize an additional $40 million in federal spending authority, not to exceed 25 percent of the total project cost, to allow the Calleguas Municipal Water District to fully complete their Salinity Management Pipeline, which will generate an additional 27,000 acre feet per year of groundwater and facilitate the use of an additional 16,000 acre feet per year of recycled water in the area.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge this request (1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

HONORING LISA CAMPBELL FOR HER EXEMPLARY SERVICE

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. McNERNEY. Madam Speaker, I am proud to recognize police specialist Lisa Campbell of San Ramon for acting on her intuition and training to jumpstart the series of events that unraveled an 18-year-old case and reunited a long-separated family. Ms. Campbell and her colleague Officer Allison Jacobs were able to make our community safer and save an innocent mother and her two young children from horrific circumstances.

As a child of only 11, Jaycee Dugard was kidnapped on her way to school. For 18 years, she suffered terribly and was denied contact with her loved ones and the outside world. Had it not been for Ms. Campbell's realization that something was awry with the man requesting a permit to hold an event on the UC Berkeley campus, the abuse of Jaycee and her daughters would not have stopped.

Lisa Campbell's and Allison Jacobs' quick action and good instincts prevented innocent people from experiencing further harm, led to the arrest of a dangerous person, and reunited a family tragically separated for almost two decades. I am honored to represent Ms. Campbell, and I am grateful for her dedicated public service.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2008

SPEECH OF

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for others purposes:

Mr. SPRATT. Madam Chair, I rise in support of the Student Aid and Fiscal Responsibility Act. In one fell swoop, this legislation helps millions of students afford to go to college, and it reduces the deficit by making the student loan program more efficient. Rarely are we given the chance to help students, improve government services, and reduce the deficit all at the same time; today we should embrace that opportunity.

By making the student loan program more efficient, the bill reinvests some of those savings into increasing the maximum Pell Grant award next year and in the future, benefitting the six million low-income students who rely on Pell Grants to help pay for college. The legislation provides for the maximum Pell grant to increase from $5,550 in 2010 to $6,900 in 2019. The bill also revamps the Perkins loan program, expanding it to every college in the country—currently, fewer than 500,000 students receive Perkins Loans. The bill also simplifies the process for applying for federal student financial aid, and offers new services to help students both attend and complete college.

In addition to making college more accessible, this bill also invests in education for preschool and school-aged children. It expands and improves early learning systems through competitive grants for states to offer high-quality services for children age zero to five, and will support more and better training for early childhood educators. The bill also provides funding to help modernize and repair schools—elementary and secondary schools as well as community colleges across the country. The funding is targeted for projects that are energy efficient and that create healthier and safer learning environments for our children.

To help strengthen our economy, the Congressional budget resolution that we passed earlier this year called for significant investments in education—including in Pell Grants—within a framework of fiscal responsibility. Today we have before us a bill that fulfills the challenge. It makes the student loan program run more efficiently, and thus reduces the deficit, while making dramatic improvements in our education system that will help students of all ages. I urge my colleagues to join me in supporting this bill.

STATEMENT ON VOTE OF H.R. 3221, STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

Mr. BURGESS. Madam Speaker, regrettably, today we voted on yet another expansion of our federal government at a severe cost to the American taxpayer. $100 billion dollars of stimulus money has already been given to the U.S. Department of Education in the "American Recovery and Reinvestment Act"—the so-called stimulus bill. With money borrowed from our children's future, the full appropriations of the stimulus bill have yet to be spent—and we have yet to be given an accounting of who exactly is getting and spending the American taxpayer's money. I can not support the duplicative spending in H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009, until there is full accountability from the U.S. Department of Education of how they are spending this stimulus money.

Furthermore, while I cast a no vote on H.R. 3221, I will note there are several good things in this bill. For instance, one of the proposed nine new federal programs at the U.S. Department of Education is one focused on our veterans. Members of our Armed Services should be given loan forgiveness when they valiantly serve to protect our freedoms, and they should be allowed to transfer general education credits from one school to another while they are serving. I wish this portion of this bill was given to Members for individual consideration; however, it wasn't.

Instead, this bill primarily sought to get rid of the Federal Family Education Loan Program

(FFELP) and replace it with the U.S. Department of Education's Direct Loan Program. FFELP has been around for 40 years and served our constituents in allowing them access to higher education. To replace it in its entirety with the direct Loan program would be fiscal malfeasance. The U.S. Department of Education does not have the funds to give loans to students who are eligible for college loans and, in fact, has lost money in this program. From 1995 to 2003 the Direct Loan program borrowed $137 billion to float this program and has posted a loss in the amount repaid and the amount borrowed.

I am also troubled by particular attention in this bill in Title III directed at giving grants to Louisiana, Mississippi and Alabama for losses suffered during their Hurricane Katrina and Hurricane Rita, but no similar funding will be given to Texas for the losses they suffered during Hurricane Ike. Texas students deserve as much sound infrastructure as a result of hurricane destruction as Louisiana, Mississippi and Alabama.

Furthermore, we should not have to use an education bill to address the voter fraud and tax evasion activity by the organization known as ACORN. I voted yes on the Motion to Recommit this bill to address the ACORN issues, but considering ACORN could have access to $1 billion—as compared to the $50 billion the American taxpayer could lose as a result of H.R. 3221—I will continue to vote no on H.R. 3221.

This bill is just another example of the federal government getting rid of choice and mandating only a public option. Just as I have fought the battle with regards to our healthcare, I am equally concerned that our education program remains vibrant and competitive.

TRIBUTE TO DR. DEAN HARMS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Dr. Dean Harms of Ames, Iowa as the Ames Tribune's 2009 Unsung Hero.

The Unsung Hero award honors people who quietly but generously give their time and talents to help others. In 2003, as president of the Rotary Club in Ames, Dr. Harms began searching for ways to serve people. During his search he found that his friend, Doug Perry, who served with him in the U.S. Air Force, had started a mission in El Porvenir, Honduras. Doug welcomed Dr. Harms aboard and he has since been volunteering his time off and on in Honduras for six years. Dr. Harms mostly conducts eye surgeries but does other procedures as well.

When Doug passed away, Dr. Harms took it upon himself to continue the mission along with his friends Chuck and Carolyn Jons, who nominated him for this award. With the help of his friends and the community, Dr. Harms also successfully spearheaded the construction of a high school library in El Porvenir and established reading and literacy programs for local citizens.

Dr. Harms' eagerness to utilize his talents to improve the lives of others serves as a wonderful example of human compassion. I consider it an honor to represent Dr. Dean Harms in the United States Congress, and I know my colleagues join me in commending Dr. Harms on his well-deserved award. I wish him all the best in his continued voluntary service and future endeavors.

CELEBRATING THE 175TH ANNIVERSARY OF PHILLIPS LYTLE, LLP

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. HIGGINS. Madam Speaker, I rise today to recognize Phillips Lytle LLP, a legal institution steeped in history which was founded in 1834 by Orsamus H. Marshall in Buffalo, New York.

While the firm name has evolved through time, its mission and philosophy have remained constant. Phillips Lytle is a full service law firm possessing extraordinary capabilities to service client needs.

Originally Marshall & Harvey, then Harvey & Bass, next Bass and Bissell; in 1874 future President of the United States, Grover Cleveland, joined the practice which then became Bass, Cleveland & Bissell LLP.

While a partner with Bass, Cleveland & Bissell, Grover Cleveland was elected mayor of the City of Buffalo in 1881. In 1883 Cleveland left the firm to become Governor of New York State and in 1885 Cleveland was elected as the 22nd President of the United States.

In 1906, Former State Supreme Court Justice, Daniel J. Kenefick joined the firm and in 1911, former Deputy Attorney General of New York State, Edward H. Letchworth signed on to practice law with Kenefick, Cooke, Mitchell & Bass.

The law practice grew significantly in the early 1930's as new partners emerged. In 1946, William E. Lytle joined and in 1960, additional partners were added including former Majority Leader of the New York State Senate, Walter J. Mahoney, who was later elected State Supreme Court Justice in 1965.

In 1970, under the name Phillips, Lytle, Hitchcock, Blaine & Huber, the firm was positioned for significant growth. Throughout the 1970's and 1980's, the Buffalo-based firm expanded across the State of New York partnering with a firms in Jamestown, Rochester, Fredonia and in 1982, an office was officially opened in New York City.

Several prominent Buffalo attorney's joined the firm in 2000 and in 2003, Phillips, Lytle, Hitchcock, Blaine & Huber was shortened to Phillips Lytle, LLP. The firm's unique approach has stood the test of time as they built practice groups around clients' needs in the areas of Commercial, Corporate, Family Wealth Planning, Labor & Employment and Trial law.

Today, Phillips Lytle has the largest geographic scope of any law firm in New York State, occupying seven (7) offices with over one hundred and seventy (170) attorneys representing some of the best companies in the United States. In total, there are over 450 individuals committed to the long standing tradition of providing exceptional legal services.

Steeped in history and experience, Phillips Lytle, LLP has remained a pillar firm in Western New York. It is my distinct honor, to recognize David McNamara, Firm Managing Partner, along with each and every talented Partner, Associate, and Staff Member of Phillips Lytle, LLP for their outstanding professional and civic contributions to Western New York.

Madam Speaker, I am pleased to have this opportunity to recognize Phillips Lytle, LLP a firm with a long tradition of commitment to defending the law, upon this, their 175th Anniversary.

IN RECOGNITION OF THE 125TH ANNIVERSARY OF LAUREL GROVE BAPTIST CHURCH

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the 125th Anniversary of the Laurel Grove Baptist Church and to celebrate the triumph of human spirit that this church symbolizes.

Before the Civil War, Mrs. Jane Carroll, who was a slave of Dennis Johnston, received 10 acres of land from the estate of her owner. From these humble beginnings, a small but vibrant African American community developed.

In the mid 1800's, George Carroll, one of Jane Carroll's children, along with Thornton Gray and William Jasper, settled in what is now known as Franconia. These three men had been enslaved or were the direct descendents of those who had been enslaved in the Franconia area since the 1700's. The community that they founded became known as Carrolltown.

Carrolltown grew. Freed slaves settled there, bringing the talents and skills that form a community. A general store sprung up. A school was founded, the Laurel Grove Colored School, on land donated by William and Georgeanna Jasper. But there was no house of worship in the town. The people of Carrolltown had to worship in their homes or walk 13 miles to the Alfred Street Baptist Church in Alexandria City.

In 1884, a group of freed slaves and neighbors named George Carroll, Middleton Braxton, Thornton Gray, Laurenda Huntger, Elizabeth Lomax and William and Georgeanna Jasper, joined together in the quest to build a local place of worship. On May 10, 1884, William and Georgeanna Jasper donated a one-half acre parcel of land for the express purpose of building a house of worship adjacent to the Laurel Grove Colored School. This church became the Laurel Grove Baptist Church and has been known by many as "The Little Church by the Side of the Road".

Since that time, over the course of 125 years, the Laurel Grove Baptist Church has ministered to neighbors, friends and descendents of the original founders and the community as a whole. Laurel Grove Baptist Church has stood witness to the history of African Americans in the United States. From the bondage of slavery, to the struggle for equal rights to the election of the first African American President, the spirit and faith of the African American community has been represented by the existence of the Laurel Grove Baptist Church. The determination of the congregants, past and present, has been symbolic of the fight for freedom, equality, fairness and respect.

Madam Speaker, I ask my colleagues to join me in congratulating Laurel Grove Baptist Church on the occasion of its 125th Anniversary and also in expressing our deepest respect and admiration for the triumph of spirit that is symbolized by this ''Little Church by the Side of the Road''.

RECOGNIZING 15TH ANNIVERSARY OF THE VIOLENCE AGAINST WOMEN ACT

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 2009

Ms. SCHAKOWSKY. Madam Speaker, I rise today in support of H. Res. 738, a resolution honoring the 15th anniversary of the Violence Against Women Act of 1994. As a Co-Chair of the Congressional Caucus for Women's Issues I am proud to support landmark legislation that shined a light on the problem of intimate partner violence and provided women with the resources needed to escape violent relationships.

This 15th anniversary, we celebrate the tremendous gains we have made in raising awareness about domestic violence and empowering women to leave unhealthy relationships and rebuilt their lives away from their abusers.

President Clinton signed the Violence Against Women Act on September 13, 1994, as part of the Omnibus Crime Bill. And over the last 15 years we have made tremendous progress toward ending the cycle of abuse. States have taken up the charge and have passed close to 700 laws to combat domestic violence, sexual assault, and stalking. As a result, more victims are reporting their abuse and the number of women killed by an intimate partner decreased by 24 percent. The number of comprehensive service program has grown exponentially since the passage of VAMA.

However, we have more work to do. Despite these gains, the anniversary of VAWA reminds us that there are many women and children still living in terror and in constant fear for their safety.

Today, the cost of intimate partner violence exceeds $5.8 billion annually, $4.1 billion of which is for direct medical and mental health services. Nearly 1 in 4 women in the U.S. will be abused by a current or former partner at some time in their lives.

We need to continue looking for a wide range of solutions to this problem. We need to devote more resources to helping women and their children begin living healthy and happy lives free of violence.

I am glad we are honoring the legislation on its 15th anniversary and I look forward to reauthorizing the program next year. I hope that we will continue our efforts to protect women from abuse and encourage the building of healthy families.

I urge all of my colleagues to strongly support the resolution.

MILDRED L. COX

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. PENCE. Madam Speaker, I rise today with a heavy heart to commemorate the life of a very important friend to my home state of Indiana, Mildred L. Cox.

For more than a quarter century, Millie, as she was known, tirelessly advocated for Indiana's credit unions and worked to ensure that they would provide the best financial services to their members.

Millie was born to William Clyde and Vonnie Pearl South in Jamestown, Tennessee on May 17, 1940. A graduate of Kennard High School in 1957, Millie's zest for life was obvious to all those who were fortunate to know her.

As the ''Team Mom'' of her late husband's little league teams and president of the Epsilon Sigma Alpha Sorority, Mille touched many lives. In her free time, Millie could often be found reading, gardening, or researching her family's genealogy; however, it was her work on behalf of Indiana credit unions that will cast Millie's most lasting legacy.

Millie joined the staff of the Indiana Credit Union League in February of 1977, serving as secretary in the Governmental Affairs Department. Due to her tremendous work ethic, Millie was first promoted in 1980 and two years later, she became the department's legislative coordinator. In this position, Millie began actively lobbying the Indiana Statehouse and U.S. Congress on behalf of Indiana's credit unions.

Millie soon became a recognizable figure both at the Statehouse and in Washington, D.C. She was known for her passionate convictions and spent a great deal of time educating others with regard to the legislative process, as well as strongly encouraging political involvement.

In 1986, Millie became the Vice President of Governmental Affairs and served as a liaison between the credit unions and regulatory agencies that shape policy.

Upon her retirement in 2003, Millie had amassed a legacy of service that will be remembered for generations to come. Of the many honors she received, the late Governor of Indiana, Frank O'Bannon awarded Millie with the prestigious Sagamore of the Wabash.

The Indiana General Assembly adopted a resolution honoring Millie's service as the Vice President of Governmental Affairs in 2003, and each year, the Indiana Credit Union Foundation now awards the Millie Cox Award. It is presented to a deserving recipient that best exemplifies Millie's qualities in advocating on behalf of the credit unions.

Millie was also blessed with a loving family. She will be sorely missed by her son Curt, her brothers and sisters, extended family and all those who were fortunate enough to know her.

We have lost an important figure in our community and I have lost a dear friend.

Let us keep Millie Cox and her family in our thoughts and prayers as we mark her passing.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 221) to amend the Higher Education Act of 1965, and for other purposes:

Ms. MATSUI. Madam Chair. I rise today in support of the legislation before us today, H.R. 3221.

A college degree is now deeply intertwined with the promise of the American dream, and it is our responsibility to provide equal opportunities to America's students. As the skill requirements of jobs continue to increase, so too should access to postsecondary education for all of our nation's students.

The Student Aid and Fiscal Responsibility Act directs the government to originate all student loans and it also ensures that there is a role for private industry, guarantee agencies, and non-profits in providing their services. This truly is a public-private partnership.

Moving all loans to the Direct Lending program will save the federal government and taxpayers almost $100 billion over the next 10 years as it eliminates tax-payer funded subsidies private lenders have been receiving to make student loans. Students in Sacramento will see a dramatic increase in their Pell grant awards over the next 10 years with total amounts going from $44 million to over $110 million in our community alone.

The savings found through this proposal will help strengthen the Pell grant program, keep interest rates on student loans low, improve community colleges, and expand early childhood education.

Given the recent economic downturn, more and more students are seeking aid, and additional Pell funds will allow them to achieve their goals.

Elisa Piña is a fourth year student at California State University, Sacramento, which is located in my district. She is receiving the Cal Grant and the Pell Grant, and is also a participant in the Federal Work-Study Program. With the recent state budget cuts to the Cal Grant, the Pell Grant is crucial to her ability to stay in school.

Elisa comes from a low-income family. Without the financial aid afforded to her through these programs, she would have never been able to afford college.

Elisa's story, thanks to the federal loan program this Congress has supported, is one of millions in communities all across the country. The bill before us today will make her dream of going to college a reality for millions more.

Madam Chair, for all of these reasons, I urge my colleagues to support the underlying bill.

TURKEY-ARMENIA NORMALIZATION

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. JOHNSON of Georgia. Madam Speaker, I come to the floor today to hail the efforts underway to heal past wounds between the Republics of Turkey and Armenia.

For several years, the two countries have quietly been meeting, with the assistance of Switzerland, to come to an agreement to normalize diplomatic relations and open the borders between Armenia and Turkey. I am quite pleased that these negotiations have been fruitful. I also encourage the two countries to continue to work together to finish the process quickly since it will not only benefit the citizens of these two countries, but the region and the world as well.

I would like to put into the RECORD an article by Hugh Pope from the International Crisis Group who calls this recent action by Turkey and Armenia as taking, ". . . a brave and statesmanlike step.

Like the International Crisis Group, I too am optimistic that these efforts will lead to greater stabilization of the region and am proud to stand here today and congratulate the governments of Armenia and Turkey on their efforts to date and offer our friendship and help as they move on to the next steps in the process.

THE EU-TURKEY-CYPRUS TRIANGLE: ''TURKEY AND ARMENIA VOW TO HEAL PAST WOUNDS'', BY HUGH POPE

1 SEPTEMBER 2009

It's been a long time coming, but Turkey and Armenia's vow on 31 August to establish diplomatic relations, open their long-closed border and begin to talk seriously about the past is excellent news. As laid out in our 14 April report Turkey and Armenia: Opening Minds, Opening Borders, normalization between Turkey and Armenia will benefit not just the bilateral relationship. If successful, it could win back for Turkey and its AKP government much of their recently faded prestige as domestic reformers, as regional peace-makers and as a country seriously intending to push forward with its accession process to the European Union.

The brief joint announcement from Ankara, Yerevan and the Swiss mediators in Bern said that two protocols had been initialed on the establishment of diplomatic relations and the development of bilateral relations. The two sides committed to seeing the protocols through to parliamentary ratifications within six weeks—that is, two days before a 14 October World Cup qualifier match between Armenia and Turkey due to be played in the western Turkish provincial city of Bursa. Turkey hopes that Armenian President Serzh Sarkisian will accept its invitation to attend, just as Turkish President Abdullah Gill initiated the current process by attending the first round match in Yerevan in September 2008.

Texts of the two protocols circulating in Turkey and Armenia set out a fully rounded and reasonable plan. In a ''Protocol on the Establishment of Diplomatic Relations'' the two sides promised to establish diplomatic relations on the first day of the first month after ratification; to exchange diplomatic missions; to reopen the border within two months of ratification; and to mutually recognize the existing border. In a ''Protocol on Development of Relations''—to go into effect simultaneously with the diplomatic opening—the two sides promised to promote cooperation in all areas from energy infrastructure to tourism; to set up a mechanism of regular foreign ministry consultations, including a main intergovernmental commission and seven sub-commissions; to act jointly to preserve the cultural heritage of both sides; and to establish consular cooperation. The protocols are accompanied by a detailed timetable, in which all steps and commissions would be fully implemented and in motion within four months.

On the vexed question of how to describe the Ottoman-era massacres of Armenians in the First World War—widely known as the Armenian genocide, a label rejected by Turkey—the ''Protocol on Development of Relations'' agreed to ''implement a dialogue on the historical dimension with the aim to restore mutual confidence between the two nations, including an impartial scientific examination of the historical records and archives to define existing problems and formulate recommendations.'' The timetable adds that this dialogue will be conducted under the aegis of the main intergovernmental commission in a ''sub-commission on the historical dimension . . . in which Armenian, Turkish as well as Swiss and other international experts shall take part.''

In short, Turkey and Armenia have taken a brave and statesmanlike step. Both will win if it succeeds. Armenia will overcome the sense that it is surrounded and under siege, will open a new commercial and psychological gateway westward to Europe, will be able to look better after the interests of the many tens of thousands of Armenians working in Turkey, will be able to market its electricity surplus and have easier access to the many Armenian cultural and religious sites in eastern Turkey. For Turkey, the gains are just as significant: the ability to show European and Western partners that it is working toward closure with Armenians on the contested matter of the First World War massacres; to add a new plank in its efforts to bring stability, prosperity and cooperation through relations with all three of its Caucasus neighbours; and, finally, to achieve the satisfaction of full and public Armenian recognition of its borders.

The 31 August step towards normalisation was originally expected in April, but Turkey backed away from the deal. All that could be announced on 22 April 2009 was a vague road map. This hesitation was apparently due to pressure from Azerbaijan—a major supplier of cheap gas to Turkey, and with which Turkey shares close linguistic ties—and continued nationalist opposition to compromise with Armenia inside the Turkish political system. This coincided with a period in Turkey in which reforms towards EU accession had virtually halted; in which Prime Minister Erdoğan appeared disengaged with EU ambitions and to be pursuing alternatives in Russia and the Middle East; and in which Turkey appeared to be taking sides in Middle Eastern issues, with notably harsh criticism of Israel. Turkey also appeared to side fully with Azerbaijan against Armenia, and it remains unclear what will happen to Erdoğan's 14 May promise to the Azerbaijani National Assembly that there would be no opening of the Armenia-Turkey border until there is an Armenian withdrawal from occupied Azerbaijani territory.

The news that normalisation with Armenia is back on track, therefore, is a signal that Turkey may be changing direction again. In the past few months, Turkey and the AKP leadership have also begun to push hard for progress on two other difficult dossiers, coming to terms with the Kurdistan Regional Government in Iraq and firmly setting out a framework of reconciliation with its own substantial Kurdish community. Progress towards Turkey-Armenia normalisation has also been helped by the unusual way that the US and Russia appear to have been working separately toward a similar compromise outcome, and pushing more actively for progress toward a settlement of the Armenia-Azerbaijan conflict over Nagorno Karabakh.

The fact that Turkey is now leaning back towards a reconciliation with Armenia will do much to clear doubts about the country's posture and the priorities of Prime Minister Erdoğan. It will also do proper credit to the polls that showed 70 per cent of the Turkish population supported President Gü's gesture of visiting Armenia for last September's first round football match, and the great strides Turkey's intellectual and political elites have taken in the past decade to dismiss the old-fashioned narrative of nationalist denial towards the catastrophic Armenian massacres of 1915. Normalisation with Armenia will also give real substance to new Foreign Minister Ahmet Davutoğlu's stated goals of ''zero problems'' and ''peace in the neighbourhood''.

However, while reconciliation with Armenia will rightly attract great positive attention in Europe, the next test will not be long in coming. Turkey has to find a way to expedite a solution to the long-running Cyprus solution in the next several months, or see its EU accession process effectively grind to a halt.

HONORING REVEREND ANNABELLE McKUNE

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Ms. CLARKE. Madam Speaker, Reverend Annabelle McKune was born in Brooklyn, New York on November 16th, 1924. The youngest of Francinia and Joseph Stanley's six children, she and her siblings Elizabeth, Louise, Eleanora, Vivian and Joseph, Jr. were raised with strong Christian values at Evening Star Baptist church. Reverend McKune was educated in Brooklyn Public Schools attending P.S. 25, P.S. 3 and graduating from Sarah J. Hale High School.

Her appreciation of music and dance led to her meeting her first husband, the late Micah Diego Chandler at the Savoy Ballroom. They were married in 1941 and the union produced two sons, the late Micah Diego Jr., and Paul Fitzgerald Chandler. Known for her strong work ethic, commitment and tender touch, Reverend McKune worked at several city hospitals, including Baptist Medical Center.

She met her second husband, Reverend Earl McKune at West Baptist Church were they both served as deacons. They were married in 1952 and together, they went on to found Christ Memorial, St. Marks Baptist Church and Fellowship Baptist Church. Following her calling, she became an Evangelist, and later, became the first woman ordained at Fellowship Baptist Church.

After 48 years of marriage, Reverend Earl McKune passed and although she remained a faithful member of Brooklyn's Fellowship Baptist church, she relocated to Florida in August

2008 and served as an Elder in New Bethlehem Missionary Baptist Church in Jacksonville, Florida.

Annabelle returned to New York in June 2009 and passed on the morning of August 1st, 2009. She will be remembered as a visionary who believed deeply in her work in the ministry. Her family and friends will remember her great culinary skills, her sense of style, her willingness to listen and her quick wit. Her legacy will live on through her children Donna, Sylvia, Eartha Lee, William, Bobby, Cynthia, Valerie, Yvonne, Jeffery and his wife Patricia and Paul and his wife Gloria. She is also survived by 14 grandchildren, 24 great-grandchildren, a host of loving god-children and numerous nieces, nephews and cousins.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Comittee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. BROUN of Georgia. Madam Chair, I rise today in opposition to H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009. I oppose this bill because, as the nonpartisan CBO has reported, it will cost taxpayers more than $15 billion over 10 years. And it could also eliminate as many as 30,000 private-sector jobs.

In fact, H.R. 3221 will eliminate choice, competition, and innovation, while growing government and increasing the deficit. This bill will eliminate choice and competition by ending the Federal Family Education Loan Program and giving the Federal Government a monopoly over student aid financing.

This bill will also reduce innovation and grow the government by expanding mandatory and entitlement spending by billions of dollars.

When will the massive spending and Federal takeover end?

Congress should not be growing government and increasing the debt burden on taxpayers. It has no business putting taxpayers on the hook for defaulted student loans when the private sector would gladly bear this risk.

As Herbert Hoover once said, "blessed are the young, for they shall inherit the national debt." That is a sad truth. We should be working to lessen that burden, not take away their choices and reduce their chances to succeed.

Parents, college presidents, and financial aid professionals are against this takeover. They are the experts on this issue because they are the ones that have to foot the bill. I urge my colleagues to hear them and vote no on this legislation.

HONORING GAIL-BURNS SMITH

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Ms. DELAURO. Madam Speaker, I rise today to honor the life and achievements of Gail Burns-Smith, a tireless advocate for victims of sexual assault and abuse. When Gail passed away unexpectedly on September 5th, our country lost an unspoken hero for women everywhere.

As the Executive Director of Connecticut Sexual Assault Crisis Services for twenty-two years, Gail drew critical attention to the prevalence of sexual abuse and the need to end assault and support its victims. She successfully secured federal funding for organizations working to end sexual abuse and assist victims and was instrumental in passing numerous laws in Connecticut that work to protect our residents against assault. A leader in her field, Gail recognized early on the need for collaboration between victim advocates and sex offender treatment providers.

On the national level, Gail worked with the Center for Treatment of Problem Sexual Behavior to develop the first Victim Advocate Program for sex offender treatment, which became recognized as the national model for such programs. She cofounded the National Alliance to End Sexual Violence, an organization that helped to secure passage of the National Violence Against Women Act. Gail also helped to establish the national Women of Color Leadership Project which evolved into the nonprofit Sisters of Color Ending Sexual Assault (SCESA).

While we have made great strides thanks to champions like Gail, the work to protect and support sexual assault victims is not over. Today, nearly one in five Connecticut residents has experienced a sexual assault. Twenty-six percent of Connecticut women and 10 percent of Connecticut men are sexual assault survivors. Further, many sexual assault treatment centers are experiencing dramatic cuts to their funding and have become limited in their outreach efforts. Just as Gail did, we must continue to champion efforts to end sexual assault and provide help and compassion to victims. She was a true role model and will be dearly missed.

CONGRATULATING THE MINORITY BUSINESS DEVELOPMENT AGENCY ON ITS 40TH ANNIVERSARY

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 2009

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today in support of H. Res. 215, a resolution congratulating the Minority Business Development Agency on its 40th anniversary and commending its achievements in fostering the establishment and growth of minority businesses in the United States. I know in my own district MBDA is an integral part of the economic development of Orlando. In fiscal year 2008, the MBDAs Florida Minority Business Opportunity Center (MBOC) in Orlando helped minority businesses get $13.6 million in contracts and $29 million in financial transactions.

This year in 2009, one of their local success stories includes APC Workforce Solutions, a contract labor, acquisition and management company. With the assistance of the MBDAs Florida Minority Business Opportunity Center, APC recently received a three-year renewable $45 million per year contract from Sunoco, Inc. to provide staffing services. The contract is that resulted in the creation of 30 new jobs.

MBDA and its network of centers across the country are helping businesses like APC every day. That's why last year MBDA helped minority businesses get over $1 billion worth of contracts, $1 billion worth of financial transactions that helped create more than 5,300 jobs across the country. In this tough economy, agencies like MBDA are helping minority-owned firms succeed and Congress needs to do a better job of recognizing the important job MBDA has been doing over the past 40 years. I am ashamed to say that MBDA was overlooked in the American Recovery and Reinvestment Act (ARRA) and there was no specific language in ARRA for minority businesses.

In 2050, the minority community will represent 54 percent of the total U.S. population. It is imperative to the continued strength of the U.S. economy to provide for the growth and expansion of minority businesses. The nation is failing to reap the benefits of economic parity through the creation of 16 million jobs, generating $2.5 trillion in gloss receipts and an unrealized tax base of more than $100 billion per year. Congress must do more to help the minority business community.

I like to say when America has a cold, the African-American community has pneumonia. Right now, Congress is ignoring the long-term health of our economy by ignoring the needs of minority businesses.

Minority-owned firms are in the position to generate long-term employment and economic sustainability in their communities. Minority firms provide nearly 5 million people with steady jobs and create wealth in minority communities. They create jobs, impact local and state economies and pursue global marketplaces

MBDAs long term strategic direction is achieving economic parity for minority firms. Economic parity is a benchmark measured by the proportion of U.S. business owned by minorities being roughly equal to the percent of their population. MBDA is focused on creating a new generation of $100 million dollar minority businesses creating the foundation that helps to close the gap in annual revenues between minority-owned firms and non-minority owned firms. At economic parity, the diverse business community will be larger than the economies of Russia, Italy or Spain. At economic parity, we reduce the unemployment rate from the current level of about 9.4 percent to 7.5 percent. At economic parity, the tax-base that is generated could fund 100 percent of Head Start, 100 percent of State Children's Health Insurance Program or a full 10 percent of the cost estimate to reform healthcare.

In closing, I'd like to again congratulate the Minority Business Development Agency on their 40th Anniversary and reiterate the importance of minority businesses to the economy.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. TIAHRT. Madam Chair, I rise in opposition to H.R. 3221, the Student Aid and Fiscal Responsibility Act because it will increase our deficit, but not help Americans with the expense of college. This bill is just one more area where the President and his party's leadership in the House are seeking to take over private industry. This is yet another one-size-fits-all government program intended to cripple the private sector and force additional financial risk on the American taxpayer.

In the last few months, we have watched the national debt level grow at an unprecedented rate. We spent billions of dollars bailing out the automobile industry. We have thrown good money after bad to prop up portions of the financial sector that we are told are ''too big to fail.'' We've bailed out Fannie Mae and Freddie Mac, only to watch the housing industry continue to flounder. We have spent more than $780 billion on a stimulus package that has left us with higher unemployment than we had before the bill. And in the next few weeks, we will need to raise the debt ceiling again.

Claims that this bill will save the nation billions of dollars look like a budget gimmick to pay for new government programs. Government has grown enough in recent years. We need to be looking for ways to save money and reduce our deficit, not spend ''projected savings'' on new, duplicative programs.

Furthermore, the money that supporters claim will be made available by these budget gimmicks is only expected to cover the first five years of these new programs. After that, Congress will be forced to find alternative sources of funding for them, or eliminate them. This is as productive as a credit card offering no payments for six months. This is a very poor way to manage the finances of the nation.

A second big problem I see with H.R. 3221 is the federalization of the student loan industry. If we run out of money for this program in the future, what happens to the students? With no private lenders, the students are left without any other source of funding for their education.

Fifteen years ago, when the federal government first got involved in the business of providing student loans, Congress was told that this was not an attempt for the federal government to take over the student loan industry, but simply a way to improve the system, and provide ''competition'' to the private sector. Yet, fifteen years later, here we are, debating a bill that would force private lenders out of the industry.

Does this argument sound familiar? It should. These are the same explanations being offered today by the President and by Democrat leaders in the House and Senate on health care. We are told that the bill will not lead to a government takeover of health care. Proponents say that a ''government option'' will simply compete, not replace, private health insurance plans. But I wonder, if the health care bill were to pass, how long would it be before this body is having a similar vote to eliminate private health insurance plans.

I urge my colleagues to join me in voting against this bill. This is a big government takeover of a private industry that will saddle taxpayers with the risk of billions in additional debt, while shrinking access to resources for future generations of students. In short, Madam Speaker, if it ain't broke, don't fix it.

A PROCLAMATION HONORING 150TH ANNIVERSARY OF ST. JAMES EVANGELICAL LUTHERAN CHURCH OF JEWETT, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. SPACE. Madam Speaker, Whereas, the dedicated people of St. James Evangelical Lutheran Church celebrate the church's 150th anniversary with great joy; and

Whereas, this milestone is the result of what a tempered people began in 1859; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as an example to congregations and faith communities everywhere; and

Whereas, you have demonstrated excellence in your calling as a church, as anything less would have left you bereaved of such a jubilant occasion, and we are proud to have you as sons and daughters in the great state of Ohio and of our nation; be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavered labor and commitment, recognizing that all great achievements come with extraordinary effort. With great appreciation and respect, we wish you continued abundant grace as you continue to labor for your community and your faith.

TO RECOGNIZE THOMAS JEFFERSON HIGH SCHOOL FOR SCIENCE AND TECHNOLOGY FOR BEING NAMED A 2009 NATIONAL BLUE RIBBON SCHOOL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Thomas Jefferson High School for Science and Technology for being designated a 2009 National Blue Ribbon School. In 2009, 314 schools from 47 states were named National Blue Ribbon Schools. Thomas Jefferson High School for Science and Technology is one of only two high schools from Virginia so honored for 2009 and in fact, is the only public high school in the Commonwealth to receive this prestigious designation.

The National Blue Ribbon School Program began in 1982 as part of a larger Department of Education effort to identify and disseminate knowledge about best school leadership and teaching practices. Since the program's inception, over 6,150 American schools have received this coveted award. This award honors public and private elementary, middle and high schools that are either academically superior or have made dramatic gains in student achievement and helped close gaps in achievement among minority and disadvantaged students.

Thomas Jefferson High School for Science and Technology has a long history of academic excellence. It has fielded more National Merit Semifinalists than any other high school in America for most of the 1990s and 2000s. From 2000 to 2005, it fielded more United States of America Mathematical Olympiad qualifiers than any other high school in America and has a distinguished history of U.S. Physics Olympiad Team members and medal winners. In 2007 the school had more Intel Science Talent Search Semifinalists (14) than any other school and in 2009, this feat was repeated with 15 semifinalists.

Thomas Jefferson High School for Science and Technology was ranked as the top high school in the nation by PrepReview in 2004. In that same year, it had the highest average SAT score among all American high schools, both public and private.

It was also ranked number 1 among ''America's Best High Schools'' in a study by U.S. News and World Report in 2007 and again in 2008. For schools with more than 800 students in grades 10–12, TJHSST was cited as having the highest-performing AP Calculus BC, AP Chemistry, AP French Language, AP Government and Politics: U.S., and AP U.S. History courses among all schools worldwide.

It is fitting that Thomas Jefferson High School for Science and Technology can now add its designation as a National Blue Ribbon School to their extensive list of other extraordinary achievements.

Madam Speaker, I ask that my colleagues join me in congratulating Thomas Jefferson High School for Science and Technology on receiving this honor. I also ask my colleagues to join me in thanking the principal, Dr. Evan Glazer along with the entire staff, student body and their families for their commitment to excellence in education.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. VAN HOLLEN. Madam Chair, I rise today in strong support of the Student Aid and Fiscal Responsibility Act. Today's bill provides access to education and builds a strong 21st Century workforce.

It provides access to college by ensuring that students have a reliable source of affordable federal loans. It simplifies the FAFSA to make it easier to apply for assistance. And it guarantees the Pell grant as a key to college affordability by indexing the maximum award to the Consumer Price Index plus one percent.

SAFRA will also help students stay in college with a new federal emphasis on college completion. As increasing numbers of Americans turn to community college for job training, this bill invests $3 billion to fund programs to retain and graduate students.

SAFRA provides access to quality early childhood education by making new investments in innovative birth through five programs. The bill ensures that every child enters kindergarten ready to succeed by transforming early education standards and building our early childhood workforce.

And finally, it provides access to safe places to learn with funds to repair crumbling schools and make energy-efficiency improvements to save money over the long term.

Importantly, SAFRA makes these vital investments without adding a single penny to the federal deficit. In fact, it would return $10 billion in savings to the Treasury.

I urge my colleagues to support this bill and ensure that every child has access to a high quality education, from birth to graduation day.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SPECIALIST NATHAN SPANGENBERG

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to honor United States Army Specialist Nathan Spangenberg, who died from an illness at Schofield Barracks in Hawaii on September 8, 2009 following his last deployment. He leaves behind his mother, Lois, his brother, Colin, sister, Megan and a niece and nephew.

Born in Tucson, Nathan attended Mountain View High School from 2004 to 2006, then transferred to Mountain Rose Academy charter school before joining the Army in 2007. SPC Spangenberg was an infantryman with the 2nd Stryker Brigade, 25th Infantry Division headquartered in Hawaii.

He and his unit returned there in February after a 15-month tour in Iraq. The Warrior Brigade, as they are known, was responsible for securing an 800 square mile area North of Baghdad that remains one of the most dangerous places for U.S. forces.

Appropriately, Nathan was a warrior. He survived his extended tour in Iraq only to be taken from us too soon.

We remember SPC Spangenberg and offer our deepest condolences and sincerest prayers to his mother, brother, sister, niece and nephew. My words cannot effectively convey the feeling of great loss nor can they offer adequate consolation. However, it is my hope that in future days, his family may take some comfort in knowing that Nathan's legacy reaches beyond the desolate landscape of Iraq and the barracks of Hawaii and into the hearts of a grateful nation.

This body and this country owe Nathan and his family a debt of gratitude and it is vital that we remember him and his fellow servicemembers who have paid the ultimate price.

Nathan is a hero both to his country and to his wonderful family. We salute his selfless service and bravery. May he not be forgotten and may his mission continue in the work of this body and the hearts of all Americans.

DR. ROBERT H. KNAPP

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. EHLERS. Madam Speaker, I rise to honor the life of Dr. Robert H. Knapp who passed away suddenly on July 13, 2009. I extend my condolences to Dr. Knapp's wife of 31 years, Judy, and his daughters Megan and Sarah, as well as his extended family.

Dr. Knapp attended Wayne State University Medical School in Detroit, Michigan and was a long-time pathologist in the Grand Rapids, Michigan area practicing at Spectrum Health and most recently Grandville Pathology Laboratory.

Dr. Knapp began his service to medicine at the local level. He served as President and Trustee of the Michigan Society of Pathologists and was a member of the Kent County Medical Society and the Michigan State Medical Society.

Dr. Knapp's leadership in pathology allowed him to demonstrate outstanding service to the profession of medicine and his community by serving as an advocate for the important role that pathologists play in improving the quality of health care for Americans.

In fact, Dr. Knapp was very active in advocacy efforts on behalf of both the College of American Pathologists and the American Society of Cytopathology. He visited with me and my staff numerous times over the past few years and hosted me for a laboratory tour at his facility last fall.

In addition to his professional career, Dr. Knapp was an avid cheesemaker and lover of opera.

Dr. Knapp was a dedicated, knowledgeable advocate and respected pathologist. He deserves to be remembered kindly for his legacy of service to the Grand Rapids community and to the medical profession.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. DINGELL. Madam Chair, I rise today in strong support of H.R. 3221, the Student Aid and Fiscal Responsibility Act. For far too long private lenders have saddled our students with thousands of dollars of debt, all so they could make a profit. Today Congress puts an end to this ensuring that all students who desire a higher education can do so in an affordable manner.

When I was growing up I was told that in order to have a good job you must graduate from grade school, and then it was high school and now it is college. Unfortunately the reality is that all too often, many of our brightest and best are not pursuing college because they cannot afford to do so. I hear time and time again from my young constituents who are working two or three part-time jobs all so they can take a class or two a semester. We cannot allow our brightest minds to burn out before they can complete their degree. Higher education should be an opportunity and not a burden.

H.R. 3221 will change this by ensuring that the students are the focus of our higher education system once again. This legislation will change the way the student loan system functions by ensuring all new loans are operated through the Direct Loan program, saving the taxpayers $87 billion and guaranteeing our students have access to low-cost, reliable federal loans.

The savings from this change will be directed towards increasing government grant loan assistance for tuition payments. Pell grants, which serve nearly seven million students, will be increased to $5,550 in 2010 and to $6,900 by 2019. To ensure that these grants continue to keep up with the rising costs of tuition, beginning in 2011 the grants will be linked to the Consumer Price Index.

In my district more than 13,000 students rely on the Pell grant to help pay for their schooling. This increase of funding would be critical for each one of these students and would increase the total amount of Pell grant awards in the 15th District from $34 million to over $85 million.

This legislation will also simplify the FAFSA, making it easier for families to apply for financial aid. By permitting families to use information from their tax returns, the FAFSA process will be more streamlined and effective for our students. This is critical for families in the 15th District who submitted nearly 38,000 applications last year and are anticipated to submit 56,000 in the 2012 school year.

H.R. 3221 also lowers the interest rates on government-subsidized loans helping to lower college debt after graduation, which will be critical to the nearly 334,000 students in Michigan who rely on these loans.

Increased funding will also be directed to our community colleges, many of whom in Michigan are overwhelmed with trying to serve the thousands of dislocated workers who are looking to start their second career. I have always believed that our community colleges and universities deserve equal treatment; however, this recession has made demonstrated the many different types of students our community colleges serve. This legislation will help these colleges to work more closely with our business community, the state and job training programs and adult education programs to ensure our adult learners have access to the support they need to complete their degree or certificate. And for the over 177,000 students currently enrolled in Michigan community colleges, we must ensure that they have safe, quality facilities in which to learn. Under H.R. 3221 Michigan will receive nearly $88 million to help finance projects to repair or construct new community college facilities.

Overall this legislation makes unprecedented and much-needed reforms to our student aid system, however, we must also ensure that our colleges and universities have the resources and the support they need to implement this bill. I know for the colleges and universities in my district, they are already struggling with reduced financial assistance from the state, therefore, we must ensure that the consideration of any financial match is

weighed against the current situation in our economy, and what our schools are already committed to doing to assist needy students.

Madam Chair, I am pleased to rise in support of this legislation and I urge strongly that my colleagues do the same. We have all watched the tuition at public and private colleges double, then triple as time has passed, creating a burdensome gap for our students to overcome. The students of this country are our greatest hope—they are our future doctors, our future lawyers, our future teachers and our future public servants. To not ensure that they have an affordable, quality education would be to shortchange their success and the success of our country.

INTRODUCTION OF ''NEWSPAPER REVITALIZATION ACT OF 2009''

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mrs. MALONEY. Madam Speaker, today I am introducing the ''Newspaper Revitalization Act of 2009,'' the companion to legislation introduced in the Senate by Senator CARDIN (D–MD). This legislation will help newspapers across the country that are closing down or facing bankruptcy at an alarming rate by allowing them to become non-profit 501(c)(3) organizations similar to public broadcasting. Large cities whose newspapers include, The Philadelphia Inquirer, The Seattle Post-Intelligencer, The Rocky Mountain News, San Francisco Chronicle, and The Baltimore Sun are at risk of losing their dailies. Unless something is done soon, it is possible that many metropolitan regions may have no local daily newspapers.

Many bloggers, Google news, and punditry get their original news from the diligent work of beat reporters for daily newspapers who have invested years on their beat and provide the best information on an issue from many perspectives. This type of beat reporting requires commitments of both time and money, and unfortunately, the current economic climate has only worsened the already precarious business situation for many newspapers. This bill would provide for a voluntary option for newspapers and a way for a community or foundations to step in and preserve their local papers that are rapidly disappearing.

Newspapers are an essential component to our free democratic society. Studies have shown that areas where daily newspapers have gone out of business there has been a rise in corruption in government and plummeting civil engagement in politics. With the state of the current newspaper model, dependent on advertising and circulation revenue, it will be difficult for newspapers to maintain and produce high quality news without bold changes. I urge my colleagues to support this legislation as an important first step in saving them.

NATIONAL GEAR UP DAY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. ENGEL. Madam Speaker, I rise today to recognize the Gaining Early Awareness and Readiness for Undergraduate Program, or GEAR UP. This program has improved educational outcomes for over a million low-income students across the United States by providing college readiness partnerships and scholarships for low income students.

Tomorrow, September 18th, is the first annual ''National GEAR UP Day'' to acknowledge the success GEAR UP has had in providing students with the resources they need to go to college despite the challenges they may face in their communities. Over 1.5 million GEAR UP students have been served over the last ten years. GEAR UP offers comprehensive mentoring, tutoring, financial aid counseling and also provides information and activities regarding college admissions.

With my colleagues, Congressman CROWLEY and Congressman SERRANO, I would like to recognize the success of the Bronx Institute at Lehman College which administers three GEAR UP grants in more than 50 schools in the Bronx. These programs serve more than 8,500 Bronx students in grades 8, 9 and 11. They offer after school, weekend and evening classes and workshops for students and parents. Their project staff provides one to one counseling and college readiness support to all students and families. They have in place, and continue to develop and support, rigorous instructional programs that serve to prepare students for college level learning. Additionally, the Bronx Institute at Lehman College's technology program has distributed more than 6,500 laptops to students and will add to that number this year.

In the 110th Congress I was proud to have been a cosponsor and supporter of H. Res. 1311, expressing support for the designation of a National GEAR UP Day and am glad that it has come to realization.

Madam Speaker, I encourage my colleagues to join with me in recognizing and commending the students, families, education professionals, and business and community leaders involved in GEAR UP on its 10th anniversary.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Ms. WATERS. Madam Chair, I rise to support H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009. I'd also like to commend my colleague from California, Chairman GEORGE MILLER for his hard work to bring this bill to the floor today.

Now more than ever, Americans need affordable and quality educational opportunities that will help make our economy stronger and more competitive. This bill embraces President Obama's challenge to produce more college graduates by the year 2020 by making higher education more accessible. This legislation achieves that goal by transforming the way student loan programs operate.

The Student Aid and Fiscal Responsibility Act is the single largest investment in aid to help students and families pay for college in history—and it does so at no cost to taxpayers. The bill reforms the system of federal student loans to save taxpayers $87 billion—and then invests $77 billion of those savings back into education, particularly by making college more affordable, and directs $10 billion back to the Treasury to reduce entitlement spending. Among its many provisions, I am especially pleased that the maximum Pell Grant is increased from $5,350 in 2009 to $5,550 in 2010 and to $6,900 in 2019 and that interest rates are kept low on subsidized federal student loans. This will help more students graduate with less debt. Unfortunately, too many students are graduating with record debt, partly because grant aid doesn't cover nearly as large a share of college costs as it used to. This legislation will allow us to invest $40 billion in the Pell Grant scholarship, to keep interest rates affordable on need-based federal student loans, to simplify the federal student aid application process, and to invest in other forms of aid that will help low-income, middle class and minority students pay for and complete college.

H.R. 3221 will also stabilize and safeguard the federal student loan program that students and families depend on to pay for college. The intertwined economic and credit crises have exposed serious vulnerabilities in the structure of the federally-guaranteed student loan program—putting it on life support. Families shouldn't have to worry about whether the roller coaster fluctuations of the financial markets will hurt their access to low-cost student loans. By originating all new federal loans through the cheaper Direct Loan program, students and parents will be able to receive the same loans with the added assurance that these loans are entirely reliable, no matter what happens in the economy. This simple change will save taxpayers $87 billion over 10 years.

H.R. 3221 also builds on the best of what works in the private sector to provide borrowers with top-notch customer service. The legislation will allow state non-profit lenders and private industry to continue doing what they do best—servicing loans. It will allow private entities to compete for contracts to service these loans—ensuring that students get the best services available and maintaining jobs in communities across the country. This bill also eliminates waste and creates a streamlined, cost-effective program for families and taxpayers. Each year, billions of taxpayers' dollars are being sent into a program that no longer works—and that the Department of Education can administer for a much lower cost. This is exactly the kind of waste we need to eliminate in tough fiscal times. By cutting out the middleman, this legislation will save taxpayers $87 billion over 10 years, according to the Congressional Budget Office. It's a smarter business decision for taxpayers and families.

One of the most exciting provisions of this bill is that is makes an unprecedented $10 billion investment to make community colleges part of our economy's recovery. For years, business leaders have told us there weren't enough workers with the knowledge and the expertise for their specific industries. H.R. 3221 will change that. It will help us build a 21st century workforce by strengthening partnerships among community colleges, businesses and job training programs that will align community college curricula with the needs of high-wage, high-demand industries. It will provide community colleges with the tools to replicate programs that are successfully educating and training students and workers for these fields.

As a former Head Start volunteer coordinator, I know first-hand that creating better educational opportunities demands that we invest in our students long before they reach college. To ensure that the next generation of students enters kindergarten with the skills they need to succeed in school, the legislation creates an Early Leaning Challenge Fund to increase high-quality early learning opportunities for low-income children. It also will help provide every child with access to a world-class learning environment by investing in school modernization, renovation, and repair projects that will create healthier, safer, and more energy-efficient environments—a measure the House is already on record supporting.

However there is one provision that was added to HR 3221 in the Education and Labor Committee that I am very concerned about. I'm sure it was included with the best of intentions, but for the record, I would like to share with my colleagues what I believe will be the real impact of this provision. Under current law, for-profit postsecondary schools are required to maintain a certain formula for how they receive federal funding, commonly known as 90–10. This means that a school must, at a minimum, acquire 10 percent of its funding from sources other than federal money. The original 90–10 provisions were added because too many for-profit schools were receiving large amounts of federal funding from students who indebted themselves without receiving the training they signed up for. I worked with a number of my colleagues here to help put those 90–10 provisions in place. This formula was enacted after years of students being ripped off and schools raking in record profits. If the schools violate 90–10, they are assessed a financial penalty.

The provision added in Committee would weaken the current standards and basically kick the can down the road by extending the violation period from two to three years. This is completely unnecessary. What is the point of having the formula if we'll allow for-profit schools to continue to violate it?

I am looking forward to work with Chairman MILLER and other Members to make sure that the final bill does not include another victory for an industry that does not have students' best interests in mind. Moving forward, it is my recommendation that we revisit the rules that govern these for-profit schools and allow them to continue accessing federal funds but that also ensure that they fully report graduation and dropout rates, default rates, and job placement rates.

In closing, this is not a perfect bill, but it is a tremendous investment in education for American families and I urge my colleagues to vote for passage on H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009.

MOUNT NOTRE DAME HIGH SCHOOL

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today to recognize the 150th Anniversary of Mount Notre Dame High School in Cincinnati, Ohio. On this date, 150 years ago, the Mount Notre Dame Academy, sponsored by the Sisters of Notre Dame de Namur, opened with 30 boarders. Mount Notre Dame is the oldest catholic girls' high school in the same location in the Archdiocese of Cincinnati.

Over the years, Mount Notre Dame has endured immense enrollment growth and has transitioned to an all girls high school with more than 750 students. The young women of this proud school come from four Ohio counties and 50 church parishes. Today, Mount Notre Dame offers 19 honors and 17 advanced placement courses. Ninety-Eight percent of graduates go on to college. Additionally, Mount Notre Dame was named a Blue Ribbon School of Excellence by the United States Department of Education in 1987.

Mount Notre Dame is also known for their success outside of the classroom. The Cougars have a combined twelve state championships in the team sports of basketball, golf, and volleyball. Just this past March, Mount Notre Dame won the 2009 Division I State Basketball Championship.

Madam Speaker, I ask you to join me in celebrating Mount Notre Dame 150th Anniversary and in wishing them continued success.

MICROSOFT CORPORATION

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. REICHERT. Madam Speaker, I rise today to recognize the Microsoft Corporation for receiving an award from the Department of Defense for its unending support of employees who serve in the National Guard and Reserve.

The Microsoft Corporation was presented with the 2009 Employer Support Freedom Award on September 17 along with 14 other employers across the United States. Specifically, Microsoft—among other things—initiated a Military Reservist Council, acknowledges employee service through different company newsletters and, in 2007, donated $3.7 million to the National Guard Youth Foundation.

Microsoft's support for our service members is a model that other employers should follow, and it is the paramount duty of Congress to do its part to help our service members make a seamless transition back to civilian life from active duty. It is a priority that requires both private and public sector support. I was pleased that the House passed legislation I authored last Congress to improve the government's responsiveness to hiring difficulties our service members face upon their return, and I hope that this body can continue to partner with private sector champions like Microsoft to help provide a smooth transition for our service members and veterans between military life and civilian life.

Again, I applaud the Microsoft Corporation for supporting their National Guard and Reserve employees and congratulate them on receiving the 2009 Secretary of Defense Employer Support Freedom Award. I know they will continue to provide outstanding support to Washington's service members in the future, and I pledge to continue doing the same serving in this body. We must do all we can to provide for those who have bravely sacrificed so much to defend our freedoms.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Ms. HERSETH SANDLIN. Madam Chair, the House is considering H.R. 3221, the Student Aid and Fiscal Responsibility Act. I support many of the goals of this legislation, including finding savings in the current student loan program and directing these funds toward expanding student grant aid that will help make higher education a reality for more South Dakotans. However, I have heard from constituents who work in the Federal Family Education Loan Program, FFELP, in my State, and in particular from The Student Loan Corporation in Sioux Falls, that the enactment of this bill could result in the loss of hundreds if not thousands of jobs in South Dakota during this period of continuing higher unemployment, as the country works its way out of economic recession. I also have concerns about completely eliminating a role for the private sector in providing student loans and about the potential disruptions in access to loans for students that could occur during the proposed transition to the new system over the next months.

I have helped to lead the effort in the House of Representatives with my colleague and fellow Blue Dog. ALLEN BOYD of Florida, and we've been joined by a number of our colleagues in the House of Representatives in sharing our concerns on this subject with U.S. Department of Education Secretary Arne Duncan and with the House Education and Labor Committee. I urged the Secretary and the Committee to more fully consider all possible alternatives that would substantially increase funding for Pell Grants and other important sources of financial access to higher education, while maintaining jobs in our districts and ensuring continued access to loans for students. Over the course of the FFELP's decades of existence, it has proven that private competition in the student loan system provides benefits to students. I believe that the FFELP has been a cost effective alternative to "direct lending" for many students in South Dakota. In addition, I am concerned that the Department of Education may not have the resources adequate to handle the origination,

administration and servicing of all student loans beginning in July 2010.

The assumption of complete responsibility for providing federally-backed loans to students by the Department of Education Direct Loan, DL, program presents very real risks of job losses and ends the reliable administration and servicing of student loans at the more than 4,000 schools that are not currently enrolled in the DL program, including most colleges and universities in South Dakota. While a number of these schools have begun exploring a transition to DL with the Department of Education, the risks of a possible disruption in students' ability to access student loans is very real during the rapid transition of these 4,000 schools to DL by July 10, 2010. Further, we do not want to put undue resource burdens on schools and States that are already facing increased budgetary pressures during this economic downturn.

While the bill does present potential opportunities for some lenders in South Dakota, overall, the possible downsides of the bill for South Dakota are substantial, and what's more, I believe they could be addressed in this legislation while preserving the goal of increasing financial assistance for higher education. Thus, while I fully support the goal of finding savings within the current student loan program to provide students with much-needed increases in federal financial aid for higher education, I cannot support today's bill, which I believe should be improved before being passed by the House.

As the legislative process moves forward in the Senate, I will continue to work towards a bill that achieves significant increase in financial assistance for students seeking higher education, that preserves jobs for South Dakotans, and ensures our students receive the specialized attention and information needed to make the best choices for funding their higher education.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mrs. CAPPS. Madam Speaker, I was not able to be present for the following Roll Call votes on September 16, 2009, I would have voted as follows: rollcall #704: ''yes''; rollcall #705: ''yes''; rollcall #706: ''yes''; rollcall #707: ''yes''; rollcall #708: ''no''; rollcall #709: ''yes.''

PERSONAL EXPLANATION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Ms. RICHARDSON. Madam Speaker, on rollcall vote No. 620, I am recorded as voting ''aye''. That was not my intention. It was my intention to vote ''no'' on the Hensarling Amendment.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to show my support for H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009.

This legislation will make a college education more accessible to young Americans. Through initiatives such as a $40 billion investment in Pell Grants, the number of people eligible for a Pell Grant award greatly increases as does the monetary allotment associated with the award. Under this legislation over $85.4 million will be invested in our district to increase the maximum annual Pell Grant scholarship to $5,550 in 2010 and to $6,900 by 2019. In the 2010–2011 academic year 18,184 students in our district will be eligible for a Pell Grant award.

This bill will also help make a college education more accessible and affordable to Americans by streamlining the FAFSA student aid application. The simplification of the FAFSA form will help provide needed support to the growing number of families applying for student aid by allowing them to use the information on their tax returns to verify their eligibility.

The Student Aid and Fiscal Responsibility Act also sets in motion a five-year initiative aimed at improving college access and completion support programs through the College Access and Completion Fund, resulting in at least $14.1 million a year for the next five years in Texas. The increased funding is to be used towards providing students, particularly those from disadvantaged backgrounds, with the support they need to stay in school and graduate despite obstacles, particularly those of a financial nature.

For students who need further financial assistance, this legislation increases the availability of Perkins Loans, and increases the reliability and affordability of federal student loans through the Direct Loan program.

In addition to making education more affordable, The Student Aid and Fiscal Responsibility Act of 2009 aims to improve the quality of higher education in the United States. One of the main components of the bill I am excited about is the major investment in our local community colleges. In 2007, over 497,500 students were enrolled in Texas community colleges, and this bill will help to increase the effectiveness and impact of community colleges in our area by continuing to develop first-rate affordable education right here in our district, which, in turn, will help build our workforce and community.

H.R. 3221 not only focuses on higher learning, but also childhood education by establishing an Early Learning Challenge Fund. Over the next two years, Texas will receive more than $359.4 million to develop schools that equip every child with access to a world-class learning environment.

I strongly believe in the power of education, and am proud to support this legislation that increases individuals access to higher education, improves the quality of that education, and helps to develop a skilled workforce, while reducing the deficit.

TRIBUTE TO KANSAS CITY, KANSAS, SCHOOL SUPERINTENDENT JILL SHACKELFORD

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. MOORE of Kansas. Madam Speaker, during my years of serving in Congress, the Kansas City, Kansas, public schools have had two excellent superintendents. When Dr. Ray Daniels retired in 2005, he was succeeded by Dr. Jill Shackelford, assistant superintendent of schools, who became USD 500's first female superintendent. Although the Kansas City, Kansas, school district faces the same formidable challenges as other urban districts, one great advantage is the stable leadership it has enjoyed. Other districts in our area have had frequent changes of leadership and vision. The KCK School District has continued to pursue an effective and visionary course, made possible by the ''First Things First'' program funded by the Kauffman Foundation. This comprehensive school reform program has brought about heartening improvements in student performance and test scores.

We will miss Dr. Shackelford's warm and caring personality, but I am sure that the KCK Schools will choose another fine leader to succeed her. I am including with this statement a recent Kansas City Star article detailing Dr. Shackelford's announcement.

[From the Kansas City Star, Aug. 11, 2009]

KCK SUPERINTENDENT, AN ADVOCATE FOR URBAN STUDENTS, ANNOUNCES RETIREMENT

(By Dawn Bormann)

Kansas City, Kan., School District Superintendent Jill Shackelford—who has been a leading voice for urban, at-risk Kansas students—announced Tuesday that she would retire in June.

And it is fair to say that the district's first woman superintendent has left her mark. Students know her as the ''lady in pink'' who proudly wears pink shoes, pink skirts and a rhinestone lapel pin that spells ''believe'' in capital letters. Shackelford, a former reading teacher, praises their accomplishments and passes out hugs with the nurturing style of an elementary school teacher.

Education officials know her as the leader of a low-income district that led the charge for free all-day kindergarten and posted double-digit gains in assessments. The changes have stood out at least in part because 83 percent of the students qualify for free or reduced-cost lunch.

When Shackelford, 65, started five years ago, some casually mentioned that she might want to tone down her wardrobe and her feminine approach.

''You know you're the first female, so don't act too female-ish,'' she said, recalling that advice. ''I was told to get into your closet and dig out all your black suits.''

It lasted a few weeks. Shackelford had already survived Stage 3 breast cancer. She didn't need to wear black to prove herself, she said.

''Out came the pink. Out came my personality, and I was able to relax,'' Shackelford said.

So the superintendent didn't hide her tears Tuesday when she officially declared her retirement to her staff at the district's annual employee convocation. It surprised many but not everyone gathered at Memorial Hall. Shackelford has always maintained that she would step down after five years. It was something she made clear from day one.

''There are times in your life where you know it's somebody else's turn,'' she said.

In 2005, Shackelford replaced Ray Daniels, who was highly regarded for his leadership.

''In one sense, you'd say all she had to do was follow up on the path that Ray Daniels had set. There's some truth to that,'' said Bill Reardon, the district's lobbyist and a former state lawmaker. But he pointed out that ''the more you achieve, the remaining improvements become really difficult.''

However, she had a proven track record with curriculum reform for at-risk children.

Shackelford came to the district 13 years ago to work directly with curriculum. She was among the early leaders who helped implement First Things First. Thirteen years ago, the district was 11 percent proficient in reading and 3 percent proficient in math. Students are now 61 proficient in reading and 63 percent proficient in math, district officials said.

''There's no other district in the state that's gone from single digits to 60 (percent),'' she said, praising the district's more than 19,500 students.

Shackelford credits the success to students, teachers, custodians, bus drivers and others.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. BOYD. Madam Chair, I rise to express my concern with H.R. 3221, the Student Aid and Fiscal Responsibility Act of 2009. This legislation was crafted in the Committee on Education and Labor after President Obama's Fiscal Year 2010 Budget proposed reforming the federal student loan system. Although I support the President's goal of ensuring our affordable and accessible educational opportunities for our nation's children, I have some serious reservations with this bill.

H.R. 3221 calls for the transition of all federal student lending to the Direct Loan Program by July 1st 2010. Not only will this move end the reliable administration and servicing of student loans at more than 4,000 schools across the country, this transition will risk job losses at a time when unemployment is threatening to hit 10 percent nationwide. This industry represents over 30,000 jobs throughout our country, and 700 Sallie Mae employees in my district alone.

These employees have a history with the program, the college administrators and the students that they serve, given the over 40 years of the program's existence. During that time the private industry has continued to evolve to better help students with their financial responsibilities through quality customer service and product innovation. It is evident that as the Direct Loan and Federal Family Education Loan (FFEL) programs have competed over the years the quality of the student experience has been changed for the better. I am not comfortable taking this dynamic out of the equation via the provisions in H.R. 3221. Furthermore, I am concerned that the quick transition required by this bill could prove burdensome to many of the schools that are currently using the FFEL program despite the efforts of the Department of Education to prepare for it.

I believe that the country and students would be better served if the private industry framework of the current system was enhanced instead of proceeding with H.R. 3221 as written and I would therefore urge my colleagues to vote no.

TRIBUTE TO PAUL BALLOU HOFER, JR.

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Ontario, California were exceptional. Today I ask that the House of Representatives honor and remember an incredible man and American patriot, Paul Ballou Hofer, Jr. Paul was a dear friend of mine and I was deeply saddened by his passing on July 8, 2009.

Paul was born to Paul Ballou Hofer and Frances Morgan Hofer on January 23, 1921 at the family ranch in Ontario, California. He attended Mountain View Elementary School, Chaffey High School and the University of Southern California. A natural athlete, at Chaffey he played varsity basketball for four years and was a halfback on the football team, receiving dual scholarships to USC for both sports.

During World War II Paul served in the U.S. Navy, commissioned as a Naval Aviator, with several thousand hours of flight time. In 1944 Paul married his high school sweetheart, Laura Jean Belcher, who preceded him in death. They had three sons, Paul III, John and Brett who grew up in the same house in which their father was born. Along with his brothers Morgan, also deceased, and Phillip, Paul was a fourth generation vineyard farmer at Hofer Ranch which was founded by his family in 1882. Paul always believed that the lessons learned from lifetimes of farming, hard work and determination, coupled with the deeply held and abiding belief that land is what endures, have been the anchor that has guided the family through seven generations on the ranch.

In addition to ranching, Paul was a man of many interests. He had a great love of the outdoors, with a passion for fly fishing and wing shooting. Paul was a member of the Masons, and also of the Republican Party. He collected antique farm and winery equipment, proudly adding to the collection at Hofer Ranch. In addition to his three sons, Paul is survived by his brother, Phillip, and his family; his grandchildren, Jason Hofer (Christina), Jacklyn Hofer Winton (Jeremy), Morgan Hofer and Laura Hofer; his great-granddaughter, Elizabeth; and other family members.

Paul's passion for his ranch, his family, and his community has contributed immensely to the betterment of Ontario, California. I was proud to call Paul a fellow community member, American and good friend. I hope his family knows that their father, brother, and grandfather, and the goodness he brought to this world, will always be remembered.

TRIBUTE TO MARY L. NIRMAIER

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. LUETKEMEYER. Madam Speaker, I rise today to honor Mary L. Nirmaier and Rose Ross, two members of the only 300 remaining survivors of the Women's Airforce Service Pilots. I am proud to see these two remarkable women honored with the Congressional Gold Medal.

Women Airforce Service Pilots were the first women in history to fly America's military aircraft. Between the years 1942–1944, women were recruited to fly non-combat missions, so that male pilots could be deployed in combat. Through their actions, Women Airforce Service Pilots were a catalyst for revolutionary reform in the integration of women pilots into the U.S. Armed Services.

The Congressional Gold Medal is the highest and most distinguished award that the U.S. Congress can award to a civilian. Just as the Navajo Code Talkers and Tuskegee Airmen served with distinction and were awarded the Congressional Gold Medal, it is also appropriate for Congress to recognize and honor the service of the WASP with the Congressional Gold Medal.

Our soldiers, sailors, and pilots sacrifice everything they have in service to America and will serve as a permanent reminder of the bravery, loyal patriotism, and love of country.

In closing, Madam Speaker, I ask all my colleagues to join me in wishing Ms. Nirmaier and Ms. Ross our sincerest thanks and appreciation for their commitment, dedication, and service to our nation. It is an honor to represent them in the United States Congress.

TRIBUTE TO GARY, LISA, JACKSON AND JESSICA WALTERS FOR THEIR SUPPORT FOR KINSHIP PARTNERS

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor one of the most passionate families I have ever met, Gary and Lisa Walters and their children, Jackson (age 15) and Jessica (age 14). They are passionate about making a difference in their community. To raise awareness and funds for Kinship Partners, a mentoring program that relies only on donations, the Walters Family traveled from Brainerd, Minnesota to our capital, Washington, DC. But unlike most Americans who travel to Washington, D.C. for a cause, they

chose an unusual mode of transportation. Gary and Jackson both rollerbladed across the country, while Jessica biked along side them.

From August 13th to September 7th, Gary and Jackson woke up and strapped on their trusty rollerblades, Jessica hopped on her bike and together, they embarked on this heartwarming adventure. They were sore; they were tired; but they were not discouraged by challenges. For the past 7 years, in fact, Gary has put himself through some rigorous challenges to raise awareness for Kinship Partners, including walking the length of Minnesota, biking to New Orleans and camping out on the Brainerd, Minnesota water tower for more than a week. It is his unwavering dedication to Kinship Partners that has helped raise over 100,000 dollars and kept the program strong.

Kinship is a mentoring program in north-central Minnesota that matches children with caring adults based on mutual interests. For a few hours a week, they get together and spend time doing whatever it is they like. It's not a complicated formula, but it is a somewhat new take on mentoring programs. And Kinship Partners is seeing success stories in 24 Minnesota communities as a result of their back-to-basics strategy. In fact, there is even a waiting list. When children know that there is someone who is absolutely crazy about them and committed to their well-being, there are no limits to their success.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. KIND. Madam Chair, I rise today in support of H.R. 3221, The Student Aid and Fiscal Responsibility Act.

With the struggling economy, rising cost of tuition, and decrease in the availability of student aid, working families are finding it increasingly difficult to send their children to college. In order to ensure that America is able to compete in the global economy and remain a leader in the innovative industries of the future, this historic legislation invests in our economic future by making college more affordable and accessible. By reforming our student loan system, simplifying the student loan application process, investing in community colleges to create a highly skilled workforce, and strengthening early childhood education programs we will guarantee that the next generation is equipped with the necessary skills to compete worldwide.

In a fiscally responsible way, the Student Aid and Fiscal Responsibility Act will make college more affordable and accessible by transforming our student aid system. The reforms will make student loans more reliable and accessible for a greater number of students. Pell Grant Scholarships will receive an additional $40 billion over the next 10 years, $500 million of that will go to students in Wisconsin. In 2019, it is estimated that 20,000 western Wisconsin students will be awarded $75 million in Pell Grants. The bill also simplifies the Free Application for Federal Student Aid (FAFSA) form by allowing families to fill out the application with information from just a tax return to prove eligibility.

This legislation also invests heavily in community colleges to cultivate a highly skilled workforce to compete in the global economy. It will encourage and support relationships between community colleges, businesses, states and adult education programs. These partnerships are already occurring in western Wisconsin and with additional grants and investment, our community colleges will be able to strengthen and build upon these partnerships, creating additional jobs and economic development.

Not only will the Student Aid and Fiscal Responsibility Act do a better job getting kids to college, it will also provide assistance to ensure that they make it to graduation. Investing in college access and completion support programs will ensure that students receive guidance to ensure they make it to graduation. Further, secondary schools in western Wisconsin will receive $57 million for school renovation to improve the classroom experience and enhance learning for students.

Ensuring that children are put on a path toward academic success begins at an early age. I have always believed that we must place an emphasis on early childhood education in order to prepare students to excel once they begin in school. I have long supported and advocated for legislation that would strengthen early childhood education by providing states with grant opportunities, increased funding, and better training for educators. In previous years, I have introduced legislation that would have accomplished many of the same goals of this bill by creating an Early Learning Challenge Fund to award competitive grants to states that implement early education reforms. This provision is crucial as we work to provide learning and development opportunities to children at an early age, ensuring that kids are ready for success once they enter the school system.

As the country continues to work through some of the most difficult economic conditions in a generation, it is imperative that we increase our investment in education. Innovation and a highly skilled workforce are keys to unlocking the future potential of America. If we are truly going to compete against emerging nations like China and India, we must continue to invest in our education system.

I am proud to represent western Wisconsin, which is home to six universities and dozens of community and technical colleges. With such an emphasis on higher education, we have long been working to become a leader in producing workers for the 21st Century's global economy. This historic legislation will build on the infrastructure already available in western Wisconsin and make higher education more affordable and accessible for everyone.

IN MEMORY OF DR. M. DELMAR EDWARDS

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. BISHOP of Georgia. Madam Speaker, I rise today to pay tribute to a man who I am proud to have called a friend, a constituent, and an inspiration: Dr. M. Delmar Edwards of Columbus, Georgia. Dr. Edwards was the first African-American to practice surgery in the city of Columbus and was one who blazed new trails for those who would follow him. On September 11, 2009, he passed away at the age of 83.

Dr. Edwards was born on December 19, 1926, in the state of Arkansas. He attended Morehouse College and went on to earn a Bachelor of Science from Central State University in Wilberforce, Ohio, in 1948. He received a master's degree from Atlanta University in 1952 and, in 1957, became the fifth black person to graduate from the University of Arkansas Medical School.

In 1964 he moved to Columbus and started his practice on the corner of Fourth Avenue, now Veterans Parkway, and Eighth Street. He eventually led the general surgery section at the Medical Center and served as chairman of the department of surgery. Later, he trained to be a surgeon at the Residency Training Program in General Surgery at the Tuskegee Veterans Administration Hospital.

In the early 1980s, Dr. Edwards was a founding trustee of the Morehouse School of Medicine in Atlanta, where a scholarship program was eventually named in his honor and has helped dozens of bright, young, aspiring physicians to achieve their goals of becoming a doctor.

In addition to his esteemed medical career, Dr. Edwards found the time to become a mentor to scores of African-American physicians in Columbus and was a driving force behind their decisions to stay and practice within the community. He was also a devoted community leader, becoming the first African-American to serve on the Columbus Housing Authority Board and the second on the Muscogee County School Board.

Madam Speaker, Dr. M. Delmar Edwards served the people of Columbus with honor, respect, and integrity. His lifetime of altruistic care-giving has made him a legend in our community and an inspirational figure for us all. I consider it a privilege to honor his life today and his dedication and lifelong commitment to the welfare of others. He will be missed.

COMMEMORATING SEPTEMBER 11, 2001

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Ms. McCOLLUM. Madam Speaker, today on the eighth anniversary of September 11, 2001, we honor the memory of the victims, extend our thoughts and prayers to the victims' families, and recognize the heroism and courage displayed during rescue and recovery

missions. It is a day none of us will ever forget.

Our response to the attacks of September 11, 2001 will define the meaning of that terrible day, and it will define us as a country. While we remain focused on preserving America's security, we must be equally resolute in our commitment to protect the values and character that define America.

The legacy of September 11, 2001 will not be destruction, but instead a spirit of service that will strengthen our nation for generations to come. For this reason, the House of Representatives passed House Resolution 718, which calls on all Americans to observe September 11th as a National Day of Service and Remembrance in honor of those who were injured or lost their lives and in tribute to those who came to the aid of those in need. This resolution also challenges all Americans to continue to live with the same spirit of unity, service, and compassion that was exhibited following the attacks.

As we continue to mourn the victims of that awful tragedy eight years ago, I encourage all Americans to volunteer to serve their communities today and throughout the year.

INTRODUCTION OF THE HEALTH INSURANCE INDUSTRY ANTITRUST ENFORCEMENT ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. CONYERS. Madam Speaker, today I am pleased to introduce the Health Insurance Industry Antitrust Enforcement Act of 2009. Both the House and Senate today have introduced identical language to reduce insurance prices for consumers. I want to thank my friend Senator LEAHY for his leadership on the bill and for working with the House on this joint introduction.

I am joined in my efforts on the House side by the honorable Chairman of the Subcommittee on Courts and Competition Policy, Representative HANK JOHNSON of Georgia, and Representative DIANA DEGETTE of Colorado.

The purpose of this bill is to extend antitrust enforcement over health insurers and medical malpractice insurance issuers, which currently enjoy broad antitrust immunity under the McCarran-Ferguson Act. This immunity can serve as a shield for activities that might otherwise violate federal law.

This bill would specifically prohibit price fixing, bid rigging, and market allocation, pernicious practices that are detrimental to competition and result in higher prices for consumers.

The House Judiciary Committee held extensive hearings on the effects of the insurance industry's antitrust exemption throughout the 1980s and early 1990s. It became clear that policyholders and the economy in general would benefit from eliminating this exemption.

The bill I introduce today is intended to root out unlawful activity in an industry grown complacent by decades of protection from antitrust oversight. In doing so, we aim to make health insurance more affordable to more Americans.

SHEPHERDSTOWN FIRE DEPARTMENT

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mrs. CAPITO. Madam Speaker, I rise today to honor the Shepherdstown Fire Department, for over 200 years of service by trained volunteers.

As the oldest fire department in Jefferson County, West Virginia, Shepherdstown Fire Department has been a staple of the area for over two centuries. As early as 1793, when Shepherdstown was known as Mecklenburg, the town passed a tax levy to secure money with the purpose of purchasing a fire engine. In 1804, a year after the engine was purchased, the department's first fire house was built. Devoted firefighters have selflessly given their services to the community and have been shown tremendous support in return from their neighbors.

On Saturday, September 12, 2009, Shepherdstown Fire Department held a day long celebration for the public to enjoy. The department hosted several events commemorating this milestone. The events included the final placement of the department's original 1894 fire bell and a rededication of the fire department.

It is an honor to recognize the Shepherdstown Fire Department. Reaching the 200-year mark is an impressive accomplishment. It says wonderful things about West Virginia to have people like these volunteer firefighters.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. INSLEE. Madam Chair, I rise to express my support for H.R. 3221, and to express my gratitude to Chairman MILLER for including in this bill a very important section to close gaps in college degree attainment and completion.

Section 783 of the bill, which provides for innovation in college access and completion national activities, authorizes the Secretary of Education to award grants to innovative programs that improve student outcomes for college bound students.

In 2007, only 27.8 percent of college freshmen, or roughly one-fourth, went on to complete their degrees. In the highly competitive 21st century, America can little afford to fall behind in the technology curve; today, China graduates eight times as many engineering students as us, and India five times more.

We have an abundance of bright students in this country, and by increasing the number of individuals with postsecondary degrees, any expenditure we make towards that end will be returned many times over as these graduates enter the work force and start contributing to what is already the world's largest and most advanced economy.

In June, I introduced H.R. 3259, to establish grants for college success and completion. My bill, coauthored with Representative REICHERT, would encourage and help students from low-income and disadvantaged families attend college. This group of Americans represents the last great untapped source of American brainpower, as only 6 percent of them are expected to earn a bachelor's degree by age 24—seven and a half times smaller than the expected graduation rates of students from wealthy backgrounds.

I urge passage of H.R. 3221, and encourage my colleagues to continue investing in America's future by cosponsoring H.R. 3259.

RECOGNIZING FORTY & EIGHT, HOMOSASSA, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to recognize the Forty & Eight organization. Throughout our Nation's history, we have turned time and again to our men and women in uniform; calling on them to preserve our freedom and uphold our democratic values. Time and again they have heeded the call and protected our Nation with honor and valor.

More than a million of our brave men and women have paid the ultimate sacrifice for their country. Joining the ranks of these heroes are the thousands who have been held as prisoners of war or whose fate has never been resolved. This loss was all the more difficult for their loved ones because it has never been determined whether they perished or survived.

However, their loved ones can take solace in knowing that their sacrifice was for a purpose, one that they were prepared to make. As President Reagan said on the 40th anniversary of D-Day, "You all knew that . . . one's country is worth dying for, and democracy is worth dying for . . . all of you loved liberty. All of you were willing to fight tyranny, and you knew the people of your countries were behind you".

Military families are the first line of support for our service men and women. They provide them the courage they need to march on in battle; and they fight for their legacy long after the battle has been won.

Organizations like Forty & Eight are part of the military family. Since 1920 they have worked tirelessly to insure that the legacies of our service members endure alongside the freedom that they fought so selflessly to defend.

On September 19th, Forty & Eight will come together in Citrus County to award a scholarship to the dependent of a known and verified POW or MIA. The scholarship is named in memory of Lance Corporal John Dewey Killen III, USMC. Lance Corporal Killen was declared missing in action while serving with the Third Reconnaissance Battalion in South Vietnam.

This scholarship is just one example of Forty & Eight's commitment to our veterans, both those who are still with us, those who have gone before us and those whose fate is still yet unknown.

I represent more veterans than any other Member of Congress. I am forever grateful to Forty & Eight, and organizations like them, for their continued commitment to our service men and women and their families.

TRIBUTE TO AL BALDOCK

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. McCARTHY of California. Madam Speaker, I rise today to honor Coach Al Baldock, a legendary college football coach from my district, who passed away on Monday, September 14, 2009, at the age of 79.

Coach Baldock was born in Holly, Texas on December 17, 1929. He attended college at the University of Southern California, where he played football for the Trojans from 1948–1950. During his football career at USC, Al was a teammate of future National Football League MVP, Frank Gifford. In an act of service that would prove to be a theme of his life, he took two years off from college to serve our country in the Army. He then returned to USC for his final year in 1953.

Al's career as a head coach began at Allan Hancock College in Santa Maria, California in 1959. Leading the football team at Allan Hancock College, Coach Baldock had future Oakland Raiders head coach John Madden as one of his assistant coaches. When John Madden was inducted into the Pro Football Hall of Fame in 2006, he credited Coach Baldock as one of the influences in his life. Coach Baldock was the head coach at Allan Hancock College until 1961. Coach Baldock continued to succeed as a head coach, first at the College of the Sequoias from 1962 to 1968 and then at Los Angeles City College from 1972 to 1974.

The majority of Coach Baldock's coaching career was spent at Taft College. He was the head football coach at Taft College from 1976 until 1993. Under his leadership, the Cougars won 15 conference championships, six state championships, six Potato Bowls and two national crowns. For his outstanding leadership, Coach Baldock was inducted into the Bob Elias Kern County Sports Hall of Fame in 1997, the California Community College Football Coach's Association Hall of Fame in 1999 and the California Junior College Hall of Fame in 2000.

Coach Baldock also helped to shape lives off the field as an instructor at Taft College for 28 years. He is survived by his wife, Joyce, daughter Erin, and grandsons Nathaniel and Jonathon. He was a fixture in Taft and will be missed by our community.

CELEBRATING RUTH D. HUNT'S 60TH BIRTHDAY AND INDUCTION INTO THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. RANGEL. Madam Speaker, I rise today to salute and congratulate my dear friend Ruth Hunt in celebration of her 60th Birthday and her induction into the Daughters of the American Revolution (DAR).

On Saturday, September 19, and Sunday, September 20, friends, family and colleagues will gather at Gran Piatto d'Oro in Harlem and at Michael Anthony's in Newport Marina on the Hudson to salute and pay tribute to this remarkable African American woman of excellence.

In 1949, John and E. Patricia Hunt gave birth to their third child, Ruth at Kings County Hospital in Brooklyn, New York. She and her eight siblings grew up in the Albany Houses on Troy Avenue. Ruth received a public school education at Isaac Newton P.S. 83, John Marshall Jr. High School 210 and graduated from the High School of Fashion Industries in New York City. Ruth also attended and graduated from the Vogue School of Charm and Modeling in Brooklyn in 1967, and began a professional modeling career at 17 years old. She completed her higher education at Brooklyn College and at the Fashion Institute of Technology (FIT) Manhattan.

Ruth was the first woman of color to model in the swimwear industry on Manhattan's 7th Avenue breaking barriers at Sirena Swimwear, Cole of California and Gottex of Israel. On the runway, Ms. Hunt modeled along with supermodels Naomi Simms and Iman. She was a Bill Blass model for both his Robes and Furs Collections. As a fashion expert, she was one of the first Fit models of color and since 1970; she has been represented by Model Service Agency. Ruth was the number one pick for JC Penney's Fit and has modeled for them over 20 years.

As a Fit model, she advises designers and technical teams of clothing manufacturers in the area of quality standards and fit, correcting pattern specifications to ensure the proper fit of imported and domestic garments before mass production. She has modeled for over 100 clothing Designers, and manufacturers including Essence by Mail and numerous fashion designer houses on 7th Avenue, including Calvin Klein and NYC's top department stores and industry trade shows.

Ruth Hunt joined and worked for the Jackie Robinson Foundation from its inception in 1977 and was privileged to be mentored by the illustrious Rachel Robinson. It was at the Foundation that Ruth learned the true meaning of service and humanity. Ruth developed and executed her skills in project management, where she coordinated special events and fund raisers, like the famous annual "Afternoon of Jazz" on the Jackie and Rachel Robinson estate in Stamford, Connecticut and the Jackie Robinson Foundation Awards Dinner at the Waldorf Astoria in New York City.

She continues to enjoy and cherishes the relationship with the Robinson family.

This experience propelled her into philanthropic efforts with the Doll League, Inc; Meharry Alumni; Women and AIDS Resource Network, American Cancer Society; American Lung Association, the Leukemia Society and Alvin Ailey Dance Company. All of these organizations have been beneficiaries of Ruth's time and expertise.

During her illustrious career, she also launched "Ruth Hunt Associates" and began a millinery business that travels the eastern seaboard and was featured in the Roanoke Times, Jersey Journal and the Tribute. Known as the "Hat Lady" in the tri-state area, Ruth has been featured at numerous churches throughout Brooklyn, Queens, and Manhattan, including her very own Abyssinian Baptist Church, where she is a member.

Ms. Hunt is a certified Image Consultant, Beauty Advisor and Model Coach. Drawing from her early days as an instructor for the Vogue School of Charm and Modeling and throughout her career she has conducted workshops for numerous New York City organizations such as: Youth and Action; Young Unwed Mothers; Young Peoples Association; The New Muse; Jack and Jill of America; Girl Friends, Inc; The Delta's Youth; NYC Technical College; Zeta Amicae of Brooklyn; and Professional Re-employment and Outplacement Services.

Madam Speaker: Ruth D. Hunt is not only celebrating her 60th birthday and an illustrious career, but she is scheduled to be inducted into the Daughters of the Revolution this coming October. To become a member of this society, you have to prove your lineal, bloodline descent from an ancestor who aided in achieving American Independence, and through her love of genealogy she was able to trace her heritage. One of the highlights of Ruth's quest for retracing her family history came in 1997 when Ruth gave her father a gift of life. She was able to find her father's long lost World War II son, Barry in Wales, England. The family now enjoys an international relationship from across the ocean and today, Ruth conducts genealogy workshops for the New York Coalition of One Hundred Black Women, Convent Baptist Church, Woodhull Medical Center and Bellevue Hospital Center.

Continuing in her commitment to service and humanity at the New York City Health & Hospital Corporation (HHC), Ruth served as Coordinating Manager In Public Affairs and then as the Director of Marketing and Community Outreach at both Woodhull Hospital Center and Cumberland Diagnostic and Treatment Center. Ruth currently serves as the Assistant Director of Public Relations and Director of Community Affairs at the oldest public hospital in the country, Bellevue Medical Center. She has led the charge at Bellevue and helped raise over $80,000 for the American Lung Association and the American Cancer Society.

Ruth also received KISS–FM's Phenomenal Woman Award. This honor stemmed from a live radio broadcast at Woodhull Medical Center for "Take Your Love One to the Doctor Day," which generated over 500 screenings. In addition, she supported the Borough President's "Take Your Man to the Doctor Day." To commemorate National Cancer Survivor's Day, at Woodhull, Ruth produced four of her well known, signature, hat fashion shows which included a luncheon.

Let us congratulate and salute this remarkable African American woman of excellence and distinction as we celebrate the 60th birthday and induction into the Daughters of the American Revolution of my dear friend Ruth D. Hunt.

TRIBUTE TO ALAN WAKEFIELD

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. CALVERT. Madam Speaker, I rise today to celebrate the life of Alan Wakefield, a close

personal friend and valued member of my home town. Corona, California has been blessed by dynamic and dedicated leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work.

Alan was five years old and attending kindergarten in Titusville, a small town in western Pennsylvania, when he first met a pretty young girl named Susan. For 58 years, Alan and Susan were best friends. For almost 39 years, they were husband and wife. Over the years, they have enjoyed a multitude of blessings, most importantly their son, Josh, and his wife, Jill, who have blessed Alan and Susan with two beautiful grandchildren. While Alan died long before we would have wished, Alan had some precious time to spend with his grandchildren. During those last months, Mathew and Garret witnessed the character of their ''Poppy'' that will serve them well for the rest of their lives. They learned that Alan was a man who loved to laugh but was not afraid to cry; that he would stand strong to defend the values that were important to him, but would melt in the face of another's sadness. The size of his heart belied his stature, and his generosity touched so many lives.

Since 1982, the Wakefields have owned ASJ Industrial Hose, whose name is an acronym for Alan, Susan and Josh. Alan would often say, ''Hose is my life.'' It was not, of course. His family was his life, along with the many friendships he formed over the years. He was also passionate about golf, was a gourmet cook, and an avid gardener who referred to plants by their Latin names. While Susan has been active in just about every organization in Corona with three or more members, Alan for the most part remained in the background; he was not ''a joiner.'' But a few years ago, he relented and joined the Corona Rotary Club, and was one of its most popular and active members.

Near the end of his life, visitors would find Alan to be more interested in what they were doing than talking about his health. When friends would mention they were considering a trip or a home improvement project, Alan would say, ''Do it. Do it now.'' He was speaking from a perspective that the rest of us could only imagine, and some of us sensed that he was suggesting something more than that. Don't put off those trips and projects, but more than that, don't put off telling someone you care, righting a wrong and keep focused on your life's priorities.

On behalf of all those who knew him, it is my honor to offer these remarks as a tribute to the life and legacy of my friend Alan Wakefield. His life and presence will be sorely missed and I extend my condolences to his dear family and friends.

THE AMERICAN LEGION DAY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of a service organization that has done as much for America's veterans as any other organization or group in our Nation's history, The American Legion.

Yesterday, the House of Representatives passed a resolution rightly honoring this organization, proclaiming September 16, ''The American Legion Day.''

The American Legion was founded in 1919 and has proven a formidable organization in the support of veterans of our Armed Forces. I am a proud member of American Legion Post 161 in Redmond, Washington, and appreciate their steadfast and ongoing support of veterans and their families. At a national level, the Legion has been active in supporting veterans through work such as the crafting of the G.I. Bill of Rights, and across the country the Legion is involved and committed in their communities. ''Legionnaires'' are known for and exemplify the spirit of service and this spirit continues to drive their actions long after they take off their uniforms. They create benevolence funds, host barbeques and involve themselves in civic projects. Legionnaires believe in service. They are the voice of our veterans and advocates for our men and women in uniform. I am grateful for the organization's 90 years of service and sacrifice to our country.

General George Washington said in a letter to the Provincial Congress, ''When we assumed the soldier we did not lay aside the citizen,'' the American Legion exemplifies this attitude. In this body, we must continue supporting The American Legion and I urge Legionnaires to continue to reach out to lawmakers for our support.

RECOGNITION OF REVEREND TRACEY L. BROWN'S 10TH PASTORAL ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 17, 2009

Mr. PALLONE. Madam Speaker, I proudly rise today to pay tribute to Reverend Tracey L. Brown, of Ruth Fellowship Ministries in Plainfield, New Jersey. She was commissioned and installed as Pastor and Founder on April 17, 1999 and is being honored for her 10th Pastoral Anniversary.

Over many years, Rev. Brown has served her community well as an active leader. She is an International Pastor with the Lott Carey Baptist Foreign Mission Convention, serves as the Third Vice Moderator for the Middlesex Central Baptist Association, and as a Commissioner for the Plainfield Municipal Utilities Authority in Plainfield, New Jersey. She is also a former member of the Plainfield Board of Education.

Rev. Brown often preaches the value of our communities and how important it is that we work together, as a team, to make the City of Plainfield a better place. I think her team mentality comes from the lessons she learned on the basketball floor, where she was recently inducted into Montclair State University's Athletic Hall of Fame for Women's Basketball.

Rev. Brown has been a fixture in the Plainfield community as a role model for young women and a spiritual leader for the city. She continues to work every day with tremendous enthusiasm and energy.

Rev. Brown will be celebrating her 10th Pastoral Anniversary as the pastor and founder of the Ruth Fellowship ministries. I ask my colleagues to join me in recognizing Rev. Brown's great achievement and I wish her the best.

STUDENT AID AND FISCAL RESPONSIBILITY ACT OF 2009

SPEECH OF

HON. FORTNEY ''PETE'' STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 16, 2009

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3221) to amend the Higher Education Act of 1965, and for other purposes:

Mr. STARK. Madam Chair, I rise today in support of creating education opportunity for millions of students. The Student Aid and Fiscal Responsibility Act (H.R. 3221) is the single largest investment in college affordability in our nation's history. In addition, the legislation will provide much-needed resources for states to develop and improve early childhood education programs.

The ideal behind this bill is simple: stop providing taxpayer subsidies to banks to act as the middlemen in student lending, save billions, and reinvest most of those savings into our beleaguered education system.

By moving all student loans into the Department of Education's Direct Lending Program, this legislation saves $87 billion that would otherwise be siphoned off by private lenders. These savings allow for historic investments in the Pell Grant and Perkins Loan programs for low- and moderate-income students. Over 16,000 students in my Congressional District rely on Pell Grants each year. These students will see the maximum grant rise to $5,500 in 2010 and automatically increase each year thereafter to keep up with inflation. By 2019, the maximum grant is expected to be $6,900. Similarly, the Perkins Loan program will receive a $6 billion boost, providing assistance for thousands of new students.

The bill also invests in another vital resource: Our community colleges. H.R. 3221 invests $10 billion in community colleges to modernize facilities, implement reforms, and work with local employers to create curricula to ensure that students are graduating able to fulfill local workforce needs.

Finally, the legislation before us will help to make sure that every child enters school ready to learn and achieve by creating the ''Early Learning Challenge Fund.'' This fund will provide resources to states to expand and improve their ''Birth to Five'' early childhood education programs by improving licensing standards, developing high quality curricula aimed at cognitive, emotional, and social development, and building a highly qualified workforce.

The Student Aid and Fiscal Responsibility Act is an example of reform that this Congress can achieve when we are willing to put aside the narrow concerns of special interests and support common sense policies that will provide greater educational opportunity. I urge all of my colleagues to support the bill.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3288, Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S9489–S9573

Measures Introduced: Eleven bills and two resolutions were introduced, as follows: S. 1679–1689, and S. Res. 273–274. **Pages S9554–55**

Measures Reported:

S. 1679, to make quality, affordable health care available to all Americans, reduce costs, improve health care quality, enhance disease prevention, and strengthen the health care workforce. **Page S9553**

Measures Passed:

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act: By 73 yeas to 25 nays (Vote No. 287), Senate passed H.R. 3288, making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, agreeing to the committee-reported amendment in the nature of a substitute, as amended, after taking action on the following amendments proposed thereto: **Pages S9532–41**

Adopted:

Landrieu Amendment No. 2365, to amend the Disaster Relief and Recovery Supplemental Appropriations Act, 2008. **Page S9532**

Rejected:

By 34 yeas to 62 nays (Vote No.283), Vitter Modified Amendment No. 2359, to prohibit the use of funds for households that include convicted drug dealing or domestic violence offenders or members of violent gangs that occupy rebuilt public housing in New Orleans. **Pages S9532–33**

By 43 yeas to 53 nays (Vote No. 284), DeMint Amendment No. 2410, to limit the use of funds for the John Murtha Johnstown-Cambria County Airport. **Pages S9532–34**

By 37 yeas to 60 nays (Vote No. 285), McCain Modified Amendment No. 2403, to prohibit the use of funds to carry out the Brownfields Economic Development Initiative program administered by the Department of Housing and Urban Development. **Pages S9532, S9534**

By 34 yeas to 64 nays (Vote No. 286), Kyl motion to commit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate forthwith with Kyl Amendment No. 2421 (to the instructions on Kyl motion to commit the bill), relating to the American Recovery and Reinvestment Act. **Pages S9532, S9534–35**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Murray, Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Specter, Inouye, Bond, Shelby, Bennett, Hutchison, Brownback, Alexander, Collins, Voinovich, and Cochran. **Page S9541**

Commemorating Dr. Norman Borlaug: Senate agreed to S. Res. 273, commemorating Dr. Norman Borlaug, recipient of the Nobel Peace Prize, Congressional Gold Medal, Presidential Medal of Freedom, and founder of the World Food Prize. **Page S9571**

Peace Day: Senate agreed to S. Res. 274, supporting the goals and ideals of Peace Day. **Pages S9571–72**

Measures Considered:

Department of the Interior, Environment, and Related Agencies Appropriations Act—Agreement: Senate began consideration of H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, taking action on the following amendment proposed thereto: **Pages S9499–S9532, S9541–45**

Adopted:

By 85 yes to 11 nays (Vote No. 289), Johanns Amendment No. 2394, prohibiting use of funds to fund the Association of Community Organizations for Reform Now (ACORN). **Pages S9517–20, S9541–45**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill

at approximately 3:00 p.m., on Monday, September 21, 2009. **Page S9572**

Appointments:

National Museum of the American Latino: The Chair announced, on behalf of the Majority Leader, pursuant to Public Law 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: Dr. Emma Sepulveda, of Nevada, and Katherine Archuleta, of Colorado. **Page S9572**

Senate National Security Working Group: The Chair announced, on behalf of the Minority Leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105–275 (adopted October 21, 1998), further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 21, 2004), the appointment of the following Senator as a member of the Senate National Security Working Group for the 111th Congress: Senator Graham (co-chairman). **Page S9572**

Southers Nomination—Nomination: A unanimous-consent agreement was reached providing that the nomination of Erroll G. Southers, to be Assistant Secretary of Homeland Security, be referred to the Committee on Commerce, Science and Transportation, that upon the reporting out or discharge of the nomination, it then be referred to the Committee on Homeland Security and Governmental Affairs for a period not to exceed 30 calendar days; that if the Committee on Homeland Security and Governmental Affairs has not reported the nomination at that time, then the Committee be discharged and the nomination be placed on the Executive Calendar. **Page S9572**

Nomination Confirmed: Senate confirmed the following nomination:

By 94 yeas to 3 nays (Vote No. EX. 288), Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit. **Pages S9521–32, S9541, S9573**

Nominations Received: Senate received the following nominations:

Ben S. Bernanke, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

Erroll G. Southers, of California, to be an Assistant Secretary of Homeland Security.

Michael J. Moore, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years.

Carmen Milagros Ortiz, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Edward J. Tarver, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

1 Navy nomination in the rank of admiral.

Routine lists in the Army, Foreign Service, and Navy. **Pages S9572–73**

Messages from the House: **Page S9552**

Measures Referred: **Page S9552**

Measures Read the First Time: **Pages S9552, S9572**

Executive Communications: **Pages S9552–53**

Executive Reports of Committees: **Pages S9553–54**

Additional Cosponsors: **Pages S9555–56**

Statements on Introduced Bills/Resolutions: **Pages S9556–58**

Additional Statements: **Pages S9551–52**

Amendments Submitted: **Pages S9568–70**

Notices of Hearings/Meetings: **Page S9570**

Authorities for Committees To Meet: **Pages S9570–71**

Privileges of the Floor: **Page S9571**

Record Votes: Seven record votes were taken today. (Total—289) **Page S9533, S9534, S9535, S9541, S9542**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:15 p.m., until 2 p.m. on Monday, September 21, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S9572.)

Committee Meetings

(Committees not listed did not meet)

AFGHANISTAN

Committee on Foreign Relations: Committee concluded a hearing to examine countering the threat of failure in Afghanistan, after receiving testimony from General John Craddock, United States Army (Ret.), Myrtle Beach, South Carolina; Ryan C. Crocker, former United States Ambassador to Iraq and Afghanistan, United States Charge d'Affaires to Afghanistan, Department of State, Spokane, Washington; Clare Lockhart, Institute of State Effectiveness (ISE), Washington, D.C.; and Khaled Hosseini, United Nations High Commissioner for Refugees (UNHCR), San Jose, California.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the nominations of Michael H.

Posner, of New York, to be Assistant Secretary for Democracy, Human Rights, and Labor, Robert D. Hormats, of New York, to be Under Secretary for Economic, Energy, and Agricultural Affairs, and to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years, United States Alternate Governor of the Inter-American Development Bank for a term of five years, United States Alternate Governor of the African Development Bank for a term of five years, United States Alternate Governor of the African Development Fund, United States Alternate Governor of the Asian Development Bank, and United States Alternate Governor of the European Bank for Reconstruction and Development, David C. Jacobson, of Illinois, to be Ambassador to Canada, Alan D. Solomont, of Massachusetts, to be Ambassador to Spain, and to serve concurrently and without additional compensation as Ambassador to Andorra, Lee Andrew Feinstein, of Virginia, to be Ambassador to the Republic of Poland, and Barry B. White, of Massachusetts, to be Ambassador to Norway, all of the Department of State.

SECURITIES VIOLATIONS ACT

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded a hearing to examine S. 1551, to amend section 20 of the Securities Exchange Act of 1934 to allow for a private civil action against a person that provides substantial assistance in violation of such Act, after receiving testimony from John C. Coffee, Jr., Columbia University Law School, and Robert J. Giuffra, Jr., Sullivan and Cromwell LLP, both of New York, New York; Patrick J. Szymanski, Change to Win, and Tanya Solov, Director, Illinois Securities Department, Illinois Secretary of State, on behalf of the North American Securities Administrators, both of Washington, D.C.; and Adam C. Pritchard, University of Michigan Empirical Legal Studies Center, Ann Arbor.

VETERANS' DISABILITY COMPENSATION REVIEW

Committee on Veterans' Affairs: Committee concluded a hearing to examine veterans' disability compensation, focusing on benefits in the 21st century, after receiving testimony from Patrick W. Dunne, Under Secretary for Benefits, Veterans Benefits Administration, and Lieutenant General James Terry Scott, USA (Ret.), Chairman, Advisory Committee on Disability Compensation, both of the Department of Veterans Affairs; George Kettner, Economic Systems Inc., Falls Church, Virginia; Katy Neas, Easter Seals, Chicago, Illinois; Susan Prokop, Paralyzed Veterans of America, Washington, D.C.; and John L. Wilson, Disabled American Veterans, Cold Springs, Kentucky.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 3590–3606; and 9 resolutions, H. Res. 748–756 were introduced. **Pages H9729–30**

Additional Cosponsors: **Pages H9730–31**

Reports Filed: There were no reports filed today.

Student Aid and Fiscal Responsibility Act of 2009: The House passed H.R. 3221, to amend the Higher Education Act of 1965, by a recorded vote of 253 ayes to 171 noes, Roll No. 719. Consideration of the measure began on Wednesday, September 16th. **Pages H9675–H9702**

Agreed to the Issa motion to recommit the bill to the Committee on Education and Labor with instructions to report the same back to the House forthwith with an amendment by a recorded vote of 345 ayes to 75 noes with 2 voting "present", Roll No. 718. Subsequently, Representative George Miller (CA) reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H9699–H9701**

Agreed by unanimous consent that the Chair may reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule 20 or under clause 6 of rule 18. **Page H9675**

Agreed to:

Reyes amendment (No. 8 printed in H. Rept. 111–256) that encourages community colleges to use grant money to increase the provision of training for members of the National Guard and Reserves, and men and women returning from active duty; **Pages H9675–76**

Etheridge amendment (No. 9 printed in H. Rept. 111–256) that clarifies that borrower services, including delinquency prevention, default aversion, and loan counseling, are allowed uses of grant funds.

The amendment also explicitly authorizes the Department of Education to contract directly with guaranty agencies for funded services; **Pages H9676–77**

Driehaus amendment (No. 10 printed in H. Rept. 111–256) that requires that states receiving State Innovation Completion Grants have plans to increase postsecondary enrollment and completion among dislocated workers; **Pages H9677–78**

Cuellar amendment (No. 11 printed in H. Rept. 111–256) that requires the Secretary of Education to conduct outreach activities to educate students and their families about the transition to Federal Direct Lending; **Pages H9678–79**

Murphy (CT) amendment (No. 12 printed in H. Rept. 111–256) that clarifies that states may use funds awarded as Quality Pathways Grants under Section 403(a) of Title IV of H.R. 3221 to establish or support partnerships with institutions of higher education that support effective education and training for early learning providers; **Pages H9679–80**

Childers amendment (No. 13 printed in H. Rept. 111–256) that requires the campus Veterans Resource Officer to act as a link between student veterans and mental health care providers at the Department of Veterans Affairs, in order to help improve college completion rates for veterans; **Pages H9680–81**

Adler (NJ) amendment (No. 14 printed in H. Rept. 111–256) that gives priority for State Innovation Completion grants to entities that promote activities to increase degree or certificate completion for students who are veterans; **Pages H9681–82**

Kilroy amendment (No. 16 printed in H. Rept. 111–256), as modified, that gives priority to ''dislocated workers'' for community college and state grants; **Pages H9683–84**

Perriello amendment (No. 18 printed in H. Rept. 111–256) that requires states to evaluate and report disparities by geographic area (rural and urban) of available high-quality early learning programs for low-income children, and steps the state will take to address the disparity; **Pages H9585–86**

Teague amendment (No. 20 printed in H. Rept. 111–256) that adds veterans to the list of priority grantees in Title V. Also adds to the allowable uses of funds programs that prepare students to enter careers in the Veterans Administration, and occupations in energy-related fields; **Pages H9687–88**

Flake amendment (No. 23 printed in H. Rept. 111–256) that prohibits funds appropriated under the bill to be used for Congressional earmarks as defined by clause 9(d) of rule XXI of the Rules of the House of Representatives; **Page H9689**

Himes amendment (No. 15 printed in H. Rept. 111–256) that makes five minor language adjustments to strengthen the financial literacy provisions of the State Innovation Completion Grants, Innovation in College Access and Completion National Activities, and contracting requirements related to private student loan servicers (by a recorded vote of 428 ayes to 2 noes, Roll No. 713); **Pages H9682–83, H9695–96**

Minnick amendment (No. 17 printed in H. Rept. 111–256) that allows servicemen and women to transfer academic credits earned while serving in the Armed Forces between institutions of higher education (by a recorded vote of 428 ayes with none voting ''no'', Roll No. 714); **Pages H9684–85, H9696–97**

Schauer amendment (No. 19 printed in H. Rept. 111–256) that gives priority in awarding Federal grants to schools, states, and non-profits to encourage dislocated workers to complete their degrees (by a recorded vote of 425 ayes to 5 noes, Roll No. 715); and **Pages H9686–87, H9697**

Teague amendment (No. 21 printed in H. Rept. 111–256) that clarifies that all savings in the bill not otherwise allocated go towards deficit reduction (by a recorded vote of 425 ayes with none voting ''no'', Roll No. 716). **Pages H9688–89, H9697–98**

Rejected:

Hoekstra amendment (No. 2 printed in H. Rept. 111–256) that was debated on September 16th that sought to strike Title III of the bill, which authorizes $6.6 billion in new mandatory spending to create three Federal school construction programs for elementary and secondary public schools and institutions of higher education, and apply the savings to reduce the Federal deficit (by a recorded vote of 161 ayes to 262 noes, Roll No. 710); **Page H9663**

McMorris Rodgers amendment (No. 4 printed in H. Rept. 111–256) that was debated on September 16th that sought to limit the ability of certain schools that received funding under the economic stimulus package for school construction from receiving additional money through the new Federal school construction program authorized under this bill (by a recorded vote of 167 ayes to 251 noes, Roll No. 711); **Pages H9663–64**

Foxx amendment (No. 7 printed in H. Rept. 111–256) that was debated on September 16th that sought to strike the entire American Graduation Initiative (but maintain the privacy provisions that apply to the whole Act) and put the savings toward deficit reduction. These privacy provisions ensure that student information is protected from individuals not authorized to view it and that students cannot be identified by any unique identifier (by a recorded vote of 126 ayes to 301 noes, Roll No. 712); and **Pages H9664–65**

Guthrie amendment (No. 24 printed in H. Rept. 111–256) that sought to extend the ECASLA programs through 2014 and create a commission to develop a new private sector model for student lending (by a recorded vote of 165 ayes to 265 noes, Roll No. 717). **Pages H9689, H9698–99**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H9702**

H. Res. 746, the rule providing for consideration of the bill, was agreed to on Wednesday, September 16th.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 4 p.m. on Monday, September 21st; and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 22nd for morning hour debate. **Page H9703**

Senate Message: Message received from the Senate today appears on page H9673.

Senate Referrals: S. 1677 was referred to the Committee on Financial Services and S. 1494 was held at the desk. **Pages H9673, H9726–27**

Quorum Calls—Votes: Ten recorded votes developed during the proceedings of today and appear on pages H9693, H9694, H9695, H9695–96, H9696–97, H9697, H9697–98, H9698–99, H9700–01, H9701–02. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:13 p.m.

Committee Meetings

OVER-THE-COUNTER DERIVATIVES MARKET REGULATION

Committee on Agriculture: Held a hearing to review proposed legislation by the U.S. Department of the Treasury regarding regulation of over-the-counter derivatives markets, Part One. Testimony was heard from former Representative Glenn L. English, Jr., State of Oklahoma; and public witnesses.

DEFENSE INDUSTRIAL BASE ACQUISITION STRATEGIES

Committee on Armed Services: Defense Acquisition Reform Panel held a hearing on the Department of Defense and Industry: Does DOD Effectively Manage Its Industrial Base and Match its Acquisition Strategies to the Marketplace? Testimony was heard from public witnesses.

FCC OVERSIGHT

Committee on Energy and Commerce: Subcommittee on Communications, Technology, and the Internet held a hearing entitled ''Oversight of the Federal Communications Commission.'' Testimony was heard from the following officials of the FCC: Julius Genachowski, Chairman; Michael J. Copps; Robert M. McDowell; Mignon Clyburn and Meredith Attwell Baker, all Commissioners.

TARP/FINANCIAL OVERSIGHT TECHNOLOGY

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled ''Utilizing Technology to Improve TARP and Financial Oversight.'' Testimony was heard from public witnesses.

U.S.-IRAQ BILATERAL AGREEMENT

Committee on Foreign Affairs: Subcommittee on International Relations, Human Rights and Oversight held a hearing on the United National Chapter VII Mandates and the U.S.-Iraq Bilateral Agreement. Testimony was heard from Kenneth Katzman, Specialist in Middle East Affairs, Congressional Research Service, Library of Congress; Stephen G. Rademaker, former Assistant Secretary, International Security and Nonproliferation, Department of State; and a public witness.

SECURE BORDER INITIATIVE REVIEW

Committee on Homeland Security: Subcommittee on Border, Maritime and Global Counterterrorism, hearing entitled ''The Secure Border Initiative: SBInet Three Years Later.'' Testimony was heard from the following officials of the U. S. Customs Office and Border Protection, Department of Homeland Security: David Aguilar, Chief, U.S. Border Patrol; and Mark Borkowski, Executive Director, Secure Border Initiative; Richard Stana, Director, Homeland Security and Justice Issues, GAO; and a public witness.

CONSOLIDATED LAND, ENERGY, AND AQUATIC RESOURCES ACT OF 2009

Committee on Natural Resources: Concluded hearings on H.R. 3534, Consolidated Land, Energy, and Aquatic Resources Act of 2009. Testimony was heard from Stephen B. Smith, Mayor, Pinedale, State of Wyoming; and public witnesses.

PRIVATE HEALTH INSURANCE BUREAURACY

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy concluded hearings entitled ''Between You and Your Doctor: The Bureaucracy of Private Health Insurance.'' Testimony was heard from public witnesses.

HARMFUL ALGAL BLOOMS/HYPOXIA

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on Harmful

Algal Blooms and Hypoxia: Formulating an Action Plan. Testimony was heard from Robert Magnien, Director, Center for Sponsored Coastal Ocean Research, NOAA, Department of Commerce; Suzanne E. Schwartz, Acting Director, Office of Wetlands, Oceans and Watersheds, EPA; and public witnesses.

SMALL/MINORITY DISADVANTAGED BUSINESS GOVERNMENT CONTRACTS

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing on Doing Business with the Government: The Record and Goals for Small, Minority and Disadvantaged Businesses. Testimony was heard from Tamela Riggs, Deputy Assistant Commissioner, Vendor Alliance and Acquisition, Public Building Service, GSA; Jacob Hansen, Director, Acquisition Division. FEMA, Department of Homeland Security; Rudy Watley, Supplier Diversity Program Manager, Office of Equal Employment and Minority Affairs, The Smithsonian Institution; Roger Mosier, Vice President of Facilities, The John F. Kennedy Center for the Performing Arts; Stephen T. Ayers, Acting Architect of the Capitol; Terrie Rouse, Chief Executive Officer, Visitor Services, Capital Visitor Center; and public witnesses.

BRIEFING—NOTIFICATION UPDATE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Notification Update. The Committee was briefed by LTG Mark A. Welsh III, USAF, Associate Director, Military Support and Military Affairs, CIA.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 18, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Indian Affairs: to hold an oversight hearing to examine federal tax treatment of health care benefits provided by tribal governments to their citizens, 10 a.m., SD–628.

House

No committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of September 20 through September 26, 2009

Senate Chamber

On *Monday*, at approximately 3 p.m., Senate will resume consideration of H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act.

During the balance of the week, Senate may consider any cleared legislative and executive business

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: September 24, to hold hearings to examine the Emergency Economic Stabilization Act, focusing on one year later, 9:30 a.m., SD–538.

September 24, Subcommittee on Securities, Insurance and Investment, to hold hearings to examine securitization of assets, focusing on problems and solutions, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: September 23, to hold hearings to examine the nominations of Anne S. Ferro, of Maryland, to be Administrator of the Federal Motor Carrier Safety Administration, and Cynthia L. Quarterman, of Georgia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, both of the Department of Transportation, 2:30 p.m., SR–253.

Committee on Finance: September 22, business meeting to consider an original bill providing for health care reform, 9 a.m., SH–216.

Committee on Health, Education, Labor, and Pensions: September 23, business meeting to consider an original bill entitled "Ryan White HIV/AIDS Treatment Extension Act of 2009", and any pending nominations, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: September 22, to hold hearings to examine the Weapons of Mass Destruction Prevention and Preparedness Act of 2009, 10 a.m., SD–342.

September 23, Full Committee, to hold hearings to examine the Defense Contract Audit Agency, focusing on reform, 10 a.m., SD–342.

September 24, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the government, focusing on performance, 10:30 a.m., SD–342.

September 24, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine a review of United States diplomatic readiness, focusing on the staffing and foreign language challenges facing the foreign service, 2:30 p.m., SD–342.

Committee on the Judiciary: September 22, Subcommittee on Immigration, Refugees and Border Security, to hold hearings to examine comprehensive immigration reform,

focusing on how the current immigration law impacts America's agricultural industry and food security, 10 a.m., SD–226.

September 22, Subcommittee on Terrorism and Homeland Security, to hold hearings to examine strengthening security and oversight at biological research laboratories, 2:30 p.m., SD–226.

September 23, Full Committee, to hold hearings to examine reauthorizing the USA PATRIOT Act, 10 a.m., SD–226.

September 23, Full Committee, to hold hearings to examine the nominations of Jacqueline H. Nguyen and Dolly M. Gee, both to be a United States District Judge for the Central District of California, and Richard Seeborg and Edward Milton Chen, both to be a United States District Judge for the Northern District of California, 2:30 p.m., SD–226.

September 24, Full Committee, business meeting to consider S. 448, 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. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, S. 1670, to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals, and the nominations of Paul Joseph Fishman, to be United States Attorney for the District of New Jersey, Jenny A. Durkan, to be United States Attorney for the Western District of Washington, Florence T. Nakakuni, to be United States Attorney for the District of Hawaii, and Deborah K. R. Gilg, to be United States Attorney for the District of Nebraska, all of the Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: September 22, to hold closed hearings to consider certain intelligence matters, 2:30 p.m., S–407, Capitol.

September 24, Full Committee, closed business meeting to consider pending intelligence matters, 2:30 p.m., S–407, Capitol.

House Committees

Committee on Agriculture, September 22, to continue hearings to review proposed legislation by the U.S. Department of Treasury regarding the regulation of over-the-counter derivatives markets, part two, 11 a.m., 1300 Longworth.

Committee on Armed Services, September 24, Defense Acquisition Reform Panel, hearing on DOD Supply Chain Management: Can the Department Identify and Meet its Supply Needs Efficiently? 9:30 a.m., 2175 Rayburn.

Committee on Education and Labor, September 23, hearing on H.R. 3017, Employment Non-Discrimination Act of 2009, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, September 22, Subcommittee on Oversight and Investigation, hearing entitled ''Federal Oversight of High Containment Bio-Laboratories,'' 11 a.m., 2322 Rayburn.

September 24, Subcommittee on Communications, Technology and the Internet, hearing entitled ''A National Interoperable Broadband Network for Public Safety: Recent Developments,'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, September 23, hearing entitled '' The Administration's Proposals for Financial Regulatory Reform,'' 9:30 a.m., 2128 Rayburn.

September 24, full Committee, hearing entitled ''Experts' Perspectives on Systemic Risk and Resolution Issues,'' 10 a.m., 2128 Rayburn.

September 24, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing entitled ''Recent Innovations in Securitization,'' 2:30 p.m., 2128 Rayburn.

Committee on Homeland Security, September 24, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled ''I&A Reconceived: Defining A Homeland Security Intelligence Role,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, September 22, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on the USA PATRIOT Act, 11 a.m., 2141 Rayburn.

September 22, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on Reauthorization of the Innocence Protection Act, 2:30 p.m., 2141 Rayburn.

September 23, Subcommittee on Commercial and Administrative Law, hearing on an Undue Hardship? Discharging Educational Debt in Bankruptcy, 1 p.m., 2141 Rayburn.

Committee on Natural Resources, September 22, Subcommittee on Insular Affairs, Oceans and Wildlife, hearing on the following bills: H.R. 1054, To amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; H.R. 2213, To reauthorize the Neotropical Migratory Bird Conservation Act; H.R. 3433, To amend the North American Wetlands Conservation Act to establish requirements regarding payment of the non-Federal share of the costs of wetlands conservation projects in Canada that are funded under that Act, and for other purposes; and H.R. 3537, Junior Duck Stamp Conservation and Design Program Reauthorization Act of 2009, 10 a.m., 1324 Longworth.

September 11, Subcommittee on Water and Power, hearing on the following bills: H.R. 3563, Crow Tribe Water Rights Settlement Act of 2009; H.R. 2288, Endangered Fish Recovery Programs Improvement Act of 2009; and H.R. 2316, Inland Empire Perchlorate Ground Water Plume Assessment Act of 2009, 2 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, September 22, Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, hearing entitled ''The Local Role of the United States Parole Commission (USPC): Increasing Public Safety, Reducing Recidivism, and Using Alternatives to Re-incarceration in the District of Columbia,'' 10 a.m., 2154 Rayburn.

September 22, Subcommittee on Information Policy, Census and National Archives, hearing entitled '' The

Census 2010 Integrated Communications Campaign; Criteria for Implementation: Measurements for Success,'' 2 p.m., 2154 Rayburn.

September 23, full Committee, hearing entitled ''The Silent Depression: How Are Minorities Faring In The Economic Downturn?'' 10 a.m., 2154 Rayburn.

September 24, hearing entitled ''Credit Rating Agencies and the Next Financial Crisis,'' 10 a.m., 2154 Rayburn.

Committee on Science and Technology, September 23, Subcommittee on Energy and Environment, to mark up the following measures: the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2009; the Solar Technology Roadmap Act; and the Energy and Water Research Integration Act, 10 a.m., 2318 Rayburn.

September 24, Subcommittee on Research and Science Education, to consider the Cybersecurity Research and Development Amendments Act of 2009, 2 p.m., 2318 Rayburn.

September 24, Subcommittee on Technology and Innovation, hearing on the Potential Need for Measurement Standards to Facilitate the Research and Development of Biologic Drugs, 10 a.m., 2318 Rayburn.

Committee on Small Business, September 23, hearing entitled ''The Impact of Financial Regulatory Restructuring on Small Businesses and Community Lenders,'' 1 p.m., 2360 Rayburn.

September 24, Subcommittee on Contracting and Technology, hearing entitled ''The Roles of Federal Labs in Spurring Innovation and Entrepreneurship Across the U.S.'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, September 22, Subcommittee on Water Resources and Environment, hearing on the reauthorization of the Chesapeake Bay Program, 2 p.m., 2167 Rayburn.

September 23, Subcommittee on Aviation, hearing on the FAA's Call to Action on Airline Safety and Pilot Training, 10 a.m., 2167 Rayburn.

September 23, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Risk-based Security in Federal Buildings: Targeting Funds to Real Risks and Eliminating Unnecessary Security Obstacles, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, September 22, Subcommittee on Health, hearing on Is the VA Meeting the Pharmaceutical Needs of Veterans? An Examination of the VA National Formulary, Issues of Patient Safety, and Management of the Pharmacy Benefits Program, 2 p.m., 334 Cannon.

September 23, Subcommittee on Oversight and Investigation, hearing on the SES Bonuses and Other Administrative Issues at the U.S. Department of Veterans Affairs, 10 a.m., 334 Cannon.

September 24, Subcommittee on Disability Assistance and Memorial Affairs, hearing on Honoring the Fallen: How Can We Better Serve America's Veterans and Their Families? 10 a.m., 334 Cannon.

September 24, Subcommittee on Economic Opportunity, hearing on the following bills: H.R. 294, Veteran-Owned Small Business Promotion Act of 2009; H.R. 1169, To amend title 38, United States Code, to increase the amount of assistance provided by the Secretary of Veterans Affair to disabled veterans for specially adapted housing and automobiles and adapted equipment; H.R. 1182, Military Spouses Residency Relief Act; H.R. 2416, To require the Department of Veterans Affairs to use purchases of goods or services through the Federal supply schedules for the purpose of meeting certain contracting goals for participation by small business concerns owned and controlled by veterans, including veterans with service-connected disabilities; H.R. 2461, Veterans Small Business Verification Act; H.R. 2614, Veterans' Advisory Committee on Education Reauthorization Act of 2009; H.R. 2696, Servicemembers Rights Protection Act; H.R. 2874, Helping Active Duty Deployed Act of 2009; H.R. 2928, To amend title 38, United States Code, to provide for an apprenticeship and on-job training program under the Post 9/11 Veterans Educational Assistance Program; H.R. 3223, to amend title 38, United States Code, to improve the Department of Veterans Affairs contracting goals and references for small business concerns owned and controlled by veterans; H.R. 3554, National Guard Education Equity Act; H.R. 3561, To amend title 38, United States Code, to increase the amount of educational assistance provided to certain veterans for flight training; H.R. 3577, Education Assistance to Realign New Eligibilities for Dependents (EARNED) Act of 2009; and other draft legislation, 1 p.m., 334 Cannon.

Permanent Select Committee on Intelligence, September 23, executive, briefing on Afghanistan/Pakistan, 2 p.m., 304–HVC.

September 23, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, hearing on DHS Office of Intelligence and Analysis Reform Efforts, 4 p.m., 304–HVC.

Select Committee on Energy Independence and Global Warming, September 24, hearing entitled ''Solar Heats Up: Accelerating Widespread Deployment,'' 1: 30 p.m., room to be announced.

Joint Meetings

Joint Economic Committee: September 24, to hold hearings to examine the future of newspapers, focusing on the impact on the economy and democracy, 10 a.m., 210–CHOB.

Next Meeting of the SENATE

2 p.m., Monday, September 21

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will resume consideration of H.R. 2996, Department of the Interior, Environment, and Related Agencies Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

4 p.m., Monday, September 21

House Chamber

Program for Monday: The House will meet in pro forma session at 4 p.m.

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