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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. SCHRADER).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 6, 2009.

I hereby appoint the Honorable KURT SCHRADER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

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

HEALTH CARE PLAN

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

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to correct a misperception held by many in this Chamber and others throughout our great Nation. Members of my party claim that our colleagues across the aisle do not have a health care plan. Well, I'm here to break with my own caucus and say that's just not true. Our Republican friends do in fact have a plan.

Let me offer you some of their highlights. The plan so far offered by our Republican colleagues would allow health care premiums to double over the next decade; add more than two-thirds to the out-of-pocket expenses for individuals and their families who watched helplessly as premiums and deductibles grew three times faster than their wages over the last decade; and push more families to the brink of financial ruin because they can no longer afford basic health care needs.

In my district alone, more than 1,400 people were forced into bankruptcy last year because of expenses not covered by health insurance.

It doesn't stop there, Mr. Speaker. Their plan would also allow insurance companies to continue racking up profits by denying coverage using capricious standards.

Insurance companies in 45 States would be allowed to continue discriminating based on preexisting conditions for those attempting to purchase insurance on the individual market. It's estimated that more than 12.6 million Americans have been denied coverage because of preexisting conditions already.

Insurance companies in eight States and the District of Columbia would be allowed to continue denying coverage to survivors of domestic violence because they classify history of such violence as a preexisting condition, which is a particularly egregious example of cherry-picking by insurance companies, considering October is Domestic Violence Awareness Month.

Even those lucky enough to have health insurance will continue to find their coverage or their costs altered due to preexisting conditions, which affect up to 45 percent of us who already have health care insurance.

The Republican plan, or lack thereof, also will make it harder in the business community to continue meeting the needs of its workers and customers. A recent Kaiser Family Foundation study showed that 42 percent of employers are preparing to increase premiums next year; 39 percent of employers are preparing to increase out-of-pocket expenses for doctor visits next year; 37 percent of employers are preparing to increase out-of-pocket prescription drug costs next year; and 8 percent said they already have reached the tipping point and have decided to drop health care coverage altogether next year.

Mr. Speaker, small businesses in the Commonwealth of Virginia alone spent more than $3 billion on health care premiums last year. That figure is expected to more than double to $7.4 billion during the next decade if we do nothing.

Today, less than half of Virginia's small businesses offer health insurance to their employees, with three-fourths saying they're struggling to do so. The plan offered by our Republican colleagues would only exacerbate that situation and likely push more businesses into withdrawing health care coverage altogether.

But that's not what our businesses want. Not only do two-thirds of Virginia's small businesses say health care reform will play an important part in getting the economy back on track, but more than half of them also say they, themselves, have a responsibility to help provide coverage for their employees.

A majority of Americans—57 percent—say it's now more important than ever to reform our broken health care system. Unfortunately, the plan from our Republican colleagues amounts to ''do nothing and hope for the best.'' Well, we can't afford that plan. And, thankfully, Americans are starting to come to the same realization.

That same poll found that 57 percent of the public faults our Republican colleagues for opposing health care reform more for political reasons than substantive argument.

Mr. Speaker, we cannot afford for premiums to climb 50 percent above the national poverty rate for a family of four. We cannot afford for more employers to pull the plug on providing health care coverage for their employees. We cannot afford to put even more families in the position of struggling to pay for basic needs like health care.

We must deliver reform that will make health care affordable and accessible; cap out-of-pocket expenses; stop the practice of cherry-picking based on preexisting conditions; and protect our small businesses from crippling costs.

We must deliver reform that will once again instill confidence in our Nation's health care system—and that is what we will do here in the House of Representatives this fall.

AMERICA NEEDS MORE JOBS, NOT MORE GOVERNMENT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Thank you, Mr. Speaker.

A few days ago, the Labor Department released its monthly unemployment report. It was another month of bad news for unemployed Americans looking for work. In September, we lost 263,000 jobs and the unemployment rate rose to 9.8, a 26-year high. And, according to the Labor Department, the number of unemployed people now stands at 15.1 million.

This is an American tragedy. There are millions of breadwinners desperate for an opportunity to get back to work. But for far too many, these opportunities seem inaccessible. And Washington doesn't seem to get it.

Instead, it's business as usual here in Washington. Borrow and spend is Washington's prescription for our ailing economy. But Americans know that we cannot borrow and spend our way into prosperity. We've tried that already—and it didn't work.

Nevertheless, my Democrat colleagues insisted that passing a stimulus bill that borrowed another trillion dollars would create jobs ''immediately'' and unemployment would not rise above 8 percent. The facts tell another, more discouraging story.

More than 2.7 million jobs have been lost since the so-called stimulus was signed by President Obama. And the Labor Department keeps churning out these gloomy monthly unemployment reports. Today, there are about 12 million workers who would like to work full time but can't find a full-time job. U.S. auto sales plummeted in September and factory orders tumbled by the largest amount in 5 months.

The American people know that a true economic recovery starts with tax relief for American families and small businesses and fiscal discipline in Washington. After all, if American families have to buckle down and trim their budgets, Washington should, too. We can't keep running $1.5 trillion deficits and expect economic growth as a result.

House Republicans agree with the American people. Washington needs to rein in the runaway spending. For example, this week Congress is poised to pass an agriculture spending bill which includes a 14 percent increase in discretionary spending. There's plenty of good to be said about some of the spending in this bill, but its unrestrained increase in spending is emblematic of Washington's intractable, profligate habits.

We can find a way to live within our means and create real incentives for employers to create jobs and get people back to work. How about using what remains of the stimulus money to create a jobs tax credit for employers who take risks and put Americans back to work?

Such a tax credit could spur new job creation and help reinvigorate our battered economy. Plus, it keeps taxpayer money out of wasteful government programs and politicians' pet projects.

Until we start to consider such real solutions to our jobs deficit, I will continue to oppose the Democrats' job-killing tax-and-spend policies and support real solutions to get the American people back to work.

ON THE DALAI LAMA'S VISIT THIS WEEK

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

Mr. WOLF. The front page of the Washington Post yesterday featured a story about the Dalai Lama's visit to Washington this week—a trip which will be marked by what doesn't take place. For the first time since 1991, this spiritual leader, a Nobel Peace Prize recipient, will not be afforded a meeting with the President of the United States. This is a mistake which has far-reaching consequences.

China has initiated a global effort to stop heads of state from hosting the Dalai Lama. As the Wall Street Journal editorial page pointed out yesterday, ''China routinely assails countries whose leaders meet with the Dalai Lama, targeting France and Germany in recent years by cutting off diplomatic exchanges and canceling conferences and the like.''

The Dalai Lama is set to travel to New Zealand and Australia later this year and, as the Post reported, ''he has yet to secure a commitment from their leaders to meet.'' Will these countries follow our lead?

I've been to Tibet. I've seen the Buddhist monks and nuns in Drapchi prison. I've met frightened Tibetans who quietly showed me their forbidden photo of the Dalai Lama. I wonder if their plight received even passing mention during internal White House deliberations about whether to meet with the Dalai Lama before the President's November trip to China. Or, were they simply a nuisance in the context of a larger bilateral relationship?

An unnamed administration official in the Post story justified the decision by saying ''this President is not interested in symbolism or photo ops but in deliverables.'' I, too, am interested in deliverables, as is the human rights community, but I'm interested in symbols. And the President should be, too. Symbolism is powerful. If we surrender to this Chinese government, we have surrendered something far greater than the President may realize.

The Tiananmen Square demonstrators of 20 years ago understood that symbols speak volumes. They carried papier-mache models of the Statute of Liberty. Ronald Reagan, too, understood symbols. He understood there was something symbolically stirring about him standing at the Brandenberg Gate and calling on the then-Soviet leader to tear down that wall that divided the people of East and West Berlin.

Ronald Reagan understood there was something symbolically powerful about invoking the name of Solzhenitsyn when he spoke at the Danilov Monastery in Russia—the very same dissident who more than a decade earlier, reminiscent of this week's events, was denied a visit with President Ford who was worried about upsetting the Russians prior to a summit.

This administration may not be interested in symbolism, but that will come as devastating, devastating news to millions around the world who yearn for freedom, who cry out for basic human rights, and who expect America, our country, to be their champion when their own voices have been silenced.

What about the Coptic Christians in Egypt? The Baha'is in Iran? What about the oppressed citizens of Burma and North Korea and Vietnam? They should rightly be alarmed by the treatment of the Dalai Lama, as this is just one more example of a growing pattern in this administration of sidelining human rights.

It's not too late. I call on the President to invite the Dalai Lama to the White House; to reclaim the moral high ground and not kowtow to the Chinese government that brutally oppresses its people.

I call on the President to stand side by side with his holiness—a man of peace—and align America once again with the oppressed, not with the oppressors.

MOJAVE DESERT VETERANS MEMORIAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LEWIS) for 2 minutes.

Mr. LEWIS of California. Mr. Speaker, the United States Supreme Court will soon hear arguments in the case of Salazar v. Buono, which may determine the future of memorials all across the country that honor those who fought and died for our Nation. The center of this case is a memorial in my

district known as the Mojave Desert Cross, which has stood proudly for over 75 years. It was erected by veterans of World War I and maintained by generations of veterans since 1934.

It was attacked 10 years ago by the ACLU, which convinced a judge to declare the memorial to World War I veterans unconstitutional. Clearly, they want to erase anything from public property that might be seen as religious in some way.

The monument was not established by government or maintained by the government, but it now stands in the Mojave National Preserve. It is a tribute to those who protected America and freedom, not a promotion of religion. If the critics of this memorial are successful, it could open the door to attacks on memorials and historic sites in all of our national parks, including Arlington National Cemetery and Gettysburg National Military Park.

I am proud to say that the Congress has understood the value of these materials and has voted overwhelmingly on numerous occasions to preserve the Mojave Desert Cross in honor of those who have defended our Nation. The will of Congress is to keep the cross in tribute to all veterans—and I sincerely hope the Justices will see the wisdom of that intent.

FEDERAL REGULATORS MISLED DURING BAILOUT

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

Mr. STEARNS. Mr. Speaker, I rise this morning to address my concerns as a result of the Special Inspector General for the Troubled Asset Relief Program's audit of the capital injections provided to Bank of America and other major banks through the taxpayer-funded TARP program.

Neil Barofsky, the Special Inspector General for the TARP, revealed yesterday in his official report that high-ranking Federal officials, including former Treasury Secretary Henry Paulson and current Federal Reserve Chairman Ben Bernanke, misled the American people about the true financial state of Bank of America and eight other initial TARP recipients that received over $125 billion in this bailout.

We were told last October that the Treasury Department needed over $700 billion, along with unprecedented and vast new authority, in order to stave off a total collapse of our financial system. They were going to buy the so-called toxic loans. Ten days later, after the bill passed, they changed their strategy and decided to give TARP funds to financial institutions.

We were told last October that this $700 billion would enable the Secretary of Treasury to go and restore liquidity and stability and to our financial system through a series of capital injections into these financial institutions. And, most importantly, we were told last October that the Federal Government was going to inject this money into ''healthy'' financial institutions under the rationale that propping up these ''healthy'' banks would enable them to lend money and unfreeze the credit market so that none of the other major banks and private financial institutions would collapse. Almost exactly a year later, we have found out that the American people were not given the full truth.

The nine initial TARP recipients, which received $125 billion in TARP funds, were actually not the stable, healthy institutions that Mr. PAULson and Mr. Bernanke claimed they were. And, as we all well know today, none of these institutions were able to increase their lending activities.

□ 1245

Bank of America and Citigroup, in particular, actually ended up needing billions more in bailout money than they were initially given. Meanwhile, struggling financial institutions such as Merrill Lynch, which was on the verge of collapse months before the enactment of TARP, were largely ignored until the now infamous and coerced acquisition of Merrill Lynch by the not-so-healthy Bank of America.

Neil Barofsky's audit blankly states that ''By stating expressly that the 'healthy' institutions would be able to increase overall lending, Treasury may have created unrealistic expectations about the institutions' condition and their ability to increase lending.'' The Federal Reserve, along with the Federal Deposit Insurance Corporation, also described the nine original TARP recipients as ''healthy.'' Privately, however, other Federal regulators and government officials were concerned that some of these institutions were actually in a state of near financial collapse, bankruptcy. These institutions collectively held more than $11 trillion in banking assets, or about 75 percent of total U.S. bank assets, as of mid 2008.

Special Inspector General Neil Barofsky's audit concludes that ''government officials should be particularly careful, even in a time of crisis, of describing their actions in an accurate manner'' and that ''inaccurate statements could have unintended long-term consequences that could damage the trust that the American people have in their government.'' Unfortunately, the real damage has already been done. The American people continually put their trust in high-ranking Federal officials to do what is best for the good of the people in our country. However, the reality is that most Americans, including the majority of my constituents in the Sixth Congressional District of Florida, were already and still continue to be outraged by the $700 billion bailout of Wall Street.

Finding out that they were also misled about the rationale and the criteria in which the Treasury Department, the Federal Reserve and other Federal regulators selected Bank of America and eight other institutions to be the first recipients of taxpayer-funded TARP money does nothing to lessen the concern or infuse confidence into the future decision surrounding financial regulatory reform. Many Americans these days feel like Washington is the problem, not the solution. This is an unfortunate perception that must be changed. Trust in our Federal regulators must be restored in the American people's minds for, as Thomas Jefferson once said, ''Follow truth as the only safe guide and eschew error, which bewilders us in one false consequence after another.''

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 48 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. RICHARDSON) at 2 p.m.

PRAYER

Pastor Greg Schannep, Faith Fellowship, Fort Hood, Texas, offered the following prayer:

As a Christian pastor, it is an honor to be here to pray for you in the name of my Lord, Jesus Christ.

President Abraham Lincoln said, ''I have been driven many times upon my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom, and that of all about me, seemed insufficient for that day.''

Dear God, we pray for our President today and for his wisdom and for the wisdom of those about him. May they know Your grace is sufficient for this day.

We pray for the Members of the House of Representatives, their staffs and their families.

We ask that they be men and women of strong character with sound morality, and people of principle who share a strong vision of a godly Nation with a bright future.

We pray that our leaders will lead with compassion and love, and be forever aware of their huge responsibility to the people of this Nation and of their greater responsibility to You.

We ask Your watchful care over our men and women in uniform—especially those in harm's way and their families.

And, please God, Bless America.

Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentlewoman from Minnesota (Ms. MCCOLLUM) come forward and lead the House in the Pledge of Allegiance.

Ms. MCCOLLUM 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.

HONORING PASTOR GREGORY SCHANNEP

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. CARTER) is recognized for 1 minute.

There was no objection.

Mr. CARTER. Madam Speaker, I rise today to talk about my friend and the leader of the prayer here in the House of Representatives today, Greg Schannep. Greg Schannep actually works for me as my regional director and my liaison to Fort Hood. He retired from the United States Army as chief of chaplains at Fort Hood, Texas, which is the largest military installation on Earth. He had over 90 chaplains that worked under him.

He started off his life in the Army as an enlisted man, ended up his career after 2 years in the Army as a Special Forces sergeant. Then the Lord called him, and after going back to school and becoming a minister, he served 28 years in the United States Army as a chaplain. That totals 30 years of active duty as a soldier for the United States.

He's worked for me almost 5 years—it will be 5 years in January—as my liaison to the military and as a regional director on our behalf.

Greg is a family man. He's got a beautiful wife and wonderful kids: Melissa, Sarah, Alison, Amy, James and Samantha. His hobbies are golf and grandchildren, of which he has four. And he has just recently—in fact, within the last 6 weeks—he has decided to start another church and come out of retirement and become a full-time builder of a church, and he started a church in Bell County known as Faith Fellowship. I went to the first service that Chaplain Schannep performed as Pastor Schannep, and he did a pretty darn good job.

He is a loved member of our community, and I am proud to call him my friend.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 5, 2009, at 9:37 a.m.:

That the Senate agreed to S. Con. Res. 42.

That the Senate agreed to S. Con. Res. 43.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, October 6, 2009.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 6, 2009, at 9:42 a.m.:

That the Senate passed without amendment H.R. 3663.

That the Senate passed S. 251.

That the Senate agreed to without amendment H. Con. Res. 178.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Friday, October 2nd, 2009:

S. 1707, to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

APPOINTMENT OF MEMBERS TO THE RONALD REAGAN CENTENNIAL COMMISSION

The SPEAKER pro tempore. Pursuant to section 4 of the Ronald Reagan Centennial Commission Act of 2009 (P.L. 111–25), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Ronald Reagan Centennial Commission:

Mr. FOSTER, Illinois

Mr. MOORE, Kansas

CONCERN WITH HEALTH CARE REFORM MIRRORS CONCERN WITH BIG GOVERNMENT

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

Mr. WILSON of South Carolina. Madam Speaker, the American people are not in favor of a government takeover of their health care. They have a real and legitimate concern about giving Washington power over something so personal.

The American people are not just concerned about Big Government intrusion; they're concerned that the government has already grown too big, too powerful, and too costly. Senior citizens will be squeezed, and the National Federation of Independent Business—the voice of small business—warns 1.6 million jobs will be lost. There remains a massive and growing debt threatening to devalue the dollar as it is kicked to future generations.

We must not sacrifice another part of our society to the control of government. Let's pursue targeted reforms to make health insurance portable, affordable, and available across State lines for families and small businesses regardless of preexisting conditions.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

THE NEW YORK TIMES IS OUT OF TOUCH WITH REALITY, AGAIN

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

Mr. POE of Texas. Madam Speaker, the New York Times has again lost touch with reality. In its latest immigration-related editorial, it actually refers to illegal immigrants as ''would-be Americans.'' Never mind many illegals don't want to be Americans but just want the benefits of being here. And what an insult to the millions of jobless U.S. citizens and legal immigrant workers in our country and the millions of ''would-be legal immigrants'' who don't violate the law to come here.

The Times, in its elitist mentality, suggests that it is wrong for a company to fire 1,800 illegal workers in the United States. The Times forgot it's wrong for the company to knowingly hire 1,800 illegal immigrants in the first place, and it's wrong that the government did not arrest and deport them and then arrest the employer. Taking 1,800 illegal workers out of the workforce opens jobs for citizens and legal immigrants, as we have seen before.

Apparently, the New York Times cares more about illegal immigrants who violate the law than unemployed American workers who are looking for jobs.

And that's just the way it is.

GALLUP POLL FINDS AMERICANS DON'T TRUST MEDIA

(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, by overwhelming margins, Americans say they do not trust the national media and that the media are too liberal, according to a new Gallup poll. Gallup found that just 1 in 10 Americans have a ''great deal of confidence in the media to report the news fully, accurately, and fairly.''

By a margin of 3–1, Americans said the media are too liberal rather than too conservative. Even most Democrats describe the media as ''too liberal'' rather than ''too conservative.''

This is the third poll released in the last month that has found Americans don't trust the media. The national media should recognize Americans' distrust and report the facts, not tell them what to think.

WHAT HAPPENED TO AUGUST?

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, what happened to August? August seems to have been lost in the Democratic Caucus; August seems to have been lost with the Democratic leadership; August seems to have been wiped out at the White House.

If you listen to the discussions that are taking place now about the health care bill that may be presented to us, there's something left out: it's the voice of the people that we heard in August. They told us loudly and clearly they did not want a public option. They told us loudly and clearly they didn't want a Democratic plan; they didn't want a Republican plan. No, Madam Speaker, they want an American plan—one that we can all rally around, one that takes into consideration what they told us in August, what they told us in September, and what they're telling us in October.

This is the U.S. House of Representatives. Let us represent the people of America.

HONORING STAFF SGT. ERIC COWIN FOR HIS SERVICE

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

Mr. BOOZMAN. Madam Speaker, I rise today to express my gratitude for Pastor Dr. Robin Cowin and the congregation at First Baptist Church in Gentry, Arkansas, for the wonderful work they are doing spreading the good news of the Gospel. This past Sunday, I had the pleasure of attending a service at the church and honor the sacrifice, service, and celebration of the homecoming of Staff Sergeant Eric Cowin.

Serving in the Army for the last 6 years, Eric was on his second tour in Iraq when he was injured in an IED explosion in Baghdad in June. Now he is undergoing rehabilitation at Brooke Army Medical Center in San Antonio, and is in good spirits and on the road to recovery.

Eric is representative of so many American soldiers who have served this country honorably, stepping up to protect its citizens and people all around the world. I am grateful for the sacrifices Eric and all of our troops are making every day and for the hardships that they, as well as their families, face.

I wish Eric and his wife, Andrea, the best of luck in the future. Eric, you're a true American hero. I ask my colleagues to keep Eric in their hearts and minds as he goes through rehabilitation and all of our American troops in their thoughts and prayers.

□ 1415

''WHITE COAT'' MONDAY AT THE WHITE HOUSE

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

Mr. GINGREY of Georgia. Madam Speaker, residents in our Nation's Capital have been in for a real treat over this past week. First was free T-Shirt Day at Nationals Stadium. But it got even better because yesterday, apparently, was Free White Coat Day at the White House.

Look at this photo. The administration is actually giving out the white coats.

Madam Speaker, the free white coats were for President Obama's publicity stunt with a handful of medical professionals, where he touted doctor support of his health care plan.

As a practicing physician for over 30 years, I can assure the President that the majority of physicians in this country are for health care reform, just not the government-run reform that he prefers. I wish he had taken the time to talk to the thousands of physicians who have traveled to Washington, or the millions of patients who attended town hall meetings in August to share their concerns about government-run health care, or even the 12 Republican physicians in this House who have contacted him about a meeting to share their concerns.

Madam Speaker, if these voices are not enough to get his attention, maybe my white coat will.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

SUPPORTING NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 707) expressing support for designation of the week of September 13, 2009, as Adult Education and Family Literacy Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 707

Whereas the literacy of its citizens is essential for the economic well-being of the United States, our society, and the individuals who can benefit from full participation therein;

Whereas literacy and education skills are a prerequisite to individuals reaping the full benefit of opportunities in the United States;

Whereas the economy and our position in the world marketplace depend on having a literate, skilled population;

Whereas the education skills of parents and reading to children have a direct impact on the educational success of their children;

Whereas, parental involvement is a key predictor of a child's success, the level of parental involvement increases as the education level of the parent increases;

Whereas parents in family literacy programs become more involved in their children's education and gain the tools necessary to obtain a job or find better employment;

Whereas, as a result, children's lives become more stable, and success in the classroom, and in all future endeavors, becomes more likely;

Whereas studies show that two important factors that influence student achievement are the mother's education level and poverty in the home, it is clear that if adults are not part of the learning equation, then there is no long-term solution to our Nation's education challenges;

Whereas many older people in the United States lack the reading, math, or English skills to read a prescription and follow medical instructions, endangering their lives and the lives of their loved ones;

Whereas many individuals who are unemployed, underemployed, or receive public assistance lack the literacy skills to obtain and keep a job with a family-sustaining income, continue their education, or participate in job training programs;

Whereas many high school dropouts do not have the literacy skills to complete their education, transition to postsecondary education or vocational training, or become employed;

Whereas a large portion of those in prison have low educational skills, and prisoners without skills are more likely to return to prison once released;

Whereas many of our Nations' immigrants do not have the literacy skills to succeed in their new home country;

Whereas the National Assessment of Adult Literacy reports that 90,000,000 adults lack the literacy, numeracy, or English language skills to succeed at home, in the workplace, and in society;

Whereas National Adult Education and Family Literacy week highlights the need for our government to support efforts to ensure each and every citizen has the necessary literacy skills to succeed at home, at work, and in society; and

Whereas the week of October 18, 2009, would be an appropriate date to designate as National Adult Education and Family Literacy Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Adult Education and Family Literacy Week, including raising public awareness about the importance of adult education and family literacy;

(2) encourages people across the United States to support programs to assist those in need of adult education and family literacy programs; and

(3) requests that the President issue a proclamation recognizing the importance of adult education and family literacy programs, calling upon the Federal Government, States, localities, schools, libraries, nonprofit organizations, community-based organizations, consumer advocates, institutions of higher education, labor unions, and businesses to support increased access to adult education and family literacy programs to ensure a literate society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 707 into the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today in support of House Resolution 707, a bill that supports the designation of the week of October 18 as Adult Education and Family Literacy Week.

Adult education and family literacy programs provide millions of Americans with the skills they need to lead productive lives, boost their academic achievements, and engage in the workforce and earn a living. Adult Education and Family Literacy Week recognizes the impact that adult education and family literacy programs have on our Nation's adult learners and their families in the next generation.

According to the National Assessment of Adult Literacy, there are approximately 90 million adults nationwide who lack the literacy skills to reach their full potential. Approximately 30 million of these individuals are at the lowest rudimentary levels of literacy.

Adult education programs work with these individuals as well as new immigrants striving to learn English, to help them gain and retain jobs, transition to postsecondary education or a training program, read to their own children, and fully participate in their own education and obtain the English language skills necessary to succeed in their new home country. These programs emphasize basic skills such as reading, writing, math, English language competency, and problem-solving techniques.

It is important to recognize that the supply of adult education and family literacy services has lagged significantly behind the growing demand. In my home State of Colorado, an estimated 585,000 adults, or 18 percent of the State's population over 16 years of age, have not attained a high school diploma or equivalent and are not enrolled in school. Yet in school year 2007–2008, adult literacy programs have provided slots for less than 15,000 individuals, 79 percent of whom were between the ages of 19 and 44. More than half of the participants were unemployed, and more than two in three of those served were Latino.

At over 100 sites around the State, our critical programs provide adult basic education, adult secondary education and English as a second language to Colorado's most-in-need population, helping adult learners and their families to break the cycle of illiteracy and move toward self-sufficiency. In the 2007–2008 school year, 2,500 students earned their high school diploma or GED and almost 10,000 adults received English as a second language services.

Family literacy programs work with parents without a high school diploma or GED and their young children to help break cycles of illiteracy and poverty that plague some of our Nation's most vulnerable families. Most importantly, they provide parents with the knowledge and skills they need to be their child's first and most important teacher and role model and to be full participants in their child's education. For children, family literacy programs help ensure that they start school ready to learn and on an equal footing with their peers.

In Colorado's Second Congressional District, which I have the honor of serving, the Boulder Valley Family Literacy Program, in partnership with the Boulder Valley School District, operates a high-quality adult and family literacy program for low-level literacy adult learners and limited English speakers, both adults and children; 160 learners and families attend the program together, interacting in literacy activities as they learn. Parents participate in English classes or GED preparation and learn more about the public school system offers and how best to support their child. Schoolchildren receive homework tutoring and enrichment, and preschool children learn the skills they need to start their formal education.

Also in my district, the Colorado Mountain College has several satellite campuses serving 2,300 students. Most of their learners are ESL students, and their goal is to provide them with a pathway to college wherever possible.

Effective adult education and family literacy programs improve adults' lives by helping them develop a basic yet strong understanding of the English language. These skills lead to jobs, workforce readiness, higher education and successful outcomes in life. Furthermore, adult literacy contributes to self-sufficiency for adults and families across the Nation.

Again, I want to express my strong support for this resolution. I urge my colleagues to endorse this measure by voting ''yes.''

I reserve the balance of my time.

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

I rise today in support of the resolution before us, House Resolution 707, expressing support for the designation of the Adult Education and Family Literacy Week.

According to a June 2008 report of the National Commission on Adult Literacy, among the 30 OECD free-market countries, the U.S. is the only Nation where young adults are less educated than the previous generation. In the current U.S. labor force, more and more workers are required to have at least some postsecondary education or occupational training. By one set of measures, more than 88 million adults have at least one major educational barrier: no high school diploma, no college degree or English-as-a-second-language needs. Because of these educational barriers, a number of working-age adults may fall behind in their efforts to get higher-wage jobs or to qualify for the college courses or job training that will help them advance in their current jobs.

Studies also show that two important factors that influence student achievement are a mother's education level and poverty in the home. Parents in family literacy programs may become more involved in their children's education and gain the tools necessary to obtain a job or find better employment.

The National Assessment of Adult Literacy reports that 90 million adults lack the literacy, numeracy or English language skills to succeed at home, in the workplace and in society. By designating an Adult Education and Family Literacy Week, we can encourage people across the United States to support programs to assist those in need of adult education and family literacy programs.

I stand in support of designating National Adult Education and Family Literacy Week in order to raise public awareness about the importance of adult education and of family literacy.

I ask for my colleagues' support.

I yield such time as she may consume to my colleague from Tennessee, MARSHA BLACKBURN.

Mrs. BLACKBURN. Madam Speaker, I do rise in support of Adult Education and Family Literacy Week.

I would like to begin by quoting one of my predecessors, a former Member from Tennessee who, while often my friends from Texas like to claim him as theirs, I think he was ours first, and that is Sam Houston. Congressman Houston said, ''The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government.''

This week is our opportunity to enhance the preservation of that liberty

by turning a very careful eye to adult education and family literacy. As I have before in this Chamber, I would like to highlight the accomplishments of my friend and constituent, Gretchen Wilson.

Gretchen was one of 43 million American adults who had not completed high school. Inspired by her young daughter, she earned her high school degree later in life. She knew that literacy was more than just knowing how to read and write. After all, she was already a Grammy Award winning artist. Literacy is also the implementation of that skill which empowers people with worlds of new information. It is the spark that ignites curiosity.

Gretchen knew how precious that spark of curiosity could be. The children of parents who have not completed high school are far more likely to drop out themselves. Indeed, children's literacy levels are strongly linked to the educational levels of their parents, especially to the levels of their mothers. Gretchen knew that her education was also her daughter's education.

In so many cases like Gretchen Wilson's, that spark of curiosity has grown into a desire to give back. She, like so many others who have benefited from adult education, now works to expand that benefit to others.

I will close by quoting Thomas Jefferson, whose words on the matter are more eloquent than mine could ever be, and he stated, ''Enlighten the people generally, and tyranny and oppression of body and mind will vanish like evil spirits at the dawn of day.''

Mr. HONDA. Madam Speaker, I rise today to express my support for H. Res. 707 and for designating the week of September 13, 2009 as Adult Education and Family Literacy Week.

I commend Representative JARED POLIS, sponsor of the resolution, and the House Education and Labor Committee for recognizing the importance of literacy among adults and families, particularly in relation to the economic well being of these individuals.

Having been an educator for over 30 years, I am keenly aware that education and literacy are crucial to helping individuals achieve economic success. It has been shown that parental involvement is a key indicator to a child's success, and parental engagement increases as educational attainment increases.

Sadly, however, many over 90 million adults in the United States lack the literacy, numeracy, or English language skills needed to succeed at home, in the workplace, and in society. These adults are unable to be involved in their children's education, which perpetuates the cycle of illiteracy.

Of this group, here are still over 54.8 million people who speak a language other than English at home. According to the Census Bureau, between 2000 and 2005, the native-born Limited English Proficient population nearly doubled, and it is increasing at a higher rate than the immigrant population. In spite of this growth, there continue to be 1- to 3-year waitlists for English literacy education in many areas, leaving employers and communities with opportunities to invest in the education of their workforce.

As we work to address adult education and family literacy, we remember the need to extend literacy and education programs to new populations to help them fully integrate into our society. To help achieve this goal, I introduced H.R. 3249, the Strengthen and Unite Communities with Civics Education and English Skills Act of 2009. H.R. 3249 seeks to provide individuals with civics education and basic education programs and assist local communities in this integration process through impact aid and community-based solutions. This legislation will also provide businesses with tax credits for providing English-as-a-second-language programs to their employees, incentivize teachers with tax credits when they teach English Language Learners, and authorize more funding for such instruction.

I urge all of my colleagues to support H. Res. 707 and the laudable goal of designating the week of September 13, 2009 as Adult Education and Family Literacy Week. The resolution encourages people across the United States to support programs to assist those in need of adult education and family literacy programs, and I urge my colleagues to do so not only by supporting the resolution, but also by supporting the Strengthen and Unite Communities with Civics Education and English Skills Act of 2009, which would forge productive dialogues in our country about newcomers and provide real and concrete solutions to our communities by giving them the means and resources to help families learn English and integrate into U.S. society.

Mr. WAMP. Madam Speaker, I rise in support of H. Res. 707, which seeks to designate the week of September 13, 2009, as National Adult Education and Family Literacy Week and to raise the awareness of adult literacy programs. I am also a cosponsor of this resolution.

Education spans from conception to the grave. Earning a high-school diploma makes people better qualified for the work force, for raising a family, and for improving their standard of living. For those who were unable to complete their education in their youth, adult education programs can provide a second chance.

Unfortunately, according to a 2005 study by the National Assessment of Adult Literacy, 45 percent of all adults function below the high school reading level. For these adults, it is much harder to get a good job that can sustain them or their family. Sadly, when faced with this reality, some adults turn to crime. The more than 1 million incarcerated adults in the Nation had lower average literacy scores than adults in households on nearly every comparable scale—age, gender, and ethnicity.

The inability to read not only affects individuals' lives but also the lives of their family. Children of parents who are unemployed and have not completed high school are five times more likely to drop out than children of employed parents. In turn, parents who can read are more likely to be employed full time and receive a higher income. When parents can read, especially the mother, they will be more involved in their children's lives. They will read to their children and discuss school topics.

The importance of education and the ability to read doesn't end with the family. Its benefit also helps improve the community and even saves us all money in the long run. Putting that 2005 study into real terms, 93 million adults can't read or follow medical instructions. Individuals with limited literacy skills are more likely to have chronic conditions and are less able to manage them effectively or be aware of preventive care. These individuals will make greater use of emergency room and hospital services and less use of services designed to prevent health complications. Greater use of the emergency room raises health care costs for all of us.

In addition, American businesses lose more than $60 billion in productivity each year due to employees' basic skill deficiencies. For our country to remain competitive in the global market place, more and more jobs will require advanced skills, and public schools produce only 2 percent of the workforce annually. Without adult education programs, important jobs could go unfilled holding back development or, worse yet, the jobs will go abroad to other nations.

Madam Speaker, literacy and education benefit so many aspects of our lives. I encourage my colleagues in the House to support this resolution and to raise the awareness of adult and family education programs.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of H. Res. 707 ''Expressing support for designation of the second week of September as Adult Education and Family Literacy Week.'' The literacy of American citizens is essential for the economic well-being of our great Nation and I strongly believe that families play an important role in promoting and enabling learning at all levels.

Illiteracy is the root of many problems in our lives today. For example, in my home district, the 18th District of Texas approximately 68 percent of those arrested, 75 percent of welfare dependants, 85 percent of dropouts, and 72 percent of the unemployed are identified as functionally illiterate, Youth Plus. One in three adults in the greater Houston metropolitan area functions at the lowest level of literacy: They are unable to read and comprehend a menu or a street map, fill out a job application, or read the directions on a medicine bottle, Literacy Advance of Houston. And in Texas, 85 percent of teenagers appearing in juvenile court are functionally illiterate, Youth Plus.

No skill is more crucial to our future, nor to a democratic and prosperous society, than literacy. Basic literacy skills are the premise of reaching one's full potential as an upstanding citizen. President Lyndon B. Johnson once said, ''A book is the most effective weapon against intolerance and ignorance,'' in order for us to utilize this priceless weapon, we must educate our citizens.

The education skills of parents along with reading to children have a direct impact on the educational success of their children. Parental involvement is an intricate part of a child's success and as the level of parental involvement increases the education level of the parent increases. Parents in family literacy programs have proven to become more involved in their children's education and gain the tools necessary to obtain a job or find better employment.

Advocating literacy across America will result in children's lives becoming more stable, leading to higher achievement in the classroom, and success in all future endeavors becomes inevitable. Studies have shown that two important factors that influence student achievement are the mother's education level

and poverty in the home. It is clear that if adults are not part of the learning equation, then there is no long-term solution to our Nation's education challenges.

The National Assessment of Adult Literacy reports that 90 million adults lack the literacy, numeracy, or English language skills to succeed at home, in the workplace, and in society. National Adult Education and Family Literacy week would highlight the need for our government to support efforts to ensure each and every citizen has the necessary literacy skills to succeed at home, at work, and in society. I support the designation of National Adult Education and Family Literacy Week, which encourages people across the United States to support programs to assist those in need of adult education and family literacy programs. I call upon the Federal Government, States, localities, schools, libraries, nonprofit organizations, community-based organizations, consumer advocates, institutions of higher education, labor unions, and businesses to support increased access to adult education and family literacy programs to ensure a literate society.

Mr. POLIS. Does the gentleman from Wisconsin have any additional speakers?

Mr. PETRI. I have no additional speakers and yield back the balance of my time.

Mr. POLIS. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 707, as amended.

The question was taken.

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

Mr. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

SUPPORTING CAMPUS FIRE SAFETY MONTH

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 167) expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 167

Whereas each year, States across the Nation formally proclaim September as Campus Fire Safety Month;

Whereas since January 2000, at least 129 people including students, parents, and children, have died in student housing fires, many of which were preventable;

Whereas over 80 percent of these deaths have occurred in off-campus occupancies;

Whereas a majority of the students across the Nation live in off-campus occupancies;

Whereas a number of fatal fires have occurred in buildings where the fire safety systems have been compromised or disabled by the occupants;

Whereas it is recognized that automatic fire alarm systems provide the necessary early warning to occupants and the fire department of a fire so that appropriate action can be taken;

Whereas it is recognized that automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of a building's occupants;

Whereas many students are living in off-campus occupancies, Greek housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems;

Whereas it is recognized that fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting loss of life and property damage;

Whereas students are not routinely receiving effective fire safety education throughout their entire college career;

Whereas it is vital to educate the future generations of our Nation about the importance of fire safety behavior so that these behaviors can help to ensure their safety during their college years and beyond; and

Whereas by developing a generation of firesafe adults, future loss of life from fires can be significantly reduced: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Campus Fire Safety Month;

(2) encourages administrators and municipalities across the country to provide educational programs to all students during September and throughout the school year; and

(3) encourages administrators and municipalities to evaluate the level of fire safety being provided in both on- and off-campus student housing and take the necessary steps to ensure firesafe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 167 into the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today in support of House Resolution 167, which supports the goals and ideals of Campus Fire Safety Month.

Madam Speaker, college campuses host our students as they study and provide a safe place for them to live as they do so. But all too often we are devastated by tragic events that take place on campuses. The Center for Campus Fire Safety reports that 129 people have died in student housing fires since January of 2000. Almost 80 percent of the fire fatalities have occurred in off-campus occupancies such as rented houses and apartments.

Common factors in a number of these fires include lack of automatic sprinklers, disabled smoke alarms, careless disposal of smoking materials, and alcohol consumption. In many instances, the death of students, children and faculty members caused by campus fires could have been easily prevented with proper safety technology and appropriate fire safety student training.

As recently as 2008, fires on the campuses of UCLA and Plattsburgh State University resulted in deaths.

Fortunately, Congress has taken important steps to address these devastating occurrences. The recently enacted Higher Education Act requires each higher education institution to publish an annual fire safety report that includes mandatory supervised fire drills, policies for evacuation and fire training education.

□ 1430

The Secretary of Education will highlight institutions with exemplary fire prevention procedures. As these provisions are implemented, I hope campuses and students alike will take needed precautions and prevent fires in the future.

Madam Speaker, once again, I express my support for National Campus Fire Safety Month and thank Representative PASCRELL for bringing this resolution forward. I ask my colleagues to support this measure.

I reserve the balance of my time.

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

I rise in support of H. Res. 167, a measure to express the sense of the House of Representatives in support of the goals and ideals of Campus Fire Safety Month. I would like to thank my colleagues, the gentleman from South Carolina (Mr. WILSON) and the gentleman from New Jersey (Mr. PASCRELL), for working together to introduce this important resolution.

As we continue to see the effects of the California wildfires on the news, we are reminded that fires can strike anywhere, at anytime, and that includes on a college campus. September has been designated as Campus Fire Safety Month in an effort to remind college campuses and their communities about the dangers of fires on campus. This month reminds campuses that they need to check their fire sprinkler systems, their fire alarm and notification systems, and train students and staff in what to do in case of a fire on campus.

There have been a number of fire tragedies, some fatal, on college campuses in the past. It is for that reason that Congress regularly recognizes Campus Fire Safety Month. We also included a provision in the Higher Education Opportunity Act to ask colleges and universities to report annually on fire safety efforts. The report would include information such as a list of all

student housing facilities and whether or not each is equipped with a sprinkler system or other fire safety system, statistics on occurrences of fires and the injuries that occurred as a result of the fires, information on various fire safety rules and regulations, and information about training provided to students, faculty, and staff.

Our Nation's college students should be able to live on campus with the confidence that they will be safe in their dorms, apartments, or other housing. This measure will take a key step toward ensuring greater awareness of this issue.

I urge my colleagues to join in supporting this resolution.

I reserve the balance of my time.

Mr. POLIS. I would like to yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL), the sponsor of the resolution.

Mr. PASCRELL. Madam Speaker, I thank the gentleman from Colorado and the ranking member. I rise today in strong support of H. Res. 167, which recognizes the goals and ideals of the Campus Fire Safety Month. We just marked the start of a new school year for many college students across this great Nation. This is an opportunity to teach students about the dangers that fires pose both on and off the campus and the steps that students can take in order to remain safe and secure.

This year, over 27 States and the United States Senate have recognized the importance of Campus Fire Safety Month. I am proud that the House will soon join them in bringing awareness to this critical issue.

Madam Speaker, I first became deeply involved in the issue of campus safety after experiencing the aftermath of a catastrophic fire at Seton Hall University in South Orange, New Jersey, in 2000. That dorm fire killed three young freshmen—Aaron Karol, Frank Caltabilota, and John Giunta—and it could have been avoided. It injured 58 other students. One of those students came from my city of Paterson, New Jersey, Dana Christmas McCain. She was a survivor, but the reason she got burned so severely, she was helping others escape the fire.

Since that tragedy, we have seen thousands of fires rage through campuses and off campuses in our colleges and universities, killing 135 students since January 2000. Many of these deaths could have been prevented through effective fire prevention education and awareness, improved building and fire codes and legislation at the local, State, and Federal levels. A key to this is engaging today's college students, making them aware of their personal responsibility for fire safety and the role they play in protecting themselves, friends, and roommates. To reinforce this message, the theme for this safety month is ''Fire Safety—It's Part of Living.''

We are making progress. We passed the Campus Fire Safety Right-to-Know Act. I introduced that with Congressman JOE WILSON. It was signed into law last year. Its provisions will soon go into effect nationwide. And I can remember and Mr. WILSON can remember how some colleges and universities fought us on this. Parents have a right to know what is going on on that campus when their children apply to that college, whether they take it seriously or they don't take it seriously. We need to require colleges and universities to provide those same students and parents with the report of the school's campus fire safety policies and records, providing a powerful incentive for them to voluntarily upgrade their safety systems and save lives.

Educating students about fire safety during their time in school will have a strong impact on the choices they make in the future. That is why I am working on new legislation that will provide schools with the resources to develop and deliver new and innovative campus fire safety education programs to their students.

On September 17, 2009, the launch of the fifth annual National Campus Fire Safety Month was held here on Capitol Hill. My brother, Mr. WILSON, was there. At that event, I met with and spoke to a contingent of people from across the Nation, including 20 students from the University of North Carolina at Chapel Hill, parents who have lost children in campus-related fires, fire officials, and advocates who came together for this launch to discuss the important issues of campus fire safety and the legislation currently moving through the Congress. They were led by four national leaders in campus fire safety, including Campus Fire Watch, the Congressional Fire Services Institute, Ohio Fire Safety Coalition, and the University of North Carolina at Chapel Hill.

I want to commend everyone who came to Capitol Hill and the thousands more around the country who work tirelessly each day to educate our students, our sons and daughters, their families, faculty, and staff about the danger of fires on our college campuses. Far too many families have had to suffer the unbearable horror of losing a loved one right at the beginning of a promising life.

I will continue to work hard every day to make our colleges safer, secure places for future generations to learn and to grow.

Mr. PETRI. Madam Speaker, I yield such time as he may consume to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I thank you for your leadership, Mr. PETRI. I am very honored to be here.

And, Madam Speaker, I appreciate the hard work of my long-time friend, Congressman BILL PASCRELL of New Jersey. His efforts will save lives. I am also particularly grateful to be here because I know of his hard work, of a lifetime of service. I know of his persistence since youth. He and my oldest son's father-in-law, Dennis Miskewicz, of Fairfield, New Jersey, were bag boys together at an A&P food store, so I already know what a hardworking person BILL PASCRELL is. And truly, he is making a difference.

I know those of us in South Carolina particularly appreciate his efforts because our State still mourns the loss of students from the University of South Carolina and Clemson at the very tragic fire at Ocean Isle, North Carolina. And as we are discussing the issue of fire safety on campus, we also should emphasize fire safety at vacation homes, rental homes, second homes, the importance of acquiring battery-operated fire detectors, fire alarms. That can make a difference, whether they are homes in the beaches or mountains.

I rise today in support of this resolution to bring needed attention to campus fire safety. I am honored to join again with the gentleman from New Jersey (Mr. PASCRELL) in supporting H. Res. 167, a resolution which supports the goals and ideals of Campus Fire Safety Month.

Last year, 33 States issued proclamations declaring September as Campus Fire Safety Month because it gives our communities an opportunity to raise national awareness of campus fire safety. We have an obligation to ensure students all across the country understand the danger posed by fires both on and off campus and what they can do to stay safe. The resolution supports the goals and ideals of Campus Fire Safety Month by encouraging administrators and municipalities across the country to provide educational programs to all students during September and throughout the year. It encourages our colleges and universities to evaluate the level of fire safety on and off campus at their institutions and to take the necessary steps to create a safe learning environment.

We want to encourage the use of fire suppression and detection systems and help our universities and colleges develop and enforce proper safety measures.

As I am sure all of my colleagues would agree, a child's safety is every parent's number one concern. Having sent four children to college, I know firsthand the pride we have in their achievements. We want the best for our children and we want to know they are safe. No family should have to face the tragedy of losing a daughter or son to a fire, and we should do all we can to provide families, students, teachers, and school administrators with every tool available to keep children safe.

I appreciate the opportunity to work with my colleagues on this issue. I encourage my colleagues to vote ''yes.''

Mr. PETRI. Madam Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. POLIS. Madam Speaker, I think the case has been made in eloquent and bipartisan fashion with regard to the importance of raising awareness and

improving practices to protect American children attending colleges and universities across this country from the risks of fires. I encourage support of the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 167.

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

A motion to reconsider was laid on the table.

RECOGNIZING THE CONTRIBUTION OF COUNTRY MUSIC TO AMERICAN LIFE AND CULTURE

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 650) recognizing that country music has made a tremendous contribution to American life and culture and declaring country music to be a uniquely American art form.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 650

Whereas country music was created in the United States and its distinctive sound makes it a uniquely American institution;

Whereas country music is rooted in the folk traditions of the British Isles;

Whereas in the United States, those roots became entangled with the ethnic music of immigrants from other regions and African slaves to create a uniquely American sound;

Whereas in 1922, a country music performance was broadcast on the radio for the first time, and the earliest commercial recording of country music was made, featuring the song ''Sallie Gooden'', performed by fiddlist A.C. ''Eck'' Robertson;

Whereas throughout the 1920s, the earliest country music records and radio programs brought the music out of the rural heartland and into homes across the United States;

Whereas no institution is more closely associated with country music than WSM Radio's Grand Ole Opry in Nashville, Tennessee, which, since 1925, has introduced the United States to many of the great talents of country music through live Saturday night performances;

Whereas two of the top selling solo artists of all time, Elvis Presley and Garth Brooks, are rooted in country music;

Whereas Garth Brooks, with 128,000,000 records sold, is the top selling solo artist in United States history;

Whereas top country musician Willie Nelson said that country music is where ''people tell their life stories''; and

Whereas country music continues to increase in popularity in the United States and around the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) declares country music to be a uniquely American art form; and

(2) recognizes that country music should be honored for its contributions to American life and culture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I ask unanimous consent that Members may have 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 650 into the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today to recognize the tremendous influence that country music has made on American culture.

The themes invoked in country music resonate with important American values such as responsibility, determination, and hard work. Some country songs foster an appreciation of the important sacrifices made by our men and women serving in our Armed Forces. ''Only in America,'' by Brooks and Dunn, and ''Where the Stars and Stripes and the Eagle Fly,'' by Aaron Tippin, encourage patriotism and the pursuit of the American Dream. Other songs, like Dolly Parton's ''Nine to Five'' and Loretta Lynn's ''The Pill,'' echo the struggles of rural and working class women and have become anthems of the women's equality movement.

In addition to powerful patriotic lyrics, the country music industry has also directly supported the causes of our Armed Forces. Portions of the proceeds from some patriotic compilations have even gone to support the United Service Organizations' active duty troops and families of fallen soldiers.

Country music is rooted in the folk traditions of the British Isles. In the New World, those roots meshed with immigrant and African influences. Many gospel, rock & roll, blues, and pop music derives from elements originally heard in country music. Famous artists such as Elvis Presley, Ray Charles, and Garth Brooks were influenced by the sounds and instruments of this music.

Every stage of country's long history has left an imprint on the music. Today, country is many sounds and many styles, some as old as the fiddle and bow, others as new as tomorrow's technology. But we will continue to hear about people's unique experiences through what we call country music.

□ 1445

Madam Speaker, once again I express my support for this resolution, and thank Representative STEARNS for bringing this bill forward. I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield myself such time as I may consume. I rise today in support of House Resolution 650, recognizing that country music has made a tremendous contribution to American life and culture and declaring country music to be a uniquely American art form.

The creation of country music can be isolated to the United States. Its origins are rooted in the multitude of ethnicities found in the people of our country. The traditional music of the British Isles mingled with the music of African slaves and several other immigrant groups to create the unique sound that is country music. The new music first became popular nationally in the 1920s and was then called ''hillbilly music.'' The first country song was broadcast on the radio in 1922.

Since that time, numerous subgenres have developed within country music. Bluegrass, honky-tonk, country pop, and gospel are just four examples of genres that have developed within country music. Today more than 10 subgenres of country music exist.

Since country music first became popular in the 1920s, it has continued to increase in popularity. In the 1930s and 1940s, it made its debut in Hollywood movies and became even more popular. In the 1950s and 1960s, Elvis Presley and Johnny Cash topped the charts with their own brands of the music. The 1970s and 1980s saw Willie Nelson and Dolly Parton become music icons for their roles in the popularization of country music. Today, country music has its own television channel, a multitude of radio stations dedicated to it in every section of the country, and its own system of awards.

The popularity of country music has spread beyond the United States in recent years. Canada and Australia have grown increasingly fond of the music. But country music will always be recognized as a uniquely American art form. I ask my colleagues to support this resolution.

I yield such time as he may consume to my colleague from Florida, CLIFF STEARNS.

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

Mr. STEARNS. I thank my colleague, and I thank my Democrat colleague for recognizing this important bill, H. Res. 650. The history of this country and the history of country-western music sort of work together. The motto of the United States is ''E Pluribus Unum,'' meaning out of many, one. It depicts the history and origin of this great country. Now, my colleagues, the history of country music resembles very similar characteristics, with the many styles that are prevalent today. As mentioned earlier, country music can trace its roots all the way back to the folk tradition of the British Isles and the Celts of Central and Western Europe.

However, here in the United States, early immigrants as well as African slaves contributed to a new distinct style that continued to develop through the 18th and 19th centuries. And as mentioned, in 1922, the first

country music performance was broadcast on the radio, and it was a song entitled ''Sallie Gooden'' performed by fiddler, A.C. Robertson. It was clear at that point that America had created a brand new sound, and it started to take off.

And we know that the influence of American country music is pervasive. Its popularity has extended beyond just the southern part of the United States or the Appalachian Mountains to everywhere in America, all over the world, in fact, with large fan bases in Canada and Australia. And there's many substyles of country-western music, like bluegrass, folk and gospel. They've all combined to provide a unique instrumentation of country-western music with powerful vocals to create one of a kind sounds.

As mentioned, Elvis Presley was one of these. Also Garth Brooks. I think most households will recognize those two names. Elvis Presley has all his faithful fans. In fact, he's imitated in Las Vegas all the time, and he has a charitable foundation that works to provide education and care for those in need. And of course, Garth Brooks, with over 128 million records sold, remains the top-selling solo artist in United States history. The live performances of Garth Brooks set the standard for musicians of all styles in all the world. He continues to use the power of his music to help others, in fact, performing a 2008 charity concert to raise money for victims of the California wildfires.

So having knowledge of history makes us more appreciative of what we have today in country-western music. Willie Nelson states that country music is where you tell your life stories. The history of country music is a great story; it's an American story. I should know. I had the opportunity to manage a Quality Inn, a 156-room hotel, and we had a restaurant, and we had a great country-western bar which I named the Ocala Corral. We taught the two-step dance, and I would bring in bands every 2 weeks—and, perhaps if it was a hot band, it would be six weeks—from Memphis, Tennessee.

And I'd bring these talented bands down to Ocala, Florida. We'd teach the two-step. The number of people that'd come in for a special band, when I hit the right country-western music talent correctly, would just storm the hotel. These bands would provide wonderful entertainment and provided a popular spot for country-western music in Ocala, Florida, which is the heart of Florida, really.

So my colleagues, I rise today in honor of country-western music, its heritage, and hope you all join me and celebrate the impact it's had on our American life.

Mr. POLIS. Madam Speaker, I would like to inquire if the gentleman from Wisconsin has any additional speakers.

Mr. PETRI. I do.

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

Mr. PETRI. Madam Speaker, I yield such time as she may consume to our colleague from Nashville, Tennessee, MARSHA BLACKBURN.

Mrs. BLACKBURN. Madam Speaker, I join my colleagues today in joyfully rising in strong support of House Resolution 650. The cultural and financial impact of country music on Nashville and indeed our State and our Nation cannot be overstated. From the daily recording sessions on Music Row to the annual CMA Music Festival in June, and the annual awards show that takes place this month, country music is the lifeblood of Nashville and the reason we are affectionately known as Music City USA.

The music industry creates employment opportunities in many industries, including musicians, songwriters, agents, managers, audio engineers, public relations and promotion firms, financial services, security, stage promotion, stage production, transportation operators, and business services. And Madam Speaker, most of these are small businesses, and they are fueled, not only by the love of the music, but also by that entrepreneurial spirit that draws so many people into the music industry.

This vital industry maintains tens of thousands of jobs. And it is responsible for generating hundreds of millions of dollars in revenue and in economic impact for our local economy. The entertainment product created is enjoyed not only coast-to-coast but also around the globe, and it plays a significant role in our Nation's trade products, certainly bringing joy to hundreds of millions of people around the world each and every day, many of those choosing to come to America and choosing to come to the home of country music to visit and experience this uniquely American art form.

So it is with great pride that I, along with my colleagues and on behalf of my constituents in Tennessee's Seventh Congressional District, rise today to take a moment to recognize the tremendous impact of country music, our unique American art form, and to join in asking my colleagues to join with us in this celebration.

Mr. POLIS. Madam Speaker, I would like to inquire if the gentleman from Wisconsin has any additional speakers.

Mr. PETRI. I have no additional speakers, and yield back the balance of my time.

Mr. POLIS. Madam Speaker, I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 650.

The question was taken.

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

Mr. STEARNS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

SUPPORTING READ FOR THE RECORD DAY

Mr. POLIS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 741) expressing support for designation of October 8, 2009, as national Jumpstart's ''Read for the Record Day,'' as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 741

Whereas Jumpstart, a national early education organization, is working to ensure that all children in the United States enter school prepared to succeed;

Whereas year-round, Jumpstart recruits and trains college students and community volunteers to work with preschool children in low-income communities, helping them to develop the language, literacy, and social skills they need to succeed in school and in life;

Whereas since 1993, Jumpstart has engaged nearly 21,000 adults to serve almost 80,000 young children in communities across the Nation;

Whereas Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is an annual campaign, now in its fourth year, that brings national attention to the crisis in early education by organizing the world's largest shared reading experience;

Whereas the goals of the campaign are to raise national awareness about the importance of early education by engaging 1,000,000 children reading the same book on the same day, provide books to children in low-income households through donations and book purchases and sponsorship, and prepare students for school success;

Whereas Jumpstart hopes to engage more than 1,000,000 children to read ''The Very Hungry Caterpillar'' in this record-breaking celebration of reading, service, and fun, all in support of the Nation's preschoolers; and

Whereas October 8, 2009, would be an appropriate date to designate as national Jumpstart's ''Read for the Record Day'' because it is the date Jumpstart aims to set a new world record for the world's largest shared reading experience on the same day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of ''Read for the Record Day'';

(2) commends Jumpstart's Read for the Record in its fourth year; and

(3) encourages adults, including grandparents, parents, teachers, and college students to come together with children of all ages to create the world's largest shared reading experience to show their support for early literacy and Jumpstart's year-long program working with preschool children in low-income communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Madam Speaker, I ask unanimous consent that Members may have 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on H. Res. 741 into the RECORD.

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

There was no objection.

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

Madam Speaker, I rise today in support of House Resolution 741, which supports the designation of October 8, 2009, as national Jumpstart's ''Read For the Record Day.''

I would like to yield 5 minutes to the sponsor of the bill, my colleague from the great State of Colorado, BETSY MARKEY.

Ms. MARKEY of Colorado. Madam Speaker, I rise today in support of one very hungry caterpillar and the thousands of children eager to hear his story. This Thursday, October 8, marks Read for the Record Day, a day in which we're striving to break the world record for the largest shared reading day ever. On Thursday, adults and children all around the world will gather to read Eric Carle's classic book, ''The Very Hungry Caterpillar,'' in celebration of reading and service to preschool children.

In my own house, it was ''The Polar Express'' that captivated my children's imaginations and hearts at an early age. We would all snuggle up on the couch and enter the world of ringing bells, late-night train rides and the North Pole. Though the days when my three children could fit on my lap have long since passed, the tradition of reading continues. When a child is exposed to books at an early age, it can instill a love of reading and helps to build the foundation for success at school.

Jumpstart is a nonprofit dedicated to such success through early childhood education. College students and community volunteers tutor and mentor preschool children, empowering them with the tools necessary to be successful when they reach kindergarten. Since its inception, Jumpstart has worked with over 70,000 preschoolers.

Now in its fourth year, Jumpstart's Read for the Record Day highlights the importance of early involvement of adults in the lives of at-risk preschoolers. Most children in low-income communities have few, if any, age-appropriate books in their homes. Without the necessary tools and instructions, one in three schoolchildren arrives at the first day of school unprepared to learn, primarily due to economic instability. Jumpstart's Read for the Record campaign raises awareness about the importance of early literacy by encouraging adults to serve and read with young children. Through the campaign, thousands of books are distributed to young children in low-income communities, and Jumpstart's year-round program is supported.

My resolution, House Resolution 741, designates October 8, 2009, as Read for the Record Day and encourages people of all ages to join us in reading for this record this Thursday. I urge support of this resolution.

□ 1500

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

I rise today in support of the resolution before us, House Resolution 741, expressing support for the designation of this Thursday, October 8, 2009, as ''Read for the Record Day.''

Jumpstart is a national early education organization that recruits and trains college students and community volunteers to work with preschool children in low-income communities. These volunteers help young children to develop language, literacy and social skills. Since 1993, Jumpstart has engaged nearly 21,000 adults to serve almost 80,000 young children.

On Thursday, October 8, Jumpstart is working with its partners, including the Pearson Foundation, Walmart Stores, Inc., American Eagle Outfitters, Sodexo, Penguin Young Readers Group, Chase, and the American Association of Retired Persons, to continue its annual campaign to attempt to organize the world's largest shared reading experience.

In 2006, the international campaign was created to bring preschool children together with valued grownups to read the same book, on the same day, in communities all over the world. In 2008, a world record was set as nearly 700,000 readers shared the classic children's tale, Corduroy.

The goals of the campaign are to raise national awareness about the importance of early education. Jumpstart is working to provide books to children in low-income households through donations, book purchases and sponsorship in order to prepare more children for school success.

On ''Read for the Record Day'' in 2009, the hope is to engage more than 1 million children to read The Very Hungry Caterpillar and set a new world record for the world's largest shared reading experience on the same day. Thursday, October 8, can be a celebration of reading, service, and fun in support of the Nation's preschoolers.

I stand in support of designating October 8 as ''Read for the Record Day'' in order to encourage grandparents, parents, teachers, and students to come together with children of all ages to create the world's largest shared reading experience to show their support for early literacy.

I ask my colleagues' support, and I yield back the balance of my time.

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

Research shows that the number of books in a home is the single strongest indicator of a child's future reading ability—setting him or her on a track record for success in school and in life. Unfortunately, many low-income children lack age-appropriate books in their homes. With this campaign, Jumpstart gives each participating Jumpstart child a copy of The Very Hungry Caterpillar for their home library. Jumpstart and its partners have asked libraries and schools to host a reading event so that all children can participate on October 8, even if the kids don't have a copy of the official book at home.

In addition to this campaign, numerous other programs work to enhance early childhood literary. Jumpstart has sponsored Read Across America Day—which encourages parents to read to their children. Jumpstart also sponsors the Toys for Tots literacy program that promotes children's literacy while fighting poverty.

Recognizing Read for the Record Day encourages children, students, parents, and teachers to show their support for a shared reading experience. By planning a book drive, reading to children, or volunteering with Jumpstart, we can all play a significant role in helping to educate the youth of this country.

With that, I want to thank Representative MARKEY for introducing this legislation, and I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Madam Speaker. I rise before you today in support of H. Res. 741, ''Expressing support for designation of October 8, 2009, as national Jumpstart's 'Read for the Record Day,'" I would like thank my colleague, Representative MARKEY, for introducing this resolution, as well as the co-sponsors.

As the resolution states, Jumpstart is a national early education organization, which is working to ensure that all children in the United States enter school prepared to succeed. Year-round, Jumpstart recruits and trains college students and community volunteers to work with preschool children in low-income communities, helping them to develop the language, literacy, and social skills they need to succeed in school and in life.

Since 1993, Jumpstart has engaged nearly 21,000 adults to serve almost 80,000 young children in communities across the Nation. Jumpstart's Read for the Record, presented in partnership with the Pearson Foundation, is an annual campaign, now in its fourth year, that brings national attention to the crisis in early education by organizing the world's largest shared reading experience.

The goals of the campaign are to raise national awareness about the importance of early education by engaging one million children reading the same book on the same day, provide books to children in low-income households through donations and book purchases and sponsorship, and raise money to help bring Jumpstart to more children to prepare them for school success. Jumpstart hopes to engage more than one million children to read ''The Very Hungry Caterpillar'' in this record-breaking celebration of reading, service, and fun, all in support of the Nation's preschoolers.

I join this body in supporting the designation of ''Read for the Record Day,'' and agree that October 8, 2009, is the date Jumpstart aims to set a new world record for the world's largest

shared reading experience, and, as such, is a perfect date for this designation.

I also join this body in commending Jumpstart's Read for the Record in its fourth year; and encouraging adults, including grandparents, parents, teachers, and college students to come together with children of all ages to create the world's largest shared reading experience to show their support for early literacy and Jumpstart's year-long program working with preschool children in low-income communities.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 741, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING DYKE MARSH WILDLIFE PRESERVE

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 701) to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 701

Whereas the Dyke Marsh Wildlife Preserve on the west bank of the Potomac River just south of Alexandria in Fairfax County is one of the largest remaining freshwater tidal marshes in the Greater Washington, DC, area;

Whereas Congress expressly designated the Dyke Marsh ecosystem for protection in 1959, fifty years ago, under Public Law 86–41 ''so that fish and wildlife development and their preservation as wetland wildlife habitat shall be paramount'';

Whereas the Honorable John D. Dingell of Michigan, the late Honorable John P. Saylor of Pennsylvania, and the late Honorable Henry S. Reuss of Wisconsin were instrumental in passing this legislation and in preventing proposed development along the Potomac River, thereby protecting the Dyke Marsh ecosystem from further dredging, filling, and other activities incompatible with a preserve;

Whereas Dyke Marsh is 5,000 to 7,000 years old and is a unique natural treasure in the national capital region, with more than 6,500 species of plants, insects, fish, birds, reptiles and amphibians contained within an approximately 485-acre parcel;

Whereas the Dyke Marsh Wildlife Preserve is a significant element in the historic character of the Mount Vernon Memorial Parkway;

Whereas freshwater tidal marshes are rare, and the Dyke Marsh Wildlife Preserve is one of the few climax, tidal, riverine, narrow-leafed cattail wetlands in the United States National Park Service system;

Whereas wetlands provide ecological services such as flood control, attenuation of tidal energy, water quality enhancement, wildlife habitat, nursery and spawning grounds, and recreational and aesthetic enjoyment;

Whereas the Dyke Marsh Wildlife Preserve serves as an outdoor laboratory for scientists, educators, students, naturalists, artists, photographers, and others, attracting people of all ages; and

Whereas the Friends of Dyke Marsh is a conservation advocacy group created in 1975 and dedicated to the preservation and restoration of this wetland habitat and its natural resources: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Dyke Marsh Wildlife Preserve of Fairfax County, Virginia, as a unique and precious ecosystem that serves as an invaluable natural resource both locally and nationally;

(2) recognizes and expresses appreciation for Representative John Dingell's, Representative John Saylor's, and Representative Henry Reuss's leadership in preserving this precious natural resource;

(3) celebrates the 50th anniversary of the Federal legislation designating the Dyke Marsh Wildlife Preserve as a protected wetland habitat;

(4) expresses the need to continue to conserve, protect and restore this fragile habitat, in which a diverse array of plants, animals and other natural resources is threatened by past dredging and filling, a gradual depletion in size, urban and suburban development, river traffic, stormwater runoff, poaching, and non-native invasive species; and

(5) commends the Friends of Dyke Marsh for its longstanding commitment to promoting conservation and environmental awareness and stewardship, so that the Dyke Marsh Wildlife Preserve may be enjoyed by generations for the next 50 years and into the future.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentlemen from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

Ms. BORDALLO. Madam Speaker, this year marks the 50th anniversary of the Dyke Marsh Wildlife Preserve, one of the largest remaining freshwater tidal marshes in the greater Washington, D.C. area. Established in 1959 under the leadership of Representatives DINGELL, Saylor, and Reuss, this preserve provides habitat for more than 6,500 species of plants and animals along the Potomac River.

Freshwater tidal marshes are rare ecosystems providing ecological services and serving as an outdoor laboratory for scientists, educators, students, artists, birdwatchers, and many others to enjoy this unique and valuable environment.

I commend Congressman JIM MORAN of Virginia for introducing this resolution, and I urge its passage.

With that, I reserve the balance of my time.

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

I rise in support of H.R. 701 that has been offered by my colleague from Virginia (Mr. MORAN). Fifty years ago, Congress designated Dyke Marsh, a section of the Potomac River shore in northern Virginia, as a wildlife preserve. It is appropriate that we take time today to recognize the 50th anniversary of that act because the marsh provides not only a great recreational setting for joggers, bike riders and birders, but also a place where people from a largely urban background can experience close up this example of the dynamic and resilient natural shoreline marshes provide.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to the sponsor of this resolution, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend and colleague very much.

Madam Speaker, this resolution recognizes Dyke Marsh. It has been around for 5,000 to 7,000 years. It is a unique freshwater tidal marsh. But it also recognizes someone who may not have been around for 5,000 years, but has been around for 50 years, and that is our very distinguished colleague, JOHN DINGELL, who introduced the resolution 50 years ago to preserve Dyke Marsh as a habitat for wildlife and fish and the ecosystem in the Washington metropolitan area.

I want to note that my colleague in the United States Senate, Senator JIM WEBB, last week introduced a companion piece, Senate Resolution 297, which also recognizes this significant milestone.

In 1959, this body passed legislation that designated Fairfax County's Dyke Marsh as a protected ecosystem for the purpose of promoting fish and wildlife development and preserving their natural habitat. Now, at the time, Dyke Marsh was being dredged for commercial purposes. They were going deeper and deeper to get gravel. They were ruining the ecosystem.

For those who live in the Washington metropolitan area or may be visiting the Washington metropolitan area, if you go down the George Washington Parkway toward Mount Vernon, right after the city of Alexandria, you will see Dyke Marsh. Belle Haven Marina is there.

Dyke Marsh is about 500 acres. It's preserved. It's a beautiful area. You can see bald eagles; you can see great blue herons. You can see snapping turtles; a whole lot of bullfrogs. There aren't a lot of places left in the Washington area where you can see this unless you go to the zoo.

But these creatures—the fish, the wildlife, and even the plants, some of which are rare, are in their natural habitat because of Chairman DINGELL's efforts. He got together with John Saylor from Pennsylvania—my friend

Mr. SHUSTER knows him, as did Mr. SHUSTER's father—and the late Chairman Henry Reuss of Wisconsin. The three of them got together and they got this legislation through that stopped the dredging of Dyke Marsh, and it has been preserved to this day. Whether we can expand it and even restore it more to its natural habitat, I don't know. But I know because of this legislation we're at least going to be able to preserve what we have.

As the gentlelady suggested, it has over 6,500 species of plants and animals, some of which are threatened or endangered. It enhances water quality, stems shoreline erosion, and creates an aesthetic and recreational escape for people of all ages.

I urge my colleagues to join me in recognizing the significance of Dyke Marsh, in reaffirming our commitment generally to protecting our Nation's ecosystems, and in honoring three giants of the Congress—JOHN DINGELL, John Saylor, and Henry Reuss—whose leadership and commitment to environmental stewardship were instrumental in the Dyke Marsh's preservation.

I also want to recognize Ann Toohey, who has done the research and staff support on this. I want to express appreciation to my colleague, Congressman GERRY CONNOLLY, whose district is just to the south of Dyke Marsh, but who was the Chair of the Fairfax County Board when Fairfax County made the especially important efforts to preserve Dyke Marsh.

Again, I urge passage of this bill.

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to salute my colleagues Congressman JOHN DINGELL and Congressman JIM MORAN for their support of a rare natural and national treasure in Northern Virginia, the Dyke Marsh Wildlife Preserve.

In 1959 Congress passed legislation to make this wetland ecosystem a National Park unit, which was introduced by Congressmen DINGELL, John Saylor and Henry Reuss. Congressman MORAN has introduced H. Res. 701, of which I am a proud cosponsor, to recognize their efforts and the 50th anniversary of Dyke Marsh.

The Dyke Marsh Wildlife Preserve, just south of Alexandria on the Virginia shoreline of the Potomac River, is a rare, 485-acre freshwater, tidal wetland in suburban northern Virginia, just north and east of my district. I was proud to represent this Wildlife Preserve during my tenure as Chairman of the Fairfax County Board of Supervisors. The marsh is 5,000 to 7,000 years old and is one of the most significant temperate, tidal, freshwater, riverine marshes in the National Park system. It is a remnant of the tidal wetlands that once lined the Potomac River.

Congress designated Dyke Marsh as a nature preserve "so that fish and wildlife development and their preservation as wetland wildlife habitat shall be paramount." Today it has 360 known species of plants, 6,000 arthropods, 38 fish, 16 reptiles, 14 amphibians and over 300 birds.

"Dyke Marsh Wildlife Preserve is a wonderfully complex ecosystem," says Georgetown Biology Professor Dr. Edd Barrows. "It may have as many as 18,000 species, from bacteria through bald eagles." Depending on the time and season, visitors can see bullfrogs, snapping turtles, great blue herons, black rat snakes, wood ducks, red-winged blackbirds and plants like pickerelweed, spatter-pond lily and wild rice. It is an important outdoor classroom for students of all ages and a laboratory for many area scientists.

Like all wetlands, Dyke Marsh provides ecological services including flood control, water quality enhancement, habitat, fish nursery, and shoreline stabilization.

I commend Congressman DINGELL for his vision, and Congressman MORAN for his commitment to preserving this ecological gem. I have been and will continue to be a proud supporter of the Dyke Marsh Wildlife Preserve.

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

Ms. BORDALLO. Madam Speaker, I, again, urge Members to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 701.

The question was taken.

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

Mr. MORAN of Virginia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

SUPPORTING NATIONAL ESTUARIES DAY

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 710) supporting the goals and ideals of "National Estuaries Day".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 710

Whereas the estuary regions of the United States comprise a significant share of the national economy, with 43 percent of the population, 40 percent of employment, and 49 percent of economic output located in such regions;

Whereas coasts and estuaries contribute more than $800,000,000,000 annually in trade and commerce to the Nation's economy;

Whereas more than 43 percent of all adults in the United States visit a sea coast or estuary at least once a year to participate in some form of recreation, generating $8,000,000,000 to $12,000,000,000 in revenue annually;

Whereas more than 28,000,000 jobs in the United States are supported through commercial and recreational fishing, boating, tourism, and other coastal industries that rely on healthy estuaries;

Whereas estuaries provide vital habitat for countless species of fish and wildlife, including many that are listed as threatened or endangered;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including water filtration, flood control, shoreline stabilization and erosion prevention, and protection of coastal communities during extreme weather events;

Whereas 55,000,000 acres of estuarine habitat have been destroyed over the last 100 years;

Whereas bays once filled with fish and oysters have become dead zones filled with excess nutrients, chemical wastes, and harmful algae;

Whereas sea level rise is accelerating the degradation of estuaries by submerging low-lying lands, eroding beaches, converting wetlands to open water, exacerbating coastal flooding, and increasing the salinity of estuaries and freshwater aquifers;

Whereas in the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), Congress found and declared that it is national policy to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone, including estuaries, for current and future generations;

Whereas estuary restoration efforts cost-effectively restore natural infrastructure in local communities, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits;

Whereas 62.3 percent of habitat restoration funds of the National Oceanic and Atmospheric Administration (NOAA) under the American Recovery and Reinvestment Act (Public Law 111–5) were awarded to projects in estuaries, and 90 percent of the total NOAA habitat restoration funding under such Act will benefit estuaries; and

Whereas September 26, 2009, has been designated "National Estuaries Day" to increase awareness among all citizens, including local, State, and Federal officials, about the importance of healthy estuaries and the need to protect them: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of "National Estuaries Day";

(2) acknowledges the importance of estuaries to the Nation's economic well-being and productivity;

(3) recognizes the persistent threats that undermine the health of the Nation's estuaries;

(4) applauds the work of national and community organizations and public partners to promote public awareness, protection, and restoration of estuaries; and

(5) reaffirms its support for estuaries, including the preservation, protection, and restoration thereof, and expresses its intent to continue working to protect and restore the estuaries of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

□ 1515

Ms. BORDALLO. Madam Speaker, National Estuaries Day was established in 1988 and is an annual celebration highlighting the need to protect our Nation's estuaries. Estuaries provide vital habitat for countless fish and wildlife species and contribute significantly to our economy through commerce and recreation. National Estuaries Day was celebrated on September 26 with numerous activities nationwide, from canoe trips in Washington to photography contests in Florida.

This annual public awareness campaign informs our citizens about their connection to these critical places and why these ecosystems need to be preserved, protected, and restored. I commend Congresswoman CASTOR from Florida for introducing this resolution, and I urge its passage.

With that, I reserve the balance of my time.

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

The gentlelady from Guam has sufficiently explained the resolution, supporting the goals of National Estuaries Day. As we all know, estuaries are an important component to many species of birds, fish, and mammals. They rely on the estuaries for food, spawning, and other lifecycle needs. Estuaries also provide many people with recreational opportunities, from birdwatching to fishing and many boating activities. Finally, estuaries provide us with critical flood control, protecting coastal communities during severe storms. I support the resolution and urge my colleagues to pass it.

Mrs. CAPPS. Madam Speaker, I rise today to express my support for H. Res. 710, a resolution supporting the goals and ideals of National Estuaries Day.

I want to thank my colleague KATHY CASTOR for introducing this resolution, which I have cosponsored. We both represent coastal districts that are home to amazing estuarine systems that are of great importance to our communities and constituents.

In my district, the Morro Bay National Estuary is an ecological treasure.

Lagoons and wetlands that were once common along the southern California coast are now nearly all filled and developed. But we are fortunate that the Morro Bay Estuary has largely survived. And we must continue to protect this natural resource.

The Estuary provides vital habitat for birds and fish. It is an important stop-over for over 150 species of migratory birds during their annual migration. And it is a critical winter home to several other bird species. The estuary also acts as a nursery for more than 75 percent of commercial fish species in the area.

Since the Morro Bay Estuary was incorporated into the National Program in 1995, the inspiring team of staff and volunteers has spearheaded numerous efforts to preserve and restore the estuary.

For example, partnering with local ranchers, the Estuary Program has installed riparian fencing along nearly 75,000 feet of creek to limit cattle access. This has protected water quality and improved riparian habitat on seven creeks.

The program has provided funding to the City of Morro Bay to remove derelict vessels before they pollute local waters and damage habitat.

They have also established the Estuary Nature Center and WaterFest, to educate the general public about the beauty of the estuary and its importance to water quality and conservation.

In addition, more than 75 dedicated volunteers collect and provide important water quality data for the Estuary Program each year. These data are critical to evaluating the health of the estuary and watershed, as well as compiling a plan to address problems.

Estuaries are among the richest habitats known on earth—providing immeasurable economic and ecological benefits. But they are threatened by pollution and other human activities. We must change our course and work harder to protect them.

I urge all of my colleagues to vote in support of H. Res. 710—to recognize National Estuaries Day and the community organizations that fight to preserve these invaluable resources.

Mr. SHUSTER. Having no further speakers, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, having no further speakers, again, I urge Members to support this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 710.

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

A motion to reconsider was laid on the table.

HONORING EFFORTS TO CREATE A FLIGHT 93 MEMORIAL

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 795) honoring the people of Shanksville, Pennsylvania, and the Flight 93 Ambassadors for their efforts in creating the Flight 93 temporary memorial and encouraging the completion of the National Park Service Flight 93 National Memorial by the 10th anniversary of September 11, 2001.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 795

Whereas, on September 11, 2001, the passengers and crew of United Flight 93 courageously gave their lives, thereby thwarting a planned attack on our Nation's Capital;

Whereas the Flight 93 crash site is a profound national symbol of American patriotism and spontaneous leadership of citizen heroes;

Whereas the people of Shanksville, Pennsylvania, came together as a community to protect the sacred ground and construct a temporary memorial where Flight 93 crashed on September 11th;

Whereas the Flight 93 Ambassadors, created by members of the Shanksville community after the tragic events of September 11th, have exhibited selfless dedication and leadership by preserving and recounting the heroic story of the brave intervention of the passengers and crew against the terrorists to the memorial's visitors; and

Whereas in large part due to the efforts of the community and Flight 93 Ambassadors, Congress authorized the creation of a permanent national memorial as part of the National Park System under Public Law 107–226, the Flight 93 National Memorial Act: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the Shanksville, Pennsylvania, community and Flight 93 Ambassadors for—

(A) their foresight, dedication, and leadership in protecting the Flight 93 temporary memorial, the preservation and sharing of the heroic story of the brave intervention of the passengers and crew against terrorists; and

(B) their efforts to establish a permanent national memorial to Flight 93; and

(2) encourages the Secretary of the Interior and the National Park Service to complete the Flight 93 National Memorial, as authorized by the Flight 93 National Memorial Act, by the 10th anniversary of the September 11th attacks.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

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

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

There was no objection.

Ms. BORDALLO. Madam Speaker, House Resolution 795, introduced last week by my colleague Representative BILL SHUSTER, honors the people of Shanksville, Pennsylvania. Eight years ago, the town of Shanksville entered the history books in a tragic way. But since that dreadful day, the community, working with the Flight 93 ambassadors, has protected the temporary Flight 93 Memorial and pressed to establish a permanent national memorial to that plane's heroic passengers.

House Resolution 795, Madam Speaker, recognizes those valiant efforts and encourages the Secretary of the Interior and the National Park Service to complete the Flight 93 National Memorial by the 10th anniversary of the September 11 attacks.

Madam Speaker, we support this resolution.

I reserve the balance of my time.

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

I thank the gentlelady from Guam for her support on resolution 795. On the morning of September 11, 2001, United Airlines Flight 93 was hijacked

by al Qaeda terrorists, but their evil plan was heroically derailed when the brave passengers and crew aboard that flight performed the first counterattack in the war on terror. They fought back. They sacrificed their lives so that others could live.

Madam Speaker, today we have a pretty good idea of what the terrorists intended to use Flight 93 for, an attack on Washington, D.C., and most likely the Capitol Building itself. The fact that the passengers and the crew ultimately crashed Flight 93 in Shanksville saved the lives of hundreds, if not thousands, of tourists, staff and Members of Congress who were in the building on that day. I was in the Capitol Complex that morning, and I know many of my colleagues serving today were here and are grateful for the passengers and crew of Flight 93.

The complete sacrifice made by those brave men and women who did an extraordinary thing in the face of an extraordinary circumstance deserves to be remembered and honored. Since that fateful day 8 years ago, the hallowed ground of the crash site has been visited by thousands of Americans from across the country to pay tribute to the memory of those extraordinary Americans.

Since the attacks, the people of Shanksville and Somerset County have come together to protect the crash site and welcome visitors to their community. Along with the Flight 93 ambassadors, tremendous progress has been made toward establishing a permanent memorial at the crash site, ensuring that their heroic story lives on and inspires current and future generations of Americans.

Eight years have passed since the 9/11 attacks, and we are encouraged by the progress that has been made towards completing the official national memorial to Flight 93. I am proud to sponsor this resolution which calls on the Secretary of the Interior to complete the congressionally authorized memorial in Shanksville by the 10th anniversary of 9/11.

While we will never be able to repay the heroes of that infamous day, it is our hope that with this memorial, their sacrifice will be permanently recorded, and the site of their passing will forever be guarded for all to pay tribute.

I appreciate the opportunity to offer this resolution, and again, I thank my colleagues for their support.

I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank my colleague from Guam.

I rise today in support of House Resolution 795. This legislation of the gentleman from Pennsylvania honors the people of Shanksville, Pennsylvania, and the Flight 93 ambassadors for creating a temporary memorial for the passengers of United Flight 93 and urges the National Park Service to complete a national memorial.

The men and women onboard Flight 93 prevented a fourth attack on September 11, 2001, against American citizens. Arming themselves with whatever they could find, they prevented the hijackers from mounting a potentially disastrous attack on a target in Washington, D.C. Without their sacrifice, it's very possible that many of us and the building in which we stand would not be here today. It's almost certain that many other innocent civilians would have died.

Of those brave souls onboard Flight 93, 18 of them were from New Jersey, including two from the 12th Congressional District, which I have the privilege to represent. One of those heroes was Todd Beamer, a respected businessman from Cranbury, New Jersey. He was a man of deep religious faith, a loving father, a caring and devoted husband to his wife, Lisa. And it was his famous phrase, ''Let's roll,'' that helped inspire our Nation to meet his high standard of shared sacrifice and to remind Americans in those dark days following September 11 that America would not just survive but America would prevail against hate and extremism.

Lisa and Todd Beamer's children David, Drew and Morgan Kay will grow up knowing their father's act of valor saved the lives of others. He will always be remembered as a hero, along with his fellow passengers.

Richard Guadagno was another amazing passenger on Flight 93. Raised in Trenton, Richard was the manager of the Humboldt Bay National Wildlife Refuge in California, a truly outstanding person. He was on his way back to Eureka, California, after visiting his family in New Jersey and attending his grandmother's 100th birthday party. He too made the ultimate sacrifice.

I have long supported and worked to get funding for a national monument honoring the passengers and crew of Flight 93. People will be able to find inspiration as they look at this memorial and reflect on the essence of America, that Americans are willing to sacrifice much to protect each other even in the face of mortal danger. It will remind us that this is not the last time America will need heroes, that the survival of American ideals depends on ordinary people stepping out of their roles to act in ways that are extraordinary and courageous.

I strongly support this resolution and urge the National Park Service to complete this memorial by the 10th anniversary of that terrible day.

Mr. SHUSTER. Having no further speakers, I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the gentlewoman for yielding the time and commend my colleagues from Pennsylvania and New Jersey for this very thoughtful resolution. I would also like to speak to the previous resolution that just passed the House, establishing National Estuaries Day in recognition of these other beautiful and valued places across our country.

Our Nation's estuaries are essential to our economy, jobs, our hobbies and our culture. Estuaries are the vital links between our coastal ecosystems. They are the unique places where rivers and oceans meet, and their irreplaceable wetlands provide unmatched recreational opportunities and millions of jobs in tourism, fishing and other coastal industries.

This is especially true in my hometown of Tampa, Florida, where Tampa Bay provides the lifeblood and character of my community. A significant share of the Tampa Bay area's economy is dependent on our healthy estuary, and the same is true all across the United States, as 28 million jobs are supported through commercial and recreational fishing, boating, tourism, and other coastal industries. Coastal economies and estuaries contribute more than $800 billion annually in trade and commerce in our great country.

September 26 marked National Estuaries Day, an interagency campaign led by NOAA. Since 1988, NOAA has promoted the importance of estuaries and the need to protect them. So this year was the first time that we introduced a resolution to recognize these important educational and recreational events all across the country. Events occurred in North Carolina, in Florida, in Louisiana, in California. These celebrations ranged from the planting of seed grasses, the protection of marine mammals and other species.

Estuary groups from across the country also met here in the Capitol with representatives from NOAA, the Fish and Wildlife Service and the Environmental Protection Agency.

Madam Speaker, Pat Conroy's new novel, ''South of Broad,'' contains elegant descriptions of estuaries that speak to everyone who values their beauty and riches. Conroy writes: ''A freshwater river let mankind drink and be refreshed, but a saltwater river let it return to first things, to moonstruck tides, the rush of spawning fish, the love of language felt in the rhythm of the wasp-waisted swells.''

He says: ''The tide is a poem that only time could create, and I watched its stream and brim and make its steady dash homeward to the ocean.'' It is difficult to capture the beauty and value of many of America's national treasures, so we ask the House today to set aside a day to raise awareness and educate others about estuaries, and getting people excited about the natural beauty to be found there.

I thank my colleagues for voting today in support of these goals and ideals.

Ms. BORDALLO. Madam Speaker, I commend the gentleman from Pennsylvania (Mr. SHUSTER) for this important

resolution, and I thank him for managing the resolutions this afternoon on the floor. Again, I urge my colleagues to support this very important resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in support of the H. Res. 795. The legacy of the events of September 11, 2001 still resonates today. We will never forget the harrowing experience of the loss of more than 3,000 lives that marked this national tragedy. We will never forget the events of that day, nor those who paid the ultimate price. We will forever remember how the country suffered profound sadness, the likes of which we as a nation hope to never experience again.

Madam Speaker, I recall vividly the intense emotions evoked as the attacks unfolded. The Nation watched in horror as two airliners crashed into the Twin Towers and brought down the World Trade Center. That horror intensified as we witnessed an attack on the Pentagon—and a crashed airplane in Pennsylvania. Horror turned to anger as it came to light that the attacks were the actions of hate-filled cowards who had no respect for human life. I remember too, that in the aftermath of these senseless attacks, we came together as a nation and with friends from around the world united in grief and sadness. That moment transformed our country and the world, as the resolve of our Nation strengthened and our principles hardened.

We remember the heroes from that day; those who ran into the danger, sacrificing themselves to save strangers. We remember the heroes from United Flight 93 who overpowered the terrorists and gave their own lives to prevent the deaths of countless others. We hope that their families can take some small measure of comfort knowing that Americans have made a permanent place for those heroes in our hearts.

As a Senior Member of the Foreign Affairs and Homeland Security Committees, I believe that we must continue to honor the fallen by working to prevent needless deaths. In the years since September 11, 2001, Congress has worked hard to make sure that such a tragedy will never happen again. In large part, we have taken heed of the advice of the 9/11 Commission and built a strong system to prevent future attacks.

Madam Speaker, I rise before this body to say that our work is not yet done. Our Nation's rail and mass transit lines continue to be vulnerable. Millions of Americans rely on our rail and mass transit for transportation. Terrorist attacks in Madrid in 2004 and London in 2006 indicate that transportation routes continue to be potential security threats. We must not let another tragedy occur.

Preventing terrorism at home begins with addressing terrorism abroad. We must engage nations that are susceptible to the influence of extremists and arm them with the tools to fight radicalism. That means not only providing weapons of war but also increasing education, improving living conditions, and increasing the capacity to govern. The struggle against terrorism will be won in the hearts and minds of people around the world.

Madam Speaker, I urge all members to join me in supporting H. Res. 722. Let us remember this day and the tragedy that befell the Nation by properly honoring the victims with our renewed commitment to America's security.

Ms. BORDALLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 795.

The question was taken.

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

Ms. BORDALLO. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 3 o'clock and 29 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1730

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SERRANO) at 5 o'clock and 30 minutes p.m.

MOTION TO INSTRUCT CONFEREES ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, by direction of the Committee on Armed Services, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

Mr. FORBES. I have a motion at the desk, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Forbes moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2647 be instructed to not recede to the Senate on division E of the Senate amendment (regarding the Matthew Shepard Hate Crimes Prevention Act).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Virginia (Mr. FORBES) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

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

Mr. Speaker, it is truly a sad day as we come before the House today to have to even bring this motion to instruct conferees. But essentially what the motion to instruct conferees does is to simply make sure, when we're dealing with something as important as the Defense authorization bill, that we're dealing with the Defense authorization bill—that we're not saddling it with the hate crimes legislation which, sadly, is what we are now doing.

Mr. Speaker, across America, people are becoming more and more disillusioned by the processes that they see taking place here in the House of Representatives and down the hall in the Senate. And this is a perfect example of what that process has come to be, when we take a hate crimes legislation that should stand on its own accord, that has nothing to do with the Defense authorization bill, but we marry them together and saddle them and bring them to the House floor with the take-it-or-leave-it approach.

Mr. Speaker, we need to watch what's happening from this administration and unfortunately from the leadership in both the House and the Senate to destroy any even pretense of transparency anymore in the country.

I watched this year as we saw a sea change where so many of the policies have now led us to a point where our budget is driving defense posture instead of defense posture driving the budget. For the first time in my lifetime that I know of, this administration came down and literally issued a gag order to individuals in the Pentagon where they couldn't even talk to Members of Congress to tell us where they were cutting programs, where they were spending money, and to give us the reports that we needed, or even testify. In fact, the Army had to even cancel a hearing that it had before the Armed Services Committee because of that gag order.

In addition to that, Mr. Speaker, we have a situation where the law requires the administration to tell us a plan. How are you going to build ships? That just makes sense. Americans should know: How are you going to build ships? What's the plan? The law requires that they do it and certify that the budget meets that plan. They just refuse to do it because the law doesn't apply to them.

And then they came down with an aviation—they were supposed to give us an aviation plan. The law mandates

it. It's in the statute. Again, they have to tell us what are you doing with planes; how many are you building; what's your plan—and certify that that aviation plan is going to be met by that budget. Mr. Speaker, they just refused.

When the House Armed Services Committee came together and every Member unanimously passed a congressional inquiry mandating that the administration give us that information before this conference report came to the House today, that it was supposed to be here on September 15—they just refused to do it. And they look at every soldier across the country and say, The law applies to you, but it must not apply to us.

And then, Mr. Speaker, we come down today to the situation we're in where we just made a motion to go to conference. And as we made the motion, they are literally writing the bill now in legislative services at this very time, and we haven't even had some hearings—the Readiness Subcommittee never even had a hearing.

Mr. Speaker, what this motion to instruct simply does is this: It says you may not give us all of the information the law requires, you may not hold hearings that we need to get the facts straight, but for goodness sake, at least make sure that we do a Defense authorization bill. And if we're going to do hate crimes legislation, let's do it separately. This gives us a clean vote up or down on that.

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

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

Mr. FORBES. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, once again we see shenanigans going on on the floor of the House. And the idea is that we're going to sneak stuff through, and we're going to use the good will and the support of the American public for our warfighters in order to pass some particular specialized agenda that has nothing to do with the warfighters at all.

This is not new this year. There was a big bill we passed—it was called cap-and-tax—3 o'clock in the morning. Three hundred pages of amendments passed. It came here to the floor for us to debate, and we are asking is there a copy of the bill on the floor? And the answer was no, there's not even a copy of the bill on the floor because of the fact we're going to do this in the dark of night with tricky little procedures.

And here we go with a bill that many of us have labored hard for. I have an important amendment on the bill, and yet what's going on? We're going to slip into this bill to fund—my own son, in fact, who's going to Afghanistan in 3 weeks—we're going to use the good will of the voters of America to slip into this thing a bill called hate crimes which has nothing to do whatsoever with what's being passed.

It is more of the same cloak and mirrors, dark of the night, slippery kind of stuff the American public is fed up with, and I am fed up with it. I have three sons that have graduated from the Naval Academy. I have two sons who are in the Marine Corps right now. This bill talks about funding them and funding the defense of our country, which I take very seriously.

But to put into this bill this hate crimes bill which has been, I think, kicked around the Judiciary Committee for years and to try to connect that with something that's unrelated is just procedurally wrong. It's something that is shameful. It should not happen on this floor. And in that regard, I refuse to vote for this bill in spite of the fact that the bill is good underneath.

Mr. SKELTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, it's important to note that the hate crimes legislation has passed as a stand-alone bill in the House three times over the last decade, and now it's attached to a Department of Defense authorization bill. And I am happy, Mr. Chairman, to see this bill, which is an important and long overdue step in our continuing efforts to secure for all Americans the full blessings of liberty under our Constitution.

On several occasions, as I said, this bill has passed the House and the Senate. This year, with the support of the President, I am hopeful that we will finally see the bill signed and enacted.

Mr. Speaker, the incidence of hate crimes is continuing at a high rate. I think we've seen the degeneration of the level of political discourse in this country as it has descended into threats of misconduct and violence. I just want to point out a historical fact here because the incidence of hate crimes certainly is continuing at a high rate.

The incidence of brutal violence against individuals based on hateful bias against certain identifiable groups has unfortunately a long and shameful history in this country. For example, nearly 4,000 African Americans were tortured and killed between 1880 and 1930. In our day, since 1991—and I must confess to you, my days go back a little longer than that—but I must tell you that since 1991, there have been more than 118,000 hate crimes documented by the FBI. It has been 7,624 just in 2007. And those are only documented cases.

What this bill does, ladies and gentlemen who are viewing and listening to this message, it enables the Justice Department to come to the aid of State and local law enforcement agencies in investigating and prosecuting this bias-based brutality, and it helps to defer their cost when these kinds of crimes overwhelm State and local resources. And when necessary—and if approved by the highest Senate-confirmed department officials—it authorizes the department to step in and prosecute at the Federal level.

The bill expands existing Federal hate crimes law beyond the narrow confines of protecting access to a limited set of specified protected activities, and it adds to the current list of group characteristics deservedly recognized for protection—due to their being well-known targets for bias-based violence—four new ones that also clearly belong on the list: sexual orientation, gender, gender identity, and disability.

These crimes of violence are directed not just against those who are directly attacked—they are targeting the entire group with the threat of violence. No group should have to live under that kind of threat as they seek to go about their everyday duties and lifestyle here in America. Everyone should be protected.

So the groups in the bill differ from one another. They differ from other groups that some have been trying to add on which do not share this same kind of history of being targeted for hate-based violence.

Our approach is consistent with the judgment made by the States that have State hate crimes laws. They've made the same judgment as we have made for Federal law that many groups should be protected elsewhere in the law, not in hate crimes law. An argument is often made that since that is a State offense, the Feds should not get involved with it. But I'll tell you, the sale of drugs, State law violation, also a Federal law violation.

□ 1745

Our Federal criminal code mirrors sometimes the State laws, and other times State laws mirror Federal law when it comes to certain activities that are against the law. And so this is no different. Our approach is consistent with the judgment made by the States that have hate crimes laws, and this bill is definitely consistent with the Constitution.

It applies only to bias-motivated violent crimes. It in no way impinges on constitutionally protected speech, writing or other expression, including expression of religious beliefs, but not limited to that. That would be true in any event. But we state it plainly in the bill.

This bill has widespread support, over 120 cosponsors, and more than 300 civil rights, education, religious and civic organizations, including the NAACP, the ACLU and the Leadership Conference of Civil Rights.

Virtually every major law enforcement organization in this country has endorsed the bill, including the International Association of Chiefs of Police, the National District Attorneys Association; and most district attorneys that I know of are certainly not flaming liberals. They believe in the rule of law and they believe in adherence to it. When there is a criminal law violation, they will prosecute to the

full extent of the law. So that is very important. The National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum and 31 State attorneys general endorse the bill. That is very impressive.

And it is supported by over 45 leading mainstream religious organizations, who dismiss claims that the bill would somehow interfere with religious speech ''unfounded fears.''

Enacting the Local Law Enforcement Hate Crimes Protection Act is a critical step towards keeping our communities safe from hate-based violence and ensuring that all Americans can enjoy the blessings of liberty without fear.

I urge my colleagues to support this important legislation.

Mr. FORBES. Mr. Speaker, the gentleman from Georgia talked about the rule of law. It is the rule of law that we are concerned with today, the rule of law that this administration refuses to obey with regard to sending us the documents and the information the statute requires so that we could make an intelligent decision about this conference report.

He talks about issues. Regardless of where you stand on this legislation, you could talk about transportation, space exploration, health care reform or immigration reform. But they have no place in the Defense authorization bill.

I just want to point out to the Speaker and to those listening to the debate, at 5:36 tonight we made the motion to go into conference. The report is already being written. It is a take-it-or-leave-it report. This is the only shot anyone will have at changing this report.

Mr. Speaker, I would like to yield 2 minutes to the distinguished ranking member from California, Congressman MCKEON.

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding. And my good friend from Georgia that just gave a strong message of his support for hate crimes, I respect, and I have a strong feeling against it. But the issue that we are here on the floor talking about should be the defense of our Nation, especially when we are at a time of war.

While the Senate was considering the National Defense Authorization Act, division E was attached to the bill as an amendment. The NDAA is an inappropriate vehicle for this controversial and unconstitutional legislation. Hate crimes proponents are using this important national security bill to get this legislation to the President's desk through the back door.

This has no place on the Defense bill. It's not germane to the work of the committee, couldn't be added on in the House, had to be done in the Senate, and needlessly introduces a partisan matter in an otherwise bipartisan bill. We need a clean conference report that does honor to the men and women in uniform.

There is one thing that we all agree on, and that is that violent crime is deplorable, regardless of its motivation. That is why all violent crimes must be vigorously prosecuted. However, a decision to prosecute should not be based on the status of the victim or the thought process of the perpetrator. Violence is violence and should be dealt with accordingly.

We've had several meetings of the so-called ''big four'' talking about working on the conference report on this committee. Chairman SKELTON and I were in agreement on this issue. We felt that it should not be added to the conference report. This bill passed in the House. It passed in the Senate. I don't know why they can't bring it to the floor as a freestanding bill and have it pass on its own. Why we need to attach it to a Defense bill is because the Defense bill needs to be passed, and people will vote for it.

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

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

Mr. MCKEON. I think it's a crime to add it to a bill that is so important that we pass every year for our troops, for those men and women in uniform, that we have to muddy up the issue by putting a hate crimes legislation attached onto this bill.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK) who is the distinguished chairman of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I agree: it makes no more logical sense to add a hate crimes bill to the Defense bill than it would to take a bill requiring people to be allowed to use their guns in the national parks to a credit card bill. But that's what the Senate did. The Senate added a bill dealing with the rights of gun owners in the national parks to the credit card bill with which there was no logical connection.

Now, I wish the Senate wouldn't do things like that. I wish a lot of things. But when we are confronted with the reality of the Senate, we have to act.

Now, it is conceivable that you would have people who are so devoted to the principle of having no illogical attachment that they would oppose it in every case. I must have been in the Cloakroom when Republicans rose to denounce the Senate for adding the bill allowing the use of guns in parks to the credit card bill. That was done. Not a single Republican, to my recollection, objected. Indeed, quite to the contrary, they all voted for it, which makes it very clear: the objection here is not to the Senate adding an unrelated bill, because the Republicans in this House have voted for that time and time and time again. It is an objection to protecting against hate crimes people who are gay, lesbian, bisexual or transgender.

Now, some say we shouldn't have these hate crimes laws. But their inconsistency is I don't remember them trying to repeal the hate crimes laws that are on the books. There is nothing new about hate crimes here. There is nothing new about its constitutionality. By the way, if you say violence should be violence, how about somebody having the intellectual integrity to get up and repeal that statute that says, if someone assaults someone standing next to me, it might be a misdemeanor, but if somebody assaults me, a Member of Congress, it's a Federal felony. We have a major distinction. We are protected by special laws, older people, people who are religious. Then they say, it's a matter of choice. The level of intelligence involved in thinking that being gay or lesbian is a matter of choice aside, religion is a matter of choice. People convert to religions. Does that mean we shouldn't protect people against hate crimes based on religion?

Finally, we are told this is being sneaked through. One of the earlier speakers, in a total flight from reality, said it is being sneaked through. It passed the House. It was debated. It went through the regular committee process, and it passed the House. Yes, from time to time, the United States Senate, which has no rules preventing it, adds unrelated bills. If there are Members who have consistently opposed that practice, they have the right to oppose it here and say that is the reason.

But Members who have voted for legislation which the Senate attached to unrelated legislation who claim now to be offended by that practice clearly have no logical or other basis on which to make that claim.

There are people who do not think we should add a very vulnerable category, particularly people who are transgender, to the hate crimes protection. They lost that fight when we had it in the House. I would have had it come up again, but it is clearly just another example of another time-tried practice.

Mr. FORBES. Mr. Speaker, I continue to scratch my head as I listen to the distinguished gentleman from Massachusetts who argues that just because the leadership of the House and the leadership of the Senate have followed the process time and again that the end justifies the means and that we ought to do it all the time.

But I would point out to the gentleman that this is not all the time. This is not a credit card bill. This is the national defense of the United States of America. It is our very freedoms. And we need to understand that just because some of us have had to vote on bills where we had no opportunity to debate them, where we didn't have time to read them and where we didn't have time to amend them doesn't make it right. And in this particular case, it doesn't make it right because the reality is only two individuals, the chairman of the Armed Services Committee and the chairman of

Senate Armed Services Committee, had to agree to put this in. They might be good men. They might have done it for good reasons. It was wrong. This is the only way to stop it.

I yield 3 minutes to the gentleman from Texas, the representative to the conference report, had we been able to have him meet earlier, Mr. GOHMERT.

Mr. GOHMERT. Mr. Speaker, I do appreciate my friend from Massachusetts comparing the national parks bill to our national defense bill. But I see a real distinction in holding our soldiers' well-being hostage to this sociological attack on what used to be the morals of America. And for those who say this is critical, and I heard my friend from Georgia talking about how these crimes have increased, actually, the crimes, according to the FBI, have decreased regarding hate. So there are no statistics that demand this bill be attached and that our soldiers be held hostage for this bill.

And then we have the name of the bill, the Matthew Shepard and James Byrd Hate Crimes Prevention Act. Those were horrible murders, and the people who perpetrated them deserve, in my opinion, to get the death penalty all. But this bill does not provide a death penalty. In fact, this bill will not change the outcome of those cases one iota.

In the Texas case, James Byrd, it would be fine with me if we passed a bill that said when you do what was done to James Byrd, then the victim's family gets to choose the vehicle and the rope or chains by which they are going to drag the defendant to his death. But this doesn't do that. In the Matthew Shepard case, the defendants now say it was a robbery gone bad. Regardless, they got life sentences, a couple of life sentences. This bill wouldn't have changed that whatsoever at all either.

Now, there are those who say it will not affect religious speech; but when we have debated this bill and people have looked at it carefully, you see that this situation can arise: a preacher preaching from the Bible, a rabbi preaching from the Tanach, or an imam teaching from the Koran says in his opinion homosexuality is wrong. Some nut hears him, goes out and commits an act of violence, and when arrested says, well, I was induced to do this by the preacher, the imam or the rabbi.

Well, under 18 U.S.C. 2(a), it says that anyone who induces another to commit a crime is just as guilty as the one who committed it. That's where the preacher, the imam, or the rabbi could be arrested.

And I appreciate in prior debate my friend from Massachusetts pointed to the folks in Philadelphia and said, well, they were arrested but the charges were dropped. Arresting and detaining has a chilling effect. There's no two ways around it.

□ 1800

Mr. SKELTON. I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. So little time, so many fallacies. The first fallacy is that we were not comparing the credit card bill to the defense bill; we were talking about a regular practice. It wasn't just the credit card bill. Regularly for years the Senate does this, and no Republican has ever risen to object to it. Their objection is not to the procedure, but to the substance. Nothing is being held hostage. The bill will pass or fail. If it failed because of this, it would come back without it.

Secondly, the gentleman's last point is simply nonsensical: one arrest that was inappropriate. There have been other inappropriate arrests. Hate crimes bills have been in effect, hate crimes laws, at the Federal and State level for years. There is zero example of that happening. There is an amendment offered by the gentleman from Kansas that makes it impossible.

When people use wholly irrelevant arguments against the bill, it means that they can't find a real argument that they want to use.

Finally, the gentleman from California, the ranking member said, don't have these hate crimes, violence is violence, or one of the Members said that. I guess then he is opposed to that amendment which prohibits a tax on U.S. servicemen on account of service because that is in here. There is in here a provision that protects servicemen who are attacked on account of service. If you are opposed in principle to that, then you ought to be opposed to that in general.

It is clear there is an animus against those of us who are gay or lesbian, against people who are transgender, on the part of many in the House, and they are reflecting a strong political sentiment in the country. They are entitled to it. I do not lament the loss of their friendship and affection; I can live without it. But it should not lead them to deny protection to vulnerable people, and we are talking here about crimes, not just murder, but about assault and destruction of property which are too often ignored.

So let's be very clear. There is no consistency to the argument about the procedure. There is no consistency to the argument about hate crimes. There is no validity whatsoever to the argument that some clergy would be arrested or prosecuted because none have been. This is simply a declaration of unhappiness that gay, lesbian, bisexual, and transgender people are getting some protection.

Mr. FORBES. Mr. Speaker, we can pound on the desk all day long. We can say stuff about consistency, but the reality is the American people understand what is going on. They understand that it doesn't make sense, no matter whether they like it or don't like it, to have a hate crimes legislation attached to the National Defense Authorization bill. They understand that it doesn't make sense to put bills on the floor when people don't have an opportunity to read them before they vote on them.

They understand it doesn't make sense to not give time to amend bills. And, Mr. Speaker, they understand that when you go into a motion to go into conference at 5:36 and you have already begun writing the report and this is the only way to keep this bill clean for the defense of the country, that it makes sense that this motion to instruct would pass.

I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 4 minutes to my friend, my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Missouri and let me particularly thank Chairman SKELTON for his open view as he fights for the men and women in the United States military. Your long years of history are appreciated, and I stand here to acknowledge that. Thank you for giving us this opportunity this afternoon.

I just want to say to my good friend from Virginia, to address the American people as we address our colleagues today, I count the American people as the smartest constituency that the world could know. They are compassionate. They are passionate. They are patriots. They love their country, and they understand a mother's love.

So let me explain to you procedurally so you would know that nothing has gone awry, has gone wrong, and no hostage-taking has taken place.

The hate crimes legislation, in particular named Matthew Shepard Hate Crimes Prevention Act, has been introduced and introduced and introduced in some form. Chairman CONYERS on the Judiciary Committee, of which I am a member, has introduced hate crimes legislation. I have introduced hate crimes legislation. We have seen hate crimes legislation pass 237–180, bipartisan.

But if you think of the armed services or the military authorization bill, just in your mind get a sense of the oath that our men and women of the United States military take as they affirm their allegiance to the United States. It is to protect every single citizen. Just this past weekend, I was privileged to be part of the send-off for the 72nd Combat Brigade in Texas, some 3,000 men and women as they take their oath, as they go off to be deployed, they are fighting for the freedom of this Nation.

The Matthew Shepard Hate Crimes legislation is about the freedom of every citizen. This was not an ordinary burglary. If you had the opportunity to meet Matthew Shepard's mother, as I have, as she pressed the case over and over again, this was a violent, heinous, hateful crime, the description of which was so painful for someone to be nailed on some open field fence to die with no

one there. That is a hate crime. And the Senate, who has reviewed and had the opportunity for hearings, as we had in the House, is doing nothing more than procedurally adding an already passed bill by both of these institutions that captures the characterization of what freedom in America is all about.

There have been 118,000 hate crimes since 1991, but the real key is most of the hate crimes go unreported. And they are all shapes and sizes. They are for race, they are for gender, and they are for sexual orientation. But every single one of these individuals is an American who is to be protected under the flag of the United States of America.

We do not ask citizens what their pedigree is. But if they are under this flag, they deserve our protection, and what better vehicle than this bill that has been reviewed and reviewed and reviewed and reviewed? The FBI knows that there have been hate crimes, and they are saddened by the fact that most of these hate crimes are not prevented and/or reported.

Just as we had attacks on churches some years ago because they were black churches, and we passed the Church Arson Prevention Act of 1996, it cured those church crimes because the Federal Government took its stand.

So I would say to my colleagues, understand the connection. What more is the United States military than the free and the brave protecting with courage any American that is within the boundaries of this Nation, giving them the sense that they can walk in dignity so mothers don't have to cry over brutalized bodies that are laid upon a fence because they are different.

I would ask my colleagues to oppose this conference motion and vote for the Matthew Shepard Hates Crimes Prevention Act so we can stand for freedom and bravery.

At one time lynchings were commonplace in our nation. Nearly 4,000 African-Americans were tortured and killed between 1880 and 1930. During this same period and thereafter, religious groups like Jews and the Mormons were also subject to attack because of their beliefs. As we all know too well, hate violence against minority groups—most recently focused on gay, transgender and Muslim communities—has a long and ignominious history that continues even today.

Bias crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. The FBI has the best national data on reported hate crime, though the program is voluntary. Since 1991, the FBI has documented over 118,000 hate crimes. For the year 2007, the most current data available, the FBI compiled reports from law enforcement agencies across the country identifying 7,624 bias-motivated criminal incidents that were directed against an individual because of their personal characteristics.

As in the past, racially-motivated bias accounted for more than half (50.8%) of all incidents. Religious bias accounted for 1,400 incidents (18.4%) and sexual orientation bias accounted for 1,265 incidents—(16.6%), followed by ethnicity/national origin bias with 1007 incidents—(13.2%). While these numbers are disturbing, it is important to note that, for a variety or reasons, hate crimes are seriously under-reported.

To protect the nation against this hate violence, I have introduced Hate Crimes legislation for many many years, with ever increasing support. This legislation will provide assistance to state and local law enforcement agencies and amend federal law to facilitate the investigation and prosecution of violent, bias-motivated crimes. Last Congress, this legislation was approved by this Committee and passed the House with bipartisan support by a vote of 237–180. Bipartisan majorities also voted in favor of hate crime legislation in the 109th, 108th and 106th Congresses.

The bill has attracted the support of over 300 civil rights, education, religious, and civic organizations (including the LCCR, HRC and ADL). Importantly, virtually every major law enforcement organization in the country has endorsed the bill—including the International Association of Chiefs of Police, the National District Attorneys Association, the National Sheriffs Association, the Police Executive Research Forum, and 31 state Attorneys General.

Despite the deep impact of hate violence on communities, current law limits federal jurisdiction over hate crimes to incidents directed against individuals on the basis of race, religion, color or national origin—but only when the victim is targeted because he/she is engaged in a federally protected activities, such as voting. Further, the statutes do not permit federal involvement in a range of cases where crimes are motivated by bias against the victim's perceived sexual orientation, gender, gender identity, or disability. The federal government must have authority to be involved in investigating and prosecuting these crimes when state authorities cannot or will not do so.

This legislation will strengthen existing federal law in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors combat church arson: by addressing the unduly rigid jurisdictional requirements under federal law. The bill only applies to bias-motivated violent crimes and does not impinge public speech, religious expression, or writing in any way. In fact, the measure includes an explicit First Amendment free speech protection for the accused modeled on the existing Washington state hate crimes statute.

State and local authorities currently prosecute the overwhelming majority of hate crimes and will continue to do so under this legislation. The federal government will continue to defer to state and local authorities in the vast majority of cases; the Attorney General or other high ranking Justice Department official must approve any prosecutions undertaken pursuant to this law, ensuring federal restraint.

However, in appropriate circumstances, the federal government will be able to provide support for local prosecutions—an intergovernmental grant program created by this legislation will make Justice Department technical, forensic or prosecutorial assistance available. The legislation also authorizes the Attorney General to make grants to state and local law enforcement agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

The Local Law Enforcement Hate Crimes Prevention Act of 2009 is a constructive and measured response to a problem that continues to plague our nation. Hate crime statistics do not speak for themselves. Behind each of the statistics is an individual or community targeted for violence for no other reason than race, religion, ethnicity, sexual orientation, gender, gender identity, or disability.

Law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into wide spread tension that can damage the social fabric of the wider community. This problem cuts across party lines, and I am glad to be joined by so many of my colleagues on both sides of the aisle in supporting this legislation today. These are crimes that shock and shame our national conscience and should be subject to comprehensive federal law enforcement assistance and prosecution.

Mr. FORBES. Mr. Speaker, the gentlelady from Texas makes a good point when she references the fact that Americans understand a mother's love, and they also understand a few other things. First of all, they understand fairness. They understand it is not fair when only two individuals get to make a choice that impacts all of America as opposed to having a bill voted on on its own merits.

They also understand when there is always this disconnect between the rhetoric over here—what's the problem—and the solution or the fix over here, and the huge disconnect between the two. And they also understand, Mr. Speaker, just something that so often it just seems that there is a dearth of here, and that is common sense. Because if the speakers keep coming up and saying how overwhelmingly this bill has support and would pass, why don't they bring it in a separate bill? Why do they have to go through this subterfuge of the process of putting it on a bill that clearly isn't germane?

I would like to just respond to the question that was raised: What better vehicle? This legislation has never been under the jurisdiction of the Armed Services Committee. It has always come under the jurisdiction of the Judiciary Committee, and the reason is because the proper vehicle is a vehicle that goes through the Judiciary Committee and is a separate bill.

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

Mr. SKELTON. Let me point out, Mr. Speaker, under the new title 18 of United States Code section 1389, one of the classifications is Prohibition on Attacks on U.S. Servicemen on Account of Service.

Let me also point out this legislation includes the Brownback amendment which fully protects religious speech under the First Amendment, which says that nothing in this bill will burden religious speech or expression, including sermons from the pulpit on Sundays.

I yield 4 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Thank you, Chairman SKELTON.

I rise today in opposition to the minority's motion to instruct. As my colleagues know, hate crimes are acts of violence, motivated by hate and prejudice in which the victim is selected and targeted based upon a characteristic, such as their race, their religion, sexual orientation, or gender identity. Hate crimes have the consequence of harming not only their victims, but also all who share the same characteristics as the victim. Whole communities are terrorized by hate crimes.

In 1968 in response to horrific hate-based violence in our country, cross burnings, lynchings, fire bombings and the like, Congress acted to protect people who were targeted for violence on the basis of their race, color, religion, and national origin by passing our Nation's original hate crimes laws.

In April of this year, the House passed the Local Law Enforcement Hate Crimes Act of 2009 by a strong and bipartisan margin, strengthening our response to this form of domestic terrorism by adding protections for people targeted for violence because of their gender, disability, gender identity, or sexual orientation. We sought to add these new categories to the hate crimes statutes because of a history and a pervasive pattern of heinous violent crimes committed against individuals because of these characteristics. Yet the Local Law Enforcement Hate Crimes Act of 2009 is not yet law, and this motion to instruct would prevent it from becoming law, despite the support of the majority of the House and the majority in the other body and President Obama.

Mr. Speaker, I want to share with you a few reasons why I believe this legislation must urgently be signed into law. I am thinking today of Angie Zapata, an 18-year-old transgender woman who was brutally murdered in Greeley, Colorado, last summer. Angie's killer beat her to death. Thankfully, Angie's killer was brought to justice under a State hate crimes law, but we know with staggering frequency, those who commit similar acts of violence and murder based on hate are not.

I think of Lawrence King, a 15-year-old in Oxnard, California. Larry had suffered harassment from his peers and then was killed by a 14-year-old classmate because of his sexual orientation and gender identity.

And I think today of Matthew Shepard who was brutally attacked by his homophobic assailants and left to die on a fence in Wyoming 10 years ago. Matthew's death generated international outrage by exposing the violent nature of hate crimes and the horrific effect upon targeted communities. And I think of the thousands of other victims of brutal hate crimes. The Department of Justice reported that over 1,500 Americans were victims of hate crimes based on sexual orientation in the year 2007.

Americans across the country, young and old alike, must hear Congress clearly affirm that hate-based violence targeting gays and lesbians and transgender individuals, women, and people with disabilities will not be tolerated.

Mr. Speaker, the arguments have been made, the evidence has been proffered, and, sadly, lives have been lost that more than justify this legislation becoming law. I strongly urge my colleagues to vote against this motion to instruct.

The SPEAKER pro tempore. The Chair will note the gentleman from Missouri has 8½ minutes remaining. The gentleman from Virginia has 14 minutes remaining.

Mr. FORBES. Mr. Speaker, I just want to respond to what the distinguished gentleman from Missouri said a moment ago, who is my dear friend and I hope will be my dear friend after today as well. He mentioned that this bill has a protection for individuals who were addressing their religious beliefs, and he mentioned that the Brownback amendment had been part of this, as I understood his referencing. In point of fact, the Brownback amendment nor the Leahy addition to the Brownback amendment contained what this report language says, which is this, Mr. Speaker. It says that they will be protected unless the government demonstrates that application of the burden to the person is in furtherance of a compelling government interest.

Mr. Speaker, I don't think most people across the country are going to trust that language to their religious protections, and I will just give you an example. The Constitution, which has no such limitations, also protects our right to freedom of religion, and yet 2 weeks ago we saw the government haul into Federal court for criminalization a principal who had worked in a school system 30 years and an athletic director for 40 years because of their great sin that they had a compelling government interest against, that they dared to ask a 15-second blessing over a meal.

□ 1815

And for that they went through an all-day hearing with the threat of 6 months in jail, a $5,000 fine, and losing retirement benefits for 30 to 40 years. So I would just suggest, Mr. Speaker, this language is not nearly as protective as the Brownback amendment or the additional modifications in the Senate. And again, the only shot we have to change it will be right here, because the report's being written, and when it comes back it's going to be a take-it-or-leave-it basis. I hope that we will offer this instruction to the conferees.

I reserve the balance of my time.

Mr. SKELTON. I yield 4 minutes to my friend, my colleague, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Mr. Speaker, I rise in opposition to this motion to instruct conferees. For too long we have debated whether this Nation should take a stand against the scourge of hate crimes, crimes of violence in which the victim has been singled out because of who he or she is. It is remarkable that at this late date this should remain a controversial idea. The idea that someone could be singled out for a crime of violence because of his or her actual or perceived race or religion or color or gender or sexual orientation or gender identity or disability is simply disgusting. These crimes are real and they're all too frequent. That is a fact. It is not, as some would have you believe, a hoax.

Here are the most recent statistics from the FBI. In 2007 there were 7,621 violent hate crimes, 51 percent because of racial bias, 18 percent because of religious bias, 17 percent sexual orientation bias, 13 percent because of ethnicity or national origin bias, and 1 percent because of a bias against a disability. Those are real Americans being victimized because of who they are and not for anything they did. And when you victimize someone for who they are you are terrorizing an entire community. It sends a clear and unmistakable message that members of that group are not safe in your community. It extends well beyond the individual victim.

This House has already spoken clearly. On April 29 of this year, a bipartisan majority voted by a margin of 248–175 to pass this legislation. I do not believe that Members of this House will now turn their backs on that historic vote. If you believe it was right to vote for this legislation, then you know you have the chance to make it law and to make history. The Hate Crimes Prevention Act will in no way undercut the other purposes of this Defense bill. In fact, by protecting all Americans from the scourge of violent hate crime, we will be making everyone more secure.

A new section added by the Senate prescribes severe penalties for anyone assaulting a member of our military or destroying their property because of that person's being a member of the Armed Forces. I happen to think that's an important addition. I hope there won't be a single Member of this House who will fail to support that provision against hate crimes against the military. I certainly think it belongs in this bill. I also want to be sure everyone understand that this bill contains express safeguards against prosecutions based on someone's speech or religious beliefs. This legislation applies only to acts of violence.

And despite the statement a moment ago, the fact that somebody ignorantly arrested someone against the law and that the charges were subsequently dismissed says nothing about the validity of the law. Every crime requires that the government prove some element of intent, and we punish crimes differently based on the criminal's intent. Shooting someone as a crime of passion is not treated the same way as shooting someone in a murder-for-hire

scheme, and it is certainly not the same as an accidental shooting. The law makes these distinctions, as it should. This does not make murder for hire a thought crime. Society simply judges such crimes more harshly, and it is right that we do so. It is the same with hate crimes. These are particularly disgusting crimes and they deserve to be treated differently than other assaults or murders. I realize that not everyone believes this, but there is a growing social consensus on this point, both in the States and at the national level.

For many years this Congress sat on its hands and refused to pass anti-lynching laws. Many of the same arguments we heard then against anti-lynching laws we are hearing now against this provision. It was a disgrace then. It is a disgrace now. It was a disgrace that we did not act then. It would be a disgrace if we do not act now. It would be a disgrace if we pass this motion to instruct conferees. I urge rejection of this motion.

Mr. FORBES. Mr. Speaker, the distinguished gentleman from New York is very conversant on this topic, as well he should be, because he sits on the Judiciary Committee, where this legislation normally comes, and I think that's where it properly should be. However, I would suggest two things. First of all, that the very rule of law that will be needed to enforce these provisions becomes meaningless when you look at the administration's refusal to comply with the law to even give the information needed to vote on this conference report, as they did by refusing to give the shipbuilding plan and the certification of the aviation plan and the certification.

And then to make the statement that the fact that someone improperly charges someone says nothing about the law misses the whole chilling effect that that has. When you have that possibility out there, many individuals are then very concerned about exercising their rights because they're concerned even if it's improperly, that the government will come in and do something that they're going to have to spend thousands and thousands of dollars and have that hanging over their head just to prove what they should never have had to prove.

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

Mr. SKELTON. I have no more speakers, but I reserve the balance of my time.

Mr. FORBES. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I have sat here and listened to this debate, and I've heard all kinds of reasons why the hate crimes bill is so wonderful. But the more they make the argument, the more confusing the question becomes. If this bill is so wonderful, why don't we bring it to the floor and just vote on it and pass it? Why, instead, are we going to stick this bill together with a bill for funding our national defense? The two don't belong together. They're not in the same committee. They have nothing to do with each other. What they have in common though is the fact that, instead of taking a straight-up vote, what we're going to do is we're going to hold everybody who depends on national defense, the people such as myself, who has a son going to Afghanistan in 3 weeks, they're going to hold us hostage.

We're going say, look, if you want to fund the national defense of the United States of America, you're also going to have to vote for this hate crimes bill. And one thing that my good friend from Virginia has made clear, and that is the public is starting to see through the shenanigans that go on in this place. And this is an extremely frustrating situation. It wasn't so many weeks ago that at 3 o'clock in the morning we passed a 300-page amendment to a bill that we were discussing the next day, and there wasn't even a copy of that bill in this Chamber, the cap-and-tax bill.

And here we are, again, with a bill which is on national defense. It's actually a fairly decent bill on national defense, and we're going to stick on this something that has nothing to do with it. I could speak on hate crimes, but the point of the matter is if everybody's who's saying hate crimes is such an important piece of legislation, let's bring it up on its own bases. Let's see if it will stand on its own base.

No, instead what we're going to do is we're going to sneak it through, and we're going to put it in so that anybody who wants to vote for national defense now is stuck having to support hate crimes. This is not the way this House should be run. The American public doesn't like to care about procedure, but they're getting fed up with this.

Mr. SKELTON. How much time do I have remaining, please?

The SPEAKER pro tempore. The gentleman has 5 minutes remaining, and the gentleman from Virginia has 8½ minutes remaining.

Mr. SKELTON. Mr. Speaker, let me first thank the gentleman from California (Mr. MCKEON) for his efforts in the Defense authorization bill this year. It's important that I do so because he's been a great partner. He's been jumping in with both feet as ranking member from the day he began serving as ranking member. At a time when the Department of Defense is fighting two wars and simultaneously promoting and serving America's strategic interests around the world, I'm proud to say that our Congress is nearing completion on a strong and effective Defense authorization bill.

The bill that this House approved overwhelmingly on June 25, like its Senate counterpart, reflects the Congress' deep commitment in supporting American servicemembers and providing the necessary resources to keep our Americans safe. Both bills provide our military personnel with a 3.4 percent pay raise, an increase of .5 percent above the President's request. The House bill also includes a number of initiatives to support military families this year, which, of course, is the Year of the Military Family. We fully fund the President's overall budget request, and worked hard to provide robust funding for military training, equipment, maintenance and facilities upkeep.

The House bill continues the commitment to oversight of the wars in Afghanistan and Iraq, which has been a hallmark of our committee, as well as personal pride on my behalf. The bill also works to equip and modernize our military forces and extend our acquisition reform efforts which we passed a substantial bill here earlier this year.

With that, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding. It is certainly important to look at the procedure, Mr. Speaker, by which any piece of legislation comes to the floor. But I think it's more important to look at the substance. And hopefully later this week, this body will have an opportunity to work its will on a piece of legislation that strengthens our country, that increases what we pay our troops, that improves the respect that we show to their families, that protects our country against threats, both present and in the future. Now, the purpose of what's on the floor right now is to make a procedural point about whether or not legislation that deals to protect Americans against hate crimes should or should not be included. I believe that should be. And I think those who would argue that there's something irregular or unfair about that procedure are respectfully incorrect in two respects.

The first is that before such a provision would be included in the final conference report before this House, the House will have to work its will on a rule. And if a majority of the Members believe that that rule is fair, then we will proceed. If a majority of Members believe the rule is not fair, we will not and have a different procedural setting. So there will be that opportunity for every Member of this House to take his or her position. Secondly, the hate crimes legislation has been thoroughly vetted in this Congress in hearings before the committees of jurisdiction, in markups in those committees and voting sessions in those committees, and on this floor repeatedly. There's nothing new, undebated, untested or unusual in the substantive legislation that will be before us.

So I believe that the right thing to do is to proceed with the plan that would include this legislation. But frankly, the majority of this House will get the chance to work its will as to whether we do that or not. I, for one, will be voting to proceed on that basis. Those who disagree will have a chance

to have their day on this floor, and the majority will work its will.

Mr. FORBES. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, we had one friend across the aisle cite the 2007 statistics. The trouble is you go back 10 years, 20 years and you see that the crimes being conducted, taking place based on any type of hatred, are diminishing, so that is not a valid argument. There are no limitations on the definitions. There should have been. In committees, we tried to get them so pedophiles would be included. But we had another friend say, this is only about acts of violence. And as my friend here from Virginia pointed out, there is an ''unless'' there. And that's where the law principles, 18 U.S.C. 18(a), comes into play. If you induce someone to commit a crime, that's the government interest; it will be used, and that's why you heard a national anchorperson say about the Matthew Shepherd crimes, Gee, I wonder if people like James Dobson induced that crime. This is not where we need to go in defense of this country.

□ 1830

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

Mr. FORBES. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 7½ minutes remaining.

Mr. FORBES. Mr. Speaker, we heard the distinguished gentleman from New Jersey essentially say this: It's more important to look at the substance of the bill than to worry about the rules. And how many of us have been tempted to ask that same question throughout our lives—isn't it more important that I look at the end than I consider the means?

But, Mr. Speaker, I plead with us, be careful when you go there, because those rules are designed to protect the majority and to protect the minority. And when we start saying, The rules don't matter; the process doesn't matter; it's just the end game, we get to where we're moving to in this country.

I want to come back to what the distinguished gentleman, the ranking member of the Armed Services Committee from California, said. I didn't hear my good friend, the chairman of the committee, correct him—so I must assume it's correct—when he said that both of them agreed that this legislation should not be in the conference report.

If in fact that is true, Mr. Speaker, and I have no reason to doubt it, then why is it in here? We have to ask, Why place it in here?

Mr. Speaker, I come back because here's what we're going to hear. There's going to be people that come in here and they're going to recount over and over again all the great things that are in this bill and why can't we just do one thing that shouldn't be in the bill and one thing that's wrong.

Well, Mr. Speaker, I want to come back and I want to tell you a story about an individual that I knew 20, 30 years ago. He was a big, strapping guy. He was a football player. And I remember talking to him years before when I was in college. He had never told me the story.

One day he came up and he said that he had watched as he came into his house when he was a young boy over and over again and his father would come in and his father would end up slapping his mother in the face and sometimes hitting her. And he would sit there in awe at that process, watching it happen. And every time, as the father looked to the children, he'd then back off and he would say, Wait a minute. I'm sorry. That was a bad thing to do. But remember all the good things I've done. Remember, I went to work today and I earned money and I brought it in here and I put it on the table so that you could eat. I paid for your Christmas presents. I'm saving money for your college tuition. Remember the good things and overlook that bad thing.

And day after day and month after month he watched that, until all of sudden he became a senior in high school and he had picked up a lot of stature. One day, his father walked into the house and slapped his mother. And he stood up and the man turned around to him and said, Remember; remember all the good things that I've done. And he started recounting them.

And that young senior reached over and picked up his father and said, There aren't enough good things in the world to justify what you've done to my mother. And, Mr. Speaker, he looked at the door and he opened it and he said, You go out that door and don't ever come back again. And that's what his father ended up doing.

Mr. Speaker, I would say today, all across America, Americans are standing up and they're looking at us and they're tired of us walking in here and saying, Forget the bad things we're doing. Forget what we're doing to America. Remember the good things. Look at this; look at this; look at this.

And one day, I don't know when it's going to come, but they're going to stand up with the stature and look us in the eye and they're going to say, There aren't enough good things in the world to justify what you're doing to America and to my country. There's the door. You go out and don't come back.

Mr. Speaker, I only pray that that comes sooner rather than later so that we have a country that they remember.

This is wrong. I hope that we will pass this motion to instruct.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–287) on the resolution (H. Res. 799) providing for consideration of the conference report to accompany the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 2647 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to authorize closure of conference meetings will be followed by 5-minute votes on the motion to instruct conferees and suspending the rules with regard to House Resolution 707.

The vote was taken by electronic device, and there were—yeas 405, nays 7, not voting 20, as follows:

[Roll No. 753]

YEAS—405

Abercrombie	Austria	Bean
Ackerman	Baca	Becerra
Aderholt	Bachmann	Berkley
Adler (NJ)	Bachus	Berman
Akin	Baird	Berry
Alexander	Baldwin	Biggert
Altmire	Barrow	Bilbray
Andrews	Bartlett	Bilirakis
Arcuri	Barton (TX)	Bishop (GA)

Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
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
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
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
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
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)

NAYS—7

Blumenauer
DeFazio
Johnson (IL)
Kucinich
McDermott
Paul
Stark

NOT VOTING—20

Barrett (SC)
Brown, Corrine
Capuano
Carney
Costa
Crenshaw
Diaz-Balart, L.
Diaz-Balart, M.
Gerlach
Hinojosa
Johnson, Sam
Maloney
Meek (FL)
Moran (VA)
Neugebauer
Olson
Rohrabacher
Ros-Lehtinen
Shimkus
Visclosky

□ 1903

Messrs. PAUL and McDERMOTT changed their vote from ''yea'' to ''nay.''

Mr. FRANK of Massachusetts changed his vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2647 offered by the gentleman from Virginia (Mr. FORBES) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 178, nays 234, not voting 20, as follows:

[Roll No. 754]

YEAS—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Donnelly (IN)
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Nunes
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Butterfield
Cao
Capps
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (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
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum

McDermott
McGovern
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—20

Barrett (SC)
Brown, Corrine
Capuano
Carney
Crenshaw
Diaz-Balart, L.
Diaz-Balart, M.
Gerlach
Hinojosa
Johnson, Sam
King (IA)
Maloney
Meek (FL)
Moran (VA)
Neugebauer
Olson
Rohrabacher
Ros-Lehtinen
Shimkus
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1911

Ms. WATERS changed her vote from ''yea'' to ''nay.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Conferees on H.R. 2647 will be appointed at a later time.

SUPPORTING NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 707, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 707, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 755]

YEAS—412

Abercrombie
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
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
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
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
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
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
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—20

Barrett (SC)
Brown, Corrine
Capuano
Carney
Crenshaw
Diaz-Balart, L.
Diaz-Balart, M.
Gerlach
Hinojosa
Johnson, Sam
Maloney
Meek (FL)
Moran (VA)
Neugebauer
Olson
Radanovich
Rohrabacher
Ros-Lehtinen
Shimkus
Visclosky

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. HALVORSON) (during the vote). Two minutes are remaining.

□ 1918

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''Resolution expressing support for designation of the week of October 18, 2009, as National Adult Education and Family Literacy Week.''.

A motion to reconsider was laid on the table.

PROVIDING FOR THE ACCEPTANCE OF A STATUE OF HELEN KELLER, PRESENTED BY THE PEOPLE OF ALABAMA

Mrs. DAVIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 42 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 42

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at

the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the ''double dungeon of darkness and silence'' by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became ''America's Goodwill Ambassador to the World'';

Whereas Helen pioneered the concept of ''talking books'' for the blind;

Whereas LIFE Magazine hailed Helen as ''one of the 100 most important Americans of the 20th Century—a national treasure''; and

Whereas Helen's presence in the Capitol will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

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

SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING PRIVATE FIRST CLASS BRANDON A. OWENS

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

Mr. COHEN. Mr. Speaker, on Friday, the United States of America and my hometown of Memphis lost one of its finest citizens, a brave soldier fighting in Operation Enduring Freedom in Afghanistan.

Private First Class Brandon A. Owens was 21 years of age when he died of injuries sustained from small-arms fire. His unit, the 118th Military Police Company, 503rd Military Police Battalion, from Fort Bragg, North Carolina, was stationed in Wardak province when it was attacked by enemy forces.

Prior to joining the Army, Private First Class Owens attended Wooddale High School in Memphis, where he played on the basketball team. He was a very well-liked gentleman, small in stature but big in heart.

Private First Class Owens is survived by his parents Eric and Lynda Owens of Memphis.

Let us take a moment to remember the sacrifice he made for the stability of Afghanistan and the protection of its people.

Mr. Speaker, I thank you for the time, and I thank the Owens family for their son. He paid the ultimate sacrifice, and I will join with his family in mourning this weekend.

WHITE HOUSE CONFERENCE ON AUTISM IS NEEDED

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

Mr. BURTON of Indiana. Mr. Speaker, we have had an epidemic of autism for a long time in this country. It used to be 1 in 10,000 was autistic; then it went to 1 in 150; and in the Journal of Pediatrics this week, they said now more than 1 in 100 children are autistic. Something has to be done about that.

I believe one of the root causes is the mercury that's in the vaccinations that we're giving, the preservative called Thimerosal.

But even if you don't agree with me on that, we really need to get to the bottom of why so many children are suffering from this epidemic of autism. So we have a bill, H.R. 3703, which calls on the President to have a White House conference on autism to try to get to the bottom of this as quickly as possible.

These children are going to grow up; they are going to live long lives; they're going to be a real problem for themselves, their families, and the country. We've got to come to the realization that we have to find a cure for autism and to stop it. We need to do this now. We need this White House conference, and I urge my colleagues to join me in sponsoring this bill, H.R. 3703.

[Oct. 5, 2009]

STUDY: MORE CASES OF AUTISM IN U.S. KIDS THAN PREVIOUSLY REALIZED: 1 IN 100

(CNN).—A study published Monday in the journal Pediatrics indicates about 1 percent of children ages 3 to 17 have autism or a related disorder, an increase over previous estimates.

''This is a significant issue that needs immediate attention,'' Dr. Ileana Arias, deputy director of the Centers for Disease Control and Prevention said Friday. ''A concerted effort and substantial national response is warranted.''

The study used data from the federal government's 2007 national survey of children's health. The survey of parents was conducted by the Health Resources and Services Administration, and by the Centers for Disease Control and Prevention.

The results are based on a national telephone survey of more than 78,000 parents of children ages 3 to 17. iReport.com: How has autism affected your family?

In the study, parents were asked whether a health care provider had ever told them their child had an autism spectrum disorder. ASD is a group of brain disorders comprising autism and two less severe disorders: Asperger's disorder and pervasive developmental disorder not otherwise specified.

Children with the disorder show impairment in social interaction and in their ability to communicate. They often display repetitive behavior.

The investigators also asked a follow-up question: Were the children considered to have ASD now? Nearly 40 percent of the parents and guardians said no.

That finding led the authors to question whether some of the children originally diagnosed as having ASD may have been improperly diagnosed, since the disorders are not considered curable.

But Kogan said the two surveys cannot be compared because the earlier investigators did not ask the follow-up question about whether the children were still considered to have the disorder.

Still, based on the findings, lead author Dr. Michael D. Kogan of HRSA's maternal and child health bureau estimated the prevalence of ASD among U.S. children ages 3 to 17 at 110 per 10,000—slightly more than 1 percent.

Boys were four times as likely as girls to have ASD, and non-Hispanic black and multiracial children were less likely than non-Hispanic white children.

He estimated that 673,000 children have ASD in the United States.

Monday's findings of nearly 1 in 100 appear to indicate an increase from the average of 1 in 150 that was reported in 2003, the researchers said.

The researchers urged caution in interpreting the change, noting that an increase in diagnoses does not necessarily mean that more children have the disorder. It could simply reflect a heightened awareness of the disorder.

''We don't know whether the change in the number over time is a result of the change in the actual condition, in the actual number of conditions or in part due to the fact that the condition is being recognized differently,'' Arias said.

She said that preliminary results from a separate, CDC-funded study she is working on also indicate that about 1 percent of children in the United States are affected by ASD. That study is to be published later this year, she said.

''This is a behavioral diagnosis, and it's difficult to make, and it's difficult to make at young ages,'' said Dr. Peter van Dyck, HRSA's associate administrator for maternal and child health.

Half of the cases were considered mild by their parents, the study reported.

The results underscore the importance of creating policies that will result in early identification and intervention, the officials said.

The reports raise ''a lot of questions about how we are preparing in terms of housing, employment, social support—all the issues that many of these people are going to need,'' said Dr. Tom Insel, director of the National Institute of Mental Health.

''It also raises questions about how well we're prepared in the educational system to provide for the special needs of many of these kids.''

Insel said the federal government is beefing up the resources it is mobilizing to

address autism and related disorders, with $85 million being appropriated by the National Institutes of Health and $48 million for next year by the HRSA.

WPA PROGRAM

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

Mr. KUCINICH. The recent economic report indicates that unemployment is approaching 10 percent. That means that close to 15 million Americans officially are out of work, but tens of millions more are underemployed. We have a Nation that is yearning for a major jobs program. We have to go beyond the weak stimulus that spent a hundred billion—seems like a lot of money—but $100 billion for capital improvements, when the fact of the matter is we have close to $3 trillion in infrastructure needs.

If we can match the unemployment in the country with infrastructure needs, we can go back to what FDR did in the 1930s, which is to create a new WPA that puts millions of Americans back to work, restoring our economy and giving people a chance to restore their own lives.

It's time for a new WPA program. Let's put America back to work. Let's address this unemployment crisis directly.

THE PROBLEM WITH WHITE HOUSE CZARS

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

Mr. INGLIS. Mr. Speaker, in my district, many people are telling me about their concern about the excessive use by the administration of special staff or czars. Over 30 czars are now serving in the Obama administration.

The problem we have with that is they haven't been confirmed by the Senate, and that is a real problem. If you exercise authority over American citizens, we need the constitutional protection of making sure that they've been vetted by the Senate and given approval by the Senate to serve in those capacities when they are exercising authority over the American people.

That's why, Mr. Speaker, I urge my colleagues to join me in cosponsoring the excellent bill by our distinguished colleague from Georgia (Mr. KINGSTON), the Czar Accountability Reform Act of 2009. It would cut off funding for these special assistants unless they have the consent of the Senate to serve, the approval of the Senate, the confirmation of the Senate to serve. That's what the Constitution requires, Mr. Speaker. That's what we need to require.

THINK PINK KIDS

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

Mr. PAULSEN. Mr. Speaker, I rise today to call attention to two young and enterprising constituents from my district.

Two years ago, friends Max Woodrich and Doug Ellingson, decided to start a lawn mowing business, and their venture was unique in that they decided to use part of their profits to benefit breast cancer research.

Today, these 15-year-olds have had their idea turned into one of the most inspiring, philanthropic organizations in Minnesota's recent history. Think Pink Kids is now dedicated to providing education and awareness about breast cancer, constantly working to earn, raise, and donate money for research. They also have the goal of forming Think Pink Clubs in every school and civic organization in Minnesota.

One out of eight women will be diagnosed with breast cancer at some point in their lives, but thanks to the commitment of people like Doug and Max—and organizations like Think Pink Kids—the fight will continue until we ultimately defeat this terrible disease.

ST. MARY MERCY HOSPITAL

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

Mr. MCCOTTER. Mr. Speaker, I rise today to pay tribute to St. Mary Mercy Hospital in Livonia as they celebrate 50 years of serving the residents of southeastern Michigan.

The hospital opened its doors in 1959 with 170 beds, 99 physicians, and 300 employees. Today, the hospital includes the innovative ''Our Lady of Hope Cancer Center,'' as well as a heart and vascular center, and an in-patient rehabilitation unit. An essential part of our community, St. Mary Mercy Livonia continues to provide superior comprehensive health care.

Indeed in 2007, St. Mary Mercy Livonia received the Health Grades Clinical Excellence Award for the third straight year. Last year, the hospital was named a ''100 Top Hospital'' by Thomson Healthcare thanks to St. Mary Mercy Livonia's doctors, nurses, and staff who devotedly work to help and heal patients and their families.

Mr. Speaker, St. Mary Mercy has served our community for over 50 years. I ask that we congratulate them on their devoted service in serving as a sanctuary for the sick and suffering of our community.

CZAR ACCOUNTABILITY ACT

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

Mr. KINGSTON: Mr. Speaker, article II, section 2, clause 2 of the United States Constitution says that the President must seek advice and consent from the U.S. Senate when appointing his principal officers. That's why it's so alarming that this President has appointed 36 czars, most without the consent of the U.S. Senate.

It let people like Van Jones—an admitted Communist who came up through a Marxist organization called STORM in Oakland, California—and puts him as a principal adviser of the President of the United States without the Senate having any say-so.

I've introduced the Czar Accountability Act. So far, this doesn't seem to bother one Democrat in the House of Representatives that the President seems to be sidestepping the Constitution. Maybe what should bother them is the fact that not one czar has come before the Appropriations Committee to justify and ask for his or her budget, yet these people make $150,000, $170,000 a year. Where is the Democrat Party? Does party come before constitutional duty?

You know, the Founding Fathers moved for balance of government and equal division, and that's what they had in mind.

□ 1930

APPOINTMENT OF CONFEREES ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. SKELTON, SPRATT, ORTIZ, TAYLOR, ABERCROMBIE, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, Messrs. MCINTYRE, BRADY of Pennsylvania, ANDREWS, Mrs. DAVIS of California, Messrs. LANGEVIN, LARSEN of Washington, COOPER, MARSHALL, Ms. BORDALLO, Messrs. MCKEON, BARTLETT, THORNBERRY, JONES, AKIN, FORBES, MILLER of Florida, WILSON of South Carolina, LOBIONDO, BISHOP of Utah, TURNER and WITTMAN.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. REYES, SCHIFF and HOEKSTRA.

From the Committee on Education and Labor, for consideration of secs. 243, 551–553, 585, 2833 and 2834 of the House bill and secs. 531–534 and 3136 of the Senate amendment, and modifications committed to conference: Ms. WOOLSEY, Mr. ALTMIRE and Mrs. BIGGERT.

From the Committee on Energy and Commerce, for consideration of secs. 247, 315 and 601 of the House bill and secs. 311, 601, 2835 and 3118 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, MARKEY of Massachusetts and BARTON of Texas.

From the Committee on Foreign Affairs, for consideration of secs. 812, 907, 912, 1011, 1013, 1046, 1201, 1211, 1213–1215, 1226, 1230A, 1231, 1236, 1239, 1240, Title XIII, secs. 1513, 1516, 1517, and 2903 of the House bill and secs. 1021, 1023, 1201–1203, 1205–1208, 1211–1214, Subtitle D of Title XII, Title XIII and sec. 1517 of the Senate amendment, and modifications committed to conference: Messrs. BERMAN, ACKERMAN and Ms. ROS-LEHTINEN.

From the Committee on Homeland Security, for consideration of sec. 1101 of the House bill, and modifications committed to conference: Mr. THOMPSON of Mississippi, Ms. TITUS and Mr. BILIRAKIS.

From the Committee on House Administration, for consideration of Subtitle H of Title V of the Senate amendment, and modifications committed to conference: Messrs. CAPUANO, GONZALEZ and DANIEL E. LUNGREN of California.

From the Committee on the Judiciary, for consideration of secs. 583, 584, 1021 and 1604 of the House bill and secs. 821, 911, 1031, 1033, 1056, 1086 and Division E of the Senate amendment, and modifications committed to conference: Mr. NADLER of New York, Ms. ZOE LOFGREN of California and Mr. GOHMERT.

From the Committee on Natural Resources, for consideration of secs. 1091 and 2308 of the Senate amendment, and modifications committed to conference: Messrs. RAHALL, FALEOMAVAEGA and HASTINGS of Washington.

From the Committee on Oversight and Government Reform, for consideration of secs. 321, 322, 326–329, 335, 537, 666, 814, 815, 834, 1101–1107, 1110–1113 and Title II of Division D of the House bill and secs. 323, 323A–323C, 814, 822, 824, 901, 911, 1056, 1086, 1101–1105 and 1162 of the Senate amendment, and modifications committed to conference: Messrs. TOWNS, LYNCH and FORTENBERRY.

From the Committee on Science and Technology, for consideration of secs. 248, 819, 836, and 911 of the House bill and secs. 801, 814, 833, 834, 912 and Division F of the Senate amendment, and modifications committed to conference: Messrs. GORDON of Tennessee, WU and SMITH of Nebraska.

From the Committee on Small Business, for consideration of sec. 830 of the House bill and secs. 833, 834, 838, 1090 and Division F of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ and Messrs. NYE and GRAVES.

From the Committee on Transportation and Infrastructure, for consideration of secs. 315, 601 and 2811 of the House bill and secs. 311, 601, 933, 2835, 3301, 6002, 6007, 6008, 6012 and 6013 of the Senate amendment, and modifications committed to conference: Mr. CUMMINGS, Ms. RICHARDSON and Mr. MICA.

From the Committee on Veterans' Affairs, for consideration of secs. 525, 583, 584 and sec. 121 of Division D of the House bill and secs. 573–575, 617, 711, Subtitle E of Title X, secs. 1084 and 1085 of the Senate amendment, and modifications committed to conference: Messrs. RODRIGUEZ, DONNELLY of Indiana and BUYER.

There was no objection.

NO FEDERAL FUNDS FOR CORPORATIONS CONVICTED OF FELONIES

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

Ms. MCCOLLUM. Madam Speaker, last week I introduced legislation to cut off Federal dollars to corporations that are convicted of felonies. Presently, corporate crooks are allowed to continue to receive taxpayer dollars, and that's wrong.

I urge my colleagues, Republicans and Democrats, to cosponsor H.R. 3679, the ACORN Act—the Against Corporations Organizing to Rip-off the Nation Act of 2009, and end waste, fraud, and abuse of billions of taxpayers' dollars.

Last month, Congress took action to defund nonprofits serving America, but it failed to act against the corporate crooks that are actually guilty of felonies—including defrauding taxpayers.

Why are companies that break the law as a business strategy allowed to receive taxpayer funds? A government contract is a privilege, not a right, and if a company commits a felony against the people of the United States, then that privilege must end.

It is time that Congress get serious and end taxpayer funding of corporate cheats, crooks, and criminals.

I urge support for H.R. 3679.

[From The Nation, Oct. 5, 2009]

AN ACORN AMENDMENT FOR PFIZER

(By Jeremy Scahill)

In the wake of the Congressional witch hunt against the community organization ACORN, initiated by Republican minority leader John Boehner and supported by all but seventy-five Democrats in the House and ten in the Senate (Independent Bernie Sanders also voted no), a small number of Democratic lawmakers are pushing back. Last week, in response to the Defund ACORN Act, which seeks to prohibit federal funds to the community group, Minnesota Democrat Betty McCollum, a member of the House Appropriations Committee, introduced an ACORN act of her own. It is titled the ''Against Corporations Organizing to Rip-off the Nation Act of 2009,'' also referred to simply as the ACORN Act. HR 3679 seeks 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 certain corporations or companies guilty of certain felony convictions.''

While some lawmakers are focused on exposing the hypocrisy of targeting ACORN and allowing the fraud- and abuse-plagued war industry to go untouched, McCollum's legislation takes aim at massive healthcare corporations. ''It's time Congress get serious about taxpayer funding of corporate cheats, crooks and criminals,'' says McCollum. ''Last month Congress took action to defund a nonprofit serving poor Americans but failed to act against the corporate crooks that are actually guilty of felonies—including defrauding taxpayers. Why are companies that break the law as a business strategy allowed to receive taxpayer funds? A government contract is a privilege, not a right. If a company commits a felony against the people of the United States, then that privilege must end.'' Significantly, McCollum's co-sponsors on the legislation include Wisconsin Democrat David Obey, chair of the House Appropriations Committee. Obey was one of those 172 House Democrats who joined Republicans in voting to defund ACORN on September 17. McCollum, who voted against the Defund ACORN legislation, says that her own legislation is ''modeled after'' that one but ''respects the Constitution by requiring a corporation to be guilty of a felony before federal funds are cut off.''

McCollum's bill cites the 2008 Corporate Fraud Task Force Report to the President, which found that in fiscal year 2007, ''United States Attorneys' offices opened 878 new criminal health care fraud investigations involving 1,548 potential defendants. Federal prosecutors had 1,612 health care fraud criminal investigations pending, involving 2,603 potential defendants, and filed criminal charges in 434 cases involving 786 defendants. A total of 560 defendants were convicted for health care fraud-related crimes during the year.''

McCollum's bill singles out Pharmacia & Upjohn Company Inc., a subsidiary of Pfizer. Last month Pfizer agreed to pay a $2.3 billion settlement, which the Justice Department calls ''the largest healthcare fraud settlement in the history of the Department of Justice.'' The settlement stemmed from Pfizer's ''illegal promotion of certain pharmaceutical products,'' where the company marketed dosages that had not been approved by the FDA. The company will also plead guilty to a felony violation of the Food, Drug and Cosmetic Act for misbranding the anti-inflammatory drug Bextra ''with the intent to defraud or mislead.'' Prosecutors allege that the company marketed ''off label'' uses of the drug, despite FDA bans. As the New York Times reported, ''Pfizer instructed its sales representatives to tell doctors that the drug could be used to treat acute and surgical pain and at doses well above those approved, even though the drug's dangers—which included kidney, skin and heart risks—increased with the dose, the government charged. The drug was withdrawn in 2005 because of its risks to the heart and skin.'' Pharmacia & Upjohn will also pay a criminal fine of $1.195 billion, ''the largest criminal fine ever imposed in the United States for any matter,'' according to the DoJ. Federal prosecutors also stated:

Pfizer has agreed to pay $1 billion to resolve allegations under the civil False Claims Act that the company illegally promoted four drugs—Bextra; Geodon, an antipsychotic drug; Zyvox, an antibiotic; and Lyrica, an anti-epileptic drug—and caused false claims to be submitted to government health care programs for uses that were not medically accepted indications and therefore not covered by those programs. The civil settlement also resolves allegations that Pfizer paid kickbacks to health care providers to induce them to prescribe these, as well as other, drugs. The federal share of the civil settlement is $668,514,830 and the state Medicaid share of the civil settlement is $331,485,170. This is the largest civil fraud settlement in history against a pharmaceutical company.

On September 2, 2009, federal prosecutors, White House officials and military criminal investigators praised the settlement. ''Pfizer violated the law over an extensive time period,'' said Mike Loucks, acting U.S. Attorney for the District of Massachusetts. He

added the fine against the company ''demonstrates that such blatant and continued disregard of the law will not be tolerated.''

Health and Human Services Secretary Kathleen Sebelius called it a ''historic settlement'' and said the government is looking ''for new ways to prevent fraud before it happens. Healthcare is too important to let a single dollar go to waste.''

Assistant Attorney General Tony West said, ''Illegal conduct and fraud by pharmaceutical companies puts the public health at risk, corrupts medical decisions by healthcare providers and costs the government billions of dollars,'' adding that the plea agreements ''represent yet another example of what penalties will be faced when a pharmaceutical company puts profits ahead of patient welfare.''

Patrick McFarland, inspector general of the Office of Personnel Management, said the settlement ''reminds the pharmaceutical industry that it must observe those standards and reflects the commitment of federal law enforcement organizations to pursue improper and illegal conduct that places healthcare consumers at risk.''

The head of the Defense Criminal Investigative Service said that Pfizer's actions ''significantly impacted the integrity of TRICARE, the Department of Defense's healthcare system,'' saying ''This illegal activity increases patients' costs, threatens their safety and negatively affects the delivery of healthcare services to the over 9 million military members, retirees and their families who rely on this system.''

Yet, despite all of these tough statements—and many more by top officials—Pfizer and its vast network of subsidiaries continue to win massive government contracts. Last year Pfizer made more than $40 billion in profits, and in 2007 it had more than $73 million in federal contracts.

Loucks points out that ''at the very same time Pfizer was in our office negotiating and resolving the allegations of criminal conduct by its then newly acquired subsidiary, Warner-Lambert, Pfizer was itself in its other operations violating those very same laws.'' In other words, the criminal conduct continues even as the company settles cases. ''The CEO and Board of Directors should have been indicted,'' wrote former New York City Mayor Ed Koch. ''That is truly the only way to stop the practices which produce so much wealth for the company, its stockholders, officers and directors.''

The glaring question here is, Why is the ''corporate felon'' Pfizer still on the federal dole? ACORN, which received a total of $53 million in federal funds over fifteen years, much of it going toward low-income housing initiatives, was singled out for a ban on funding over the actions of a handful of employees that were promptly fired. The fact is, Congress went after ACORN with a legislative nuke but, for years, has greeted Pfizer with welcoming arms and open wallets.

McCollum's legislation states that no federal contract, grant or ''any other form'' of agreement ''may be awarded to or entered into with the corporation or company for a 5-year period beginning 30 days after the date of the criminal conviction involved'' and states that ''no Federal funds in any other form may be provided to the corporation or company for such 5-year period.'' The legislation also goes after criminal corporations' ability to inject cash into the campaign coffers of politicians, prohibiting ''corporate felons'' from ''contributing to a candidate for federal office, to a political party, or to a federal political action committee for five years.''

In 2008 Pfizer gave $980,048 in campaign contributions to Democrats, representing 52 percent of its total campaign contributions. It was the first year since 1990 that Pfizer gave more to Democrats than Republicans. The biggest recipients of Pfizer campaign dollars last year were Democratic Congressman Allen Boyd, who serves on the Appropriations Committee, and Democratic Senator Chris Dodd, a senior member of the Health, Education, Labor and Pensions Committee. In the 2010 cycle, the company has given 60 percent of its campaign cash to Democrats. Barack Obama blew out John McCain in contributions from the pharmaceutical industry, taking in some $2.1 million compared to the $668,000 contributed to McCain's campaign.

McCollum's legislation would limit the amount of lobbying expenditures by ''corporate felons'' to $1 million a calendar year. In 2009 Pfizer has already spent $11,720,000 on lobbying.

ACORN does not have high-powered lobbyists, and its 400,000 member families do not give major campaign contributions. If they did, the Defund Acorn bill would never have passed Congress. The question for those Democrats who voted to go after this community organization on dubious allegations is a simple one: will you apply that standard to actual corporate felons with real-life rap sheets whose actions have actually harmed ordinary Americans and ripped off taxpayers?

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.

OLDER DRIVER AND PEDESTRIAN SAFETY AND ROADWAY ENHANCEMENT ACT OF 2009

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

Mr. ALTMIRE. Mr. Speaker, I rise today in support of legislation that I have introduced that will help reduce the number of deaths and injuries occurring on our Nation's roadways.

H.R. 3355, the Older Driver and Pedestrian Safety and Roadway Enhancement Act of 2009, authorizes $500 million annually to be distributed to States from the existing highway trust fund to make our roads safer for older Americans. These funds can be used to make roadway improvements as described in the Federal Highway Administration's Older Driver Handbook.

While older drivers have years of experience behind the wheel, they often require more time than younger drivers to react to changes on the road and are sometimes restricted in movement and cannot always meet the physical demands of turning to look at a blind spot or making sharp turns. According to the American Traffic Safety Services Association and the National Association of County Engineers' ''Low Cost Local Road Safety Solutions'' publication, simple changes to signs and markings have a proven track record of being both affordable and extremely effective at reducing roadway deaths and injuries.

Some examples of these vital road safety improvements that would be funded by this legislation are signs with more legible font, retro-reflective sheeting and retro-reflective pavement markings, left turn lanes at intersections and improved sign placement to ensure that drivers have adequate time to make informed decisions on the road.

Last year, more than 37,000 men, women and children perished on America's roadways. This bill will be an effective step forward in reducing this sobering statistic. According to the AARP's Public Policy Institute, as of 2003, 80 percent of persons age 65 and older were licensed drivers, and 90 percent of all trips by older Americans are by automobile, whether as a driver or passenger. This is especially true in suburban and rural areas where mass transportation systems are limited or nonexistent. By 2020, one in five licensed drivers will be 65 years or older. By 2025, this number is expected to be one in four.

With Congress continuing to debate the next transportation authorization, it is important that we do not lose sight of the older citizens in our communities. By improving the safety of our roads and highways and making their daily travel as safe as possible, we increase road safety for all Americans.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this legislation that will improve road safety in every one of their districts. Please join me in raising awareness for road safety and the wellbeing of older and younger drivers alike by supporting H.R. 3355.

AMERICA FUNDING OFFSHORE DRILLING IN BRAZIL

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, just one short year ago, the ban was lifted for drilling for oil on the Outer Continental Shelf. We call that the OCS. And that was a good thing. We should be one year closer to all those high-paying jobs. We should be one year closer to that shot in the arm for the American economy. We should be one year closer to American energy independence. But we're not.

Not by a long shot, because, you see, Mr. Speaker, the government still stonewalls offshore drilling. And that's unfortunate for America. Between the OCS and oil shale resources, America could replace all of the oil Saudi Arabia sends us for the next 20 years. And that's a lot of oil.

During that time, we could explore and develop other alternative energies to power our economy in the future. Also, by providing for our own energy with natural gas, solar, oil and nuclear, all of those issues are national security issues, so we won't depend on foreign countries for our energy in the future.

Drilling off of our shore means jobs for Americans right now, real jobs, high-paying jobs, the kind of jobs that support whole families and pay to get kids into college. And it's not jobs on just oil platforms in the gulf. Think about all the other support industries, transportation, food, equipment, parts, insurers, construction and so. These real, high-dollar jobs would give a boost to our economy. These jobs are vital to America's families and to our economy, and it would keep American money in America. There's a real solution right in front of us for job and energy development.

But the government continues to move in the opposite direction. The cap-and-trade national energy tax, now called the climate change bill, will destroy the U.S. energy industry. Millions of jobs that go along with it will also be lost.

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It is a national tax on energy consumption. Plus, it won't really help the climate. Instead of taxing energy, we should find more energy and encourage American energy development.

But we cannot drill off of our shores because I guess it will upset the blood pressure of the environmental elites. So, no new drilling.

However, Mr. Speaker, I do have breaking news. The administration does support offshore drilling. According to the Wall Street Journal, the government is loaning over $2 billion in taxpayer money to a Brazilian company called Petrobras. Now, where did the United States, first of all, get that $2 billion to loan to a foreign company? I thought we were broke. How come taxpayer money is going to a Brazilian oil company anyway? Why isn't that money staying here in America?

This Brazilian oil company is drilling off the shore of, not the United States, but Brazil. And are we getting that oil? Well, no, because China has a contract to purchase the hundreds of millions of barrels of oil those Brazilian oil fields will produce with taxpayer money. Isn't that lovely?

Let me explain it this way. Here is a chart. Right here this represents the United States. Of course we have these signs, no offshore drilling off the United States coast. We can't do that. But we are sending $2 billion of American money down to a Brazilian oil company so they can, of course, drill off their shores. And is that money or oil coming back to us? I don't think so. That bag of money is going to China.

Now, this seems a bit strange to me. Why are American taxpayers footing the bill in Brazil without getting the oil or getting the money? Why aren't we expanding our own offshore drilling instead of sending American money to Brazil? Does anybody have the answer to that question? It seems like we should drill off our own coast, keep American money in America and take care of our own energy needs. We have millions of jobs just sitting there waiting to be created off our shores. Drilling on the Outer Continental Shelf and extracting oil shale would provide the much-needed boost to the American economy. And we should stop funding oil-producing countries that support terrorism and the Middle East.

So what are we waiting for? If we would have started a year ago when the ban was lifted, our economy would be better than it is today. We would have had more jobs, jobs, jobs. It is way past the time for us to get started taking care of America. Don't drill in Brazil with American money. Don't take care of China. Drill American and take care of America.

And that's just the way it is.

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

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

WHERE ARE THE JOBS?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, I come from the great State of Michigan where we currently have the highest unemployment in the Nation and where our citizens have suffered more than most in this economic downturn. And every week when I come to Washington, I am constantly amazed that this Congress isn't laser focused on creating jobs, because the question being asked by the American people is: Where are the jobs?

When President Obama said he wanted an economic stimulus bill principally focused on tax cuts and infrastructure investment, I was all for it. But the bill that was passed by the Democrat majority in Congress really was unrecognized from what was originally proposed. That bill focused much more on expanding the size of government than expanding jobs in the private sector. Americans were told that if this huge expansion of government were passed, that 2 to 3 million new jobs would be created and unemployment would not reach 8 percent. And what are the results actually?

Well, since that time, our economy has shed nearly 3 million jobs and the unemployment rate has now reached nearly 10 percent. In my home State of Michigan, it is in the 15 percentile.

Nine months after the passage of the failed stimulus plan, Americans are still asking: Where are the jobs?

After passing a jobs bill that did not create jobs, House Democrats passed a cap-and-trade national energy tax. This national energy tax will destroy millions of jobs in this struggling economy. Manufacturing, which is so important in my home State of Michigan, would be especially hard hit when millions more good-paying jobs are shipped overseas to nations that are not going to put this jobs-killing tax on their manufacturing companies.

Struggling American families will also be very hard hit. The Obama administration's own estimates project that this legislation would cost our economy $200 billion every year, which means an increase of $1,700 for every American household. That means hard-pressed Americans are going to pay more for energy while at the same time having their jobs put at risk.

I would ask this, Mr. Speaker, as the American people continue to do: Where are the jobs?

Congress is now considering a health care reform bill that would amount to a government takeover and would be funded with job-killing tax increases and cuts to Medicare impacting the coverage of millions of American seniors. That bill, H.R. 3200, places an 8 percent tax on payroll for every business in this Nation that does not offer health care coverage to their workers.

Well, I have talked to countless employers, and they tell you that their costs run much higher than 8 percent, so they would end the private coverage that they currently give to their employees and dump them all out on the public plan.

Republicans have been accused of being the party of no because we have stood against this job-killing agenda, but we have offered alternatives, better alternatives, and it is actually the Democrats in Congress who have said no to these ideas. Let me cite a few specific examples.

We have offered an alternative to the stimulus plan that, according to the formula created by President Obama's own economic team, would create twice the jobs at half the cost. We have offered an all-of-the-above national energy plan as an alternative to the Democrats' national energy tax. Our plan would encourage the development of clean alternative energy while allowing the development of domestic supplies, which would bring energy costs down instead of driving them up. And it would create jobs here in America, and it would make America more energy independent.

We have offered commonsense approaches to health care reforms that would provide greater competition, increase access to care, and reduce costs. We feel that individuals should be able to purchase health care across State lines, and small businesses should be able to group together to open up more options and reduce costs to protect private health care. And we believe we need to enact real medical liability reform to end junk lawsuits that drive up

costs by forcing doctors to practice defensive medicine.

I raise these points because I truly believe we have to have bipartisan consensus to address the challenges that are facing our Nation.

Mr. Speaker, the American people are way ahead of the politicians here in Washington. They understand the need for jobs. They understand that bigger government will not increase jobs but will put millions more jobs at risk.

Mr. Speaker, it is long past the time we start listening to commonsense Americans who continue to ask: Where are the jobs?

CELEBRATING CHICAGO

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

Mr. QUIGLEY. Mr. Speaker, George Will once said, ''Chicago Cub fans are 90 percent scar tissue.''

So as we stand here 4 days after the city of Chicago, and all of the United States, were disappointed by the IOC's decision, I can assure you that there is no city better equipped to handle a little disappointment.

And despite the tremendous efforts of President and Mrs. Obama, Mayor Daley, Pat Ryan, and thousands of volunteers, that is exactly what we felt in my hometown last week: disappointment.

But the city of Chicago has already shaken it off and is waiting with open arms for the world to visit. Because as I have said before, Chicago was a world-class city before the Olympic decision and will be a world-class city tomorrow.

My hometown is often referred to as ''The Second City,'' but most people don't realize that the nickname has nothing to do with our relationship to other cities. The name refers to a city which was rebuilt in the years following the Great Chicago Fire, a city where we pull ourselves up by our bootstraps, dust off our shoulders, and get back to work.

So with congratulations to Rio, I would like to offer a list of the top 10 reasons the world should stop by for a slice of deep dish in Chicago, the greatest city in the world.

Number ten: The architecture. One of Chicago's great residents, Daniel Burnham, was known for saying: ''Make no little plans; they have no magic to stir men's blood.'' From the Louis Sullivan buildings downtown to Mies van der Rohe's collection at IIT to the neighborhood bungalows to the Sears Tower that scrapes the sky, Chicago's architecture is distinct and historic.

The schools. I am a proud graduate of Roosevelt University, the University of Chicago, and Loyola University, and had the honor of teaching young Chicagoans as well. Chicago is a place that inspires great ideas, but the Windy City is also a destination for the world's greatest minds. Close to 90 Nobel laureates have passed through the halls of the University of Chicago and Northwestern University.

Green space. My district is home to one of the country's largest urban parks, Lincoln Park, which is also home to the oldest public zoo in the country, still free admission. Want to play 16-inch softball? We have 552 parks to choose from. No glove needed. And the forest preserve system is home to 68,000 acres of open space.

The lake. Chicago has one of the most beautiful shorelines in the world, 26 miles of lakefront with 15 miles of beaches. It is a front row seat to one of the largest freshwater sources in the world, and a reminder of our responsibility to conserve it.

The museums. The Art Institute of Chicago, just one of our museums, displays some of the most famous pieces of previous centuries and trains artists to produce the finest works of this century.

The arts. Chicago's music is played all around the world wherever people love the blues, gospel, jazz, or rock. And we are home to the preeminent Chicago Symphony Orchestra and the Lyric Opera. Most of the great comedians on Saturday Night Live and 30 Rock came through Chicago, home of The Second City troupe.

I guarantee you, Mr. Speaker, that no one in Copenhagen has ever had a proper hot dog or slice of pizza unless they have spent a little time in Chicago. From breakfast at Ann Sather's to chicken dinner at MacArthur's, to a midnight snack at the Wiener's Circle and all the pierogies, tacos, and steaks in between, it is the finest eating on Earth.

Sports. All of our teams are among the oldest in their leagues, and all of them played right in the city. They have all won championships. Some more recently than others, but everyone is entitled to a bad century.

Number two, the neighborhoods. Chicago has a beautiful downtown. Nothing is more majestic than coming northbound or southbound on Lake Shore Drive, but it is the diverse neighborhoods that make us world class. In one sense, the world doesn't need to come to Chicago; it already has. From Bowmanville to Bronzeville, Portage Park to Albany Park, Pilsen to Pullman, take the ''L'' around Chicago, and you have visited dozens of countries without ever leaving the city limits.

Finally, the number one reason the world should come to Chicago is the same reason I never left: the people. The Second City has always been second to none. Why? Because the people of Chicago look not at what we lost last week in Copenhagen but at what we now have the opportunity to accomplish. We know that our organizing efforts were not wasted. We can build better schools on safer streets. We can build better transit with greener technology. And beyond our bid plans lay big plans for our future.

In the words of Superdawg, one of Chicago's iconic hot dog stands, I look forward to welcoming you by saying, ''Hiya, from the bottom of my pure beef heart.''

Mr. Speaker, I look forward to coming back next summer with Chicago's Stanley Cup.

AARP: HELPING SENIORS OR HELPING ITSELF?

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. Mr. Speaker, when seniors across the country found out that the Medicare plan that was proposed by my colleagues on the other side of the aisle was going to cut Medicare and Medicare Advantage by $500 billion over 10 years, they became very concerned, and they became very, very concerned about the organization called AARP supporting that plan that was going to make great cuts to seniors' medical coverage.

And so about 60,000 of those people said they were going to quit AARP because of AARP's endorsement of the very costly and benefit-cutting plan proposed by the Democrats. So AARP came out with this statement: ''None of the health care proposals being considered by Congress would cut Medicare benefits or increase your out-of-pocket costs for Medicare services.''

That's what AARP has been telling their seniors. But let me just read to you the facts from people who are working on the bills here in Washington, D.C., in the Congress.

The first one is the $113 billion is a reduction in the extra benefits, the added, additional benefits that Medicare Advantage enrollees have available to them. That statement was made by a staff member of Senator BAUCUS's committee, the Finance Committee in the Senate. That contradicts what AARP said.

The Medicare Advantage cuts contained in the Democrats' health bills pending in Congress ''could lead many plans to limit the benefits they offer, raise their premiums, or withdraw from the program.'' That statement was made by our Congressional Budget Office. Again, they refute what AARP said.

The next statement, ''While these programs need to be made more efficient, if the proposed funding cut levels become law, millions of seniors and disabled individuals could lose many of the important benefits and services that Medicare Advantage health plans make so valuable.'' That statement was by Humana.

Humana is an organization that sells these plans, the Medicare Advantage plans, and they have been stopped because they told their enrollees what was going on with the Medicare Advantage cuts in the Democrats' proposals. As a matter of fact, late last month the Centers for Medicare and Medicaid

Services, CMS, directed Medicare Advantage plans to discontinue any communication with their enrollees about this thing that is taking place cutting their benefits.

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This is absolutely terrible. There's no doubt that Medicare Advantage is going to be cut. The Republicans in the House have pointed out time and again that the Democrats' plan in this body will cut Medicare Advantage and other benefits of Medicare by over $500 billion. In the Senate it runs anywhere from $200 billion on up. We don't know how much because we've never even seen their final bill. It hadn't come out of committee, so we really don't know. But I can tell seniors this: They are going to lose benefits. They're going to lose Medicare Advantage. And so why is AARP saying that there's no change going to take place if we pass these plans?

It's because they have a benefit that they're going to get if Medicare Advantage is cut. And what is that benefit? They sell what's called Medigap, and Medigap coverage is more expensive than the Medicare plans we're talking about. And so they would get a tremendous kickback. Let me just tell you what it says here. There was an article written in Bloomberg, and the article said very clearly that the AARP is getting $652 million a year in royalties and fees. That's an increase of 31 percent over last year when they got about $500 billion.

And according to Bloomberg, the analysis published in December 2008, those royalties comprise 60.3 percent of what AARP gets. And if we do away, this body and the other body, does away with Medicare Advantage and seniors want more coverage, they're going to have to go to Medigap. That's sold by AARP, and AARP will be the beneficiary, and that's why 60,000 seniors have left AARP, because they don't want this to happen.

Let me just read to you what a couple of seniors said after they found out about this. One said, AARP has great buying power, and people should be able to get the best deal. What they're doing is unconscionable, what AARP has allowed to happen. Another disillusioned senior wrote to the organization's leadership and asked whether AARP had a special relationship with insurance carriers by which it receives commissions and kickbacks. And it does. Seniors need to know that Medicare and Medigap is going to take the place of Medicare Advantage. There's going to be big cuts.

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

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

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

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

THE SAGA OF THE MCKAY FAMILY

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. Mr. Speaker, I appreciate this opportunity of being here today. Hopefully I'll be here again tomorrow and the next day as well. And I do want to address an issue that is close to me as well as somewhat difficult. I admit that I have a romantic view of the world. Much of it is shaped by a lifetime having grown up watching television shows and movies. I like British mysteries and have enjoyed the fact that in Utah we have more of them available on PBS than they have back here in Washington. I think I've seen every episode of Law and Order and NCIS, and I grew up on Perry Mason which, once again, back home in Utah, there was a rerun every night on television at 10:30.

And I like those because in every sense of the word, each of these shows a good guy and a bad guy, and eventually the good guys were able to prevail against the bad guys. But I have to admit, much of that was the spin of Hollywood. So as I have looked in my life I try and see the world in maybe this dichotomy that's unfortunate, of good versus bad. To me the Drug Enforcement Agency, a part of the judicial system, Judiciary Department of the United States, were always the good guys. Their job was to try and take drug traffickers off the street, for indeed, those illegal drugs coming into our society harmed society. They harmed kids.

I had students I taught in school who I saw the byproduct of having them on illegal drugs. And I have seen the court system and been able to talk to those who work in the court system that recognize that even though the court case may be one of assault or one of burglary or vandalism, in each case there is often the core problem being illegal drugs.

Now, with that as a background, I want to introduce you to, today and tomorrow, a family in my hometown of Brigham City, the McKay family. I know this family primarily because of the four kids of the McKay family. I taught them all in school. Two boys and two girls, varying stages of academic ability, but in each case, I recognized within each of those kids there was a core quality. These were good, decent and honest kids. And I think my attitude towards the McKay family was shaped by the respect I have for the kids that came from that family.

Dr. McKay, in our community, has had a 30-year career as a respected board certified orthopedic surgeon. I guess the best compliment I can give is that when my own kid broke his arm, we went to Dr. McKay to have it set and fixed. Dr. McKay is an Army veteran, serving 10 years in the military, retiring with the position of a lieutenant colonel. For 20 years he's been part of the Boxelder Search and Rescue Team. He was part of the Boxelder Medical Examiners team. The Boy Scouts of America have awarded him the Silver Beaver Award. When I was announcing football games at the local high school he was down on the field assisting with medical needs on a volunteer basis. He plays the organ in church.

I know that this family has supported me politically when I first ran. I hope it was because they saw something in me. My fear is that I was the first person from Brigham City city running for federal office, and therefore they were supportive. I also have worked with his wife in charities. This family has a criminal record that has nothing higher than parking tickets, and I have never thought of this family as a threat to my kids. But on June 5, 2008, there was a raid by the DEA on the home of the McKay family. Two weeks later, after this first 4-hour raid, there was another raid to find a copy of their will which, if they asked, they could have simply got. And in the fall of that same year another raid on his office with six armed agents asking for charts that they would have provided had they simply asked.

I was surprised when the first raid took place. But I decided I'll have to wait for a judgment because after all, the DEA are part of the good guys. Obviously, there has to be some kind of a reason. And in our system of justice, we are insured by the Constitution of a speedy trial and then a jury of the peers deciding guilt or innocence. At least that's what I used to teach my kids in civic classes. We are now in October 2009, 14 months later. I still do not know whether there is guilt or innocence in this situation because, in that entire period of time, there has not been a single charge filed against this family. However, the personal property of this family has been confiscated and not returned in that period of time.

At that June occurrence in 2008, there was a hard knock at the door. Dr. McKay said he was fearful at some particular time that had he not answered it quickly they may have kicked in the door. At that time he did open the door, and what happens in that, Mr. Speaker, is quite simply this: It is my intention of returning tomorrow and explaining what took place at that time and at that place, and to try and go on what has happened on this particular family, because it breaks my vision and my image of what the future should be. Mr. Speaker, I appreciate the time, and I hope to return tomorrow as I continue the saga of the McKay family.

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

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

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

(Mr. GOHMERT 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 Florida (Mr. HASTINGS) is recognized for 5 minutes.

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

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Mr. Speaker, I'm glad to be here on the House floor this evening, joined by many of my colleagues representing the class of 2006, to come down to the floor this evening to talk to our colleagues on both sides of the aisle about an issue that doesn't discriminate between Republicans and Democrats, an issue that doesn't care whether you're liberal or conservative. It is the lack of access to affordable health care in this country. The voters of this Nation gave the House and the Senate and the President a mandate last November. It was to come here and do something that has not been done in the modern history of this government, to finally make fundamental reform of our health care system so that the people that we represent do not go bankrupt by the current system, and the government that we are constituted to protect doesn't go bankrupt because of health care costs.

So we're here to talk this evening about what we think is an amazing opportunity for this House and for this country to pass a health care reform bill that, at the same time, expands coverage to people that either don't have health care insurance or today have inadequate health care insurance and, in doing so, reduces the cost of health care for all Americans and all of the countless businesses, small and large, that are struggling to pay for health care costs.

Mr. Speaker, I'm going to turn this over to my colleagues to begin the discussion. But before we do, I just want to share one important chart and statistic with my colleagues. This is a chart that simply shows what has happened over the last 10 years to health care costs in this country, a 119 percent increase in the premiums that families and businesses are paying. During that same time, a 117 percent increase in the money coming out of workers' pockets to pay for that health care. A 119, 120 percent increase, let's round it off, in health care costs for businesses around this country.

That is unsustainable. And what it has meant is that during that time, any additional money that businesses have made over the last 10 years has largely gone not to workers' pockets, not to increased wages, but to pay health care bills. So we'll talk tonight about a lot of the visible costs of our very broken health care system, the scars on the outside that people have due to our neglect of the problems in our health care system.

But there are a lot of invisible costs as well. And what this chart very clearly shows is that when employers, over the last 10 years, are paying 120 percent increases, that means that a lot of workers out there aren't seeing raises, or are only seeing 2 percent when they should be getting 5 percent because their employer is sending all of that money into their insurance plan. And so we're going to talk about that tonight. We're going to frankly also talk about a lot of the mythology that's out there.

We had a speaker on the Republican side of the aisle earlier tonight come down here and use the now familiar Republican talking point of the government takeover of health care. Well, I think if any of our constituents out there do what every Member of Congress should do, which is read the bill, they'll find that there is no truth in that statement. That statement, though is anchored in a 28-page memo that made the rounds around the House of Representatives earlier this year by Frank Luntz, a very well known Republican pollster who laid out to Republicans how they could kill health care reform.

He said very clearly, don't pay attention to the details. Don't pay attention to the substance. Just say government takeover again and again and again. That memo is strewn with one piece of advice: If you say government takeover, you can stop health care reform from happening. And if you stop health care reform from happening, you can preserve the status quo.

That's what's happening here. Talking points and sound bites designed to stop health care reform from happening, designed to stop the reforms that will pass on lower costs to our constituents, that will guarantee access to people that don't have it, that will end these discriminatory practices of insurance companies. That's the agenda that is going to play out on the House floor over the coming weeks and months, an agenda anchored in reform, anchored in cost-cutting, anchored in expanding our access and a political agenda designed to use talking points and sound bites to stop health care reform from happening.

I'm glad to be joined here on the House floor by several of my colleagues to talk about the stakes of this debate, to talk about what is really in the bill versus what folks are claiming is in there. And we have some great leaders in this effort joining us tonight, led by my good friend from Colorado, Representative PERLMUTTER.

Mr. PERLMUTTER. And I thank my friend, Mr. MURPHY, for kicking off tonight. And let's start where you were ending, about the status quo. Republicans in Congress just want to maintain the status quo. And I know in Colorado that's unacceptable, because what we've seen, like your chart, but even more so, the acceleration of the cost to keep people healthy and well is going through the roof. Whether it's a small business or a family, an individual, the premiums are going up. The deductibles are going up. I know at my old law firm, where it's in a position now where, after decades of providing coverage to everybody who works in the firm, there's a real question whether the firm can afford it anymore.

□ 2015

That's just not right—not in a country like our country. Not in America. We can do better than that. Change is what needs to take place. The status quo is no longer an option.

There's a fundamental flaw with the system that we have right now in that it allows discrimination against people who have prior health conditions. And that's just wrong. It's something that should not be allowed here in America.

I have a daughter with epilepsy. So, for me, it's a very personal kind of setting. She's a wonderful kid. She's no longer a kid. She's a young woman, college graduate, but still has seizures from time to time. She's not insurable unless she's in a big group insurance setting. She can't get insurance. She didn't ask to have epilepsy. But she's discriminated against because she has it.

That's just got to change. And I know in my district and in Colorado more than 80 percent of the people want to see change so that people with prior health conditions, preexisting conditions, get coverage and are not discriminated against.

We have a fundamental flaw in our health system today that has to be corrected. It's wrong. And it's probably unconstitutional under the equal protection clause of the 14th Amendment to our Constitution. We've got to change that.

So we need to rein in costs for small businesses and for individuals. We need

to eliminate discrimination against people based on preexisting conditions. But there's a third component to this that I really think does offer hope and promise when we bring about this change and that is the research that we have going on in prevention, health and wellness.

There are some things coming down the pike if we continue to do research that will really advance medicine when it comes to cancer and heart disease which will help individuals and their quality of life and it will help this country rein in the costs that we see just growing every single day. This is a challenge that we must take, that we must tackle. We cannot shrink from it. America doesn't shrink from tough problems. We tackle them.

Our friends on the other side, the Republicans in Congress, they like to avoid this. They're not willing to take on tough issues. We are. We are going to take this on. We are going to change the health care system for the better of America and Americans. And we're going to do it this year.

With that, I yield to my good friend from New Hampshire (Mr. HODES).

Mr. HODES. Thank you.

I am glad to be with you tonight to talk about what is perhaps the most critical issue we face as a nation if we are to thrive, if our economy is to prosper again, and if we are to deliver to the American people, people of my State of New Hampshire, what they have been long asking for, which is real reform on health care.

We are going to lower costs for everybody, we're going to deliver better quality care, and we are going to put the people of this country back in control of their health care. Because right now, with all the noise that's been out there—and you've referenced the notion that's been put forward of a government takeover of health care. Well, nothing could be further from the truth. But at the moment what is between us and our health care are insurance company bureaucrats who are making life-and-death decisions and are able to discriminate against the American people based on profits for the insurance companies. That simply has to end.

I'm going to tell you a story. It's a story of how change happens. It's a story of tragedy and it's a story, ultimately, of triumph. But it talks to the issue of what kind of situation we're in with our insurance companies.

In my district in New Hampshire at Plymouth State College there was a young woman named Michelle Morse. She was in her senior year. Beautiful young lady, 3.6 grade average, an honor student. She was looking forward to graduating at the end of her senior year and moving on with a happy life.

She woke up one day with a stomachache. By the next morning, she was diagnosed with cancer—serious, aggressive, fast-moving cancer. And her doctors said to her, You've got to leave school and take a leave of absence in order to get treated for your cancer.

And so she and her family—because she was on her family's insurance policy—went to their agent. They called their insurance company and they explained the situation and they said Michelle has to leave school to get treated for cancer.

What came back from the insurance company was, Well, that's up to you. That's fine. If Michelle needs to leave school, she leaves school. Let her take a leave of absence. But if she's not a full-time student, if she takes a leave of absence, she will no longer be covered by your insurance.

The Morse family couldn't believe it. But, sure enough, buried in the print of that insurance policy was exactly that—unless Michelle was a full-time student, she wouldn't be covered.

So they made the difficult decision. Michelle stayed in school. She took three courses of chemotherapy. She finished with honors—an incredible achievement. And sadly, Michelle died.

Now her mother, Ann Marie Morse, is a teacher. She's a teacher that teaches elementary school kids. She had never been involved in politics a day in her life. But she decided that what happened to her daughter, what happened to her family, was wrong. She decided that she would make it her business to make sure that what happened would never happen to another family again.

Now this is just a very small slice of the larger debate about health care; a very small piece of what it takes.

So first, Ann Marie Morse, a teacher, went and lobbied everybody in Concord, New Hampshire, the capital of New Hampshire and got a State law passed, thanks to her efforts, that said college students can take a 1-year leave of absence without getting knocked off their parents' insurance policies. But that wasn't enough because it's Federal law that controls. ERISA controlled. And ERISA needed to be amended.

So I worked with Ann Marie Morse. We worked here in Congress on a bipartisan basis. We got every health insurance association, we got everybody involved, because even the health insurance companies knew that what happened to Michelle Morse was wrong and it shouldn't be allowed to happen. Even the insurance companies knew that.

So with Ann Marie Morse in the gallery of this House, the House by unanimous vote passed Michelle's Law to allow college students to take a 1-year leave of absence for serious medical conditions without getting knocked off their insurance. Because the Morse family had nowhere to go because now Michelle couldn't find other insurance. She had a preexisting condition. And they couldn't afford private insurance—single, private, individual insurance—because it was just priced too far out of the market because the insurance companies had a monopoly. There was nowhere to go. She couldn't get Medicaid. She couldn't get Medicare. She couldn't find any alternative. She had to stay in school.

So when the House passed it, then the Senate passed the bill. President Bush signed it into law. And this Friday, October 9, Michelle's Law becomes the law of the land. So that what happened to Michelle Morse will never again happen to any college student in this country.

Thousands, thousands of college students are affected. MIKE CASTLE on the other side of the aisle was the cosponsor. He understood. A responsible Republican understood that what was wrong shouldn't happen again. So he worked on the law because he had somebody in his district who it happened to. I'm betting if we all look, all my colleagues who are here tonight, we'd find people in our districts, other people that this has happened to.

It took 2 years to get that done, this small slice of the health care problem. Two years. And now we face a bigger test. Are we going to hold the insurance companies responsible for reasonable action on the part of the insurance companies?

The insurance companies now are regulated by a patchwork of 50 different State rules and regulations. Fifty different schemes for regulating. We are talking about, finally, for the first time, saying to the insurance companies, as the people of the United States of America, No discrimination for preexisting conditions like diabetes or heart condition or cancer, no dropping your coverage because you become sick—both of the things that happened to Michelle Morse, which Michelle's Law is designed to affect for that small slice of college kids.

No refusal to renew your coverage if you paid in full and become ill. No more job or life decisions made based on loss of coverage. No need to change doctors or plans if you like the coverage you have. No copays for preventive and wellness care. No excessive out-of-pocket expenses, deductibles, or copays. Yearly caps on what you pay, but no yearly or lifetime cost caps on what insurance companies cover.

These are reasonable rules that we are finally going to set down on the insurance companies. Reasonable rules. The kind of rules of the road that the American people deserve and that our health care reform plan is going to deliver so that what happened to Michelle Morse will never happen to any family or anybody, whether they're in or out of college. It's time for real reform.

With that, I'm going to turn it over to my colleague, JOHN SARBANES of Maryland.

Mr. SARBANES. Thank you very much. I appreciate it. I want to thank Congressman MURPHY for bringing us here tonight to talk about this very, very important issue.

I just had a couple of things I wanted to talk about. First of all, we're bringing this thing across the finish line very soon. I know a lot of folks are excited about that. But I want to make sure people understand we are not

limping across the finish line. We're going to cross that finish line with a burst of energy that comes from understanding that we have finally addressed so many of the grievances that millions of Americans have had with this health care system for so many years.

There are a lot of things we can talk about that are wrong with the existing system. And it's important to point those out. But we need to spend just as much time about the good things that are going to happen if we can get this health care reform passed.

There's so much in all of the core components of the health reform legislation that has come out of all the different committees, both in the Senate and the House—there's so much in there that addresses these concerns people have had for so long.

I want to talk a little bit for a moment about the Medicare portions of this bill, because the other side has presented a very sort of cynical scenario about what is going to happen to the Medicare program under this bill.

In fact, every effort that we've made in shaping these bills when it comes to Medicare has been to strengthen the program, to make sure that the Medicare trust fund lasts longer, to make sure that we're looking after seniors, as we should, and protecting their interests. So let me talk a little bit about that.

We are going to parts of the Medicare program where we can find responsible savings—and I'll be more detailed about that in a moment—but just conceptually understand that those savings are then being turned around and reinvested back into the Medicare program.

So, in other words, this is not a case of finding savings that go someplace else. The savings that we're looking to get out of the Medicare program from a more responsible approach is going to be taken and turned right back into an investment in the Medicare program.

So where are we getting some of the savings? Well, there's something called preventable readmissions to a hospital. This is a situation where somebody is discharged from the hospital too quickly. Often this occurs because the insurance companies, who don't want to pay to keep people in the hospital because they're trying to keep their costs down so they can pocket more of the profits that they get from your premium dollar, they push people out of the door too quickly. Well, that means folks are leaving the hospital before their situation has been completely stabilized or addressed—with what consequence? The consequence that a few days later, a week later, 2 weeks later, suddenly they've got complications. They've got to come back into the hospital. That's not good for them, but it also costs the system a lot of money.

The estimates are that you can save billions of dollars if you insist on better thinking at the point of discharge, so that when people leave the hospital, it's time for them really to leave the hospital and their situation has been addressed so they're not going to have to be readmitted a few days later. We're taking those savings and we're reinvesting them in the program.

□ 2030

You all remember the stories we used to hear about years ago about the $600 toilet seat that the Pentagon used to purchase as an example of wasteful spending. Well, there was just an article the other day in the newspaper about a company that makes motorized wheelchairs. It costs them about $1,000 per wheelchair to make this. They've been turning around and selling it to the Medicare program for $4,000. A 400 percent markup.

Well, that's wasteful. We can rein that spending in. We can take the savings, and we can plow it into things that make sense for the Medicare program. What are some of those reinvestments that are important? Number one, we are going to make sure that physicians get reimbursed at the level they should. Many seniors I have talked to have expressed alarm because either they or people they know have talked to physicians who say, We can't afford to stay in the Medicare program any more. We're going to opt out.

Well, when President Obama came in, he said, We're not going to play games any more with physician reimbursement. We're going to reimburse them fairly. And this bill does that. This bill makes sure that a cut of up to 20 percent that was supposed to occur, with respect to physician reimbursement, that's not going to happen. It will keep more doctors in the network. That is going to be better for our seniors.

Another place we are reinvesting the savings is to begin closing the doughnut hole in the part D prescription drug program, which has really hit many seniors between the eyes when they have to come out of pocket to cover their prescription drug costs. We are going to begin to phase in filling in that doughnut hole so that coverage is there, another benefit of finding savings in one place and reinvesting it in another.

The last thing that I mentioned that is very important is we recognize that there are certain preventive kinds of services that make absolute sense, and we don't think that seniors should have to have copayment related to those services anymore.

So what's an example? The initial exam. Under the new bill, no longer will there be a copayment requirement. You don't have to come out of pocket for that service. Glaucoma screening, no longer will there be a copayment requirement, and other services like this that make sense because they save the system money overall, and they are good for the individual patient.

There is so much about this bill that makes sense. There is so much that we fashioned based on the recommendations of experts and ordinary citizens who came forward and said, We need to see a change. That's what we've done. We've answered that call. I am very excited about the prospects of crossing the finish line with that burst of energy that says, We have accomplished something that the American people sent us to do. That's what we are going to be doing over the next few weeks.

I really appreciate the opportunity to speak here this evening, and I now yield to my colleague from Vermont, PETER WELCH.

Mr. WELCH. Thank you very much. It's a pleasure to be here. It's an incredible debate that we have. It's long overdue. We have to have affordable, accessible health care for all our citizens, and we have to have it be affordable for our employers and our taxpayers. We don't have that now. You know, right now in 2009, health care spending eats up about 19 percent of every family's income. Under present trends, that would go up to 31 percent in 2019, and anybody who is working for a paycheck, a wage or a salary, has faced over and over again year in and year out that grim choice of accepting a very small raise—if they're lucky enough to get a raise—in exchange for hanging onto the health care benefits that they have.

So the real challenge of health care is to make it affordable and accessible for the people who have it, but for whom the quality of health care and the cost of health care is slipping beyond their reach.

Now, there are three elements to the health care bill: one is insurance reform, two is extension of coverage to the uninsured, and three is a public option. As my friend from Connecticut (Mr. MURPHY) mentioned, insurance reform is overdue. The insurance companies make their money, and a lot of it, not by paying claims, but oftentimes by rejecting claims. Not by covering everyone who needs coverage, like my friend from Colorado's daughter who has a preexisting condition, but by writing policies to exclude folks who have a preexisting condition or illness or by refusing to continue insurance for somebody that was covered but gets sick and then needs it.

You can't have a health insurance system that operates that way because at some point each and every one of us is going to need health care coverage. And if health care insurance companies that are supposedly getting paid to provide coverage reject us when we need it so they can pad their bottom line, it's good for them, but it's not sustainable for us.

So health insurance reforms are immensely important. Anybody who has had to use their health care coverage has probably run into the hassles that they've had to deal with, with the pages and pages of billing, with the disputes about whether a particular service is or is not provided, even though it was recommended by your physician; and anybody who's talked to their own physician about the frustrations in that office, all the back-office personnel that they have to have just to

process these claims, knows that it's a nightmare of confusion, incredible inefficiency and very, very expensive.

Now, the sad truth is that this system is as inefficient and frustrating for doctors as it is frustrating for fathers, mothers and families. It works great for the insurance companies. What we've seen with insurance companies is that they're making a lot of money. The head of Aetna one year made $24 million in 1 year. And for what? It's to process claims. The work is done by the medical providers, by the nurses, by the hospitals; and the insurance companies are processing claims. It's something that needs to be done.

But $24 million for the head of the company, where much of what they're doing is slicing and dicing who they'll insure in order to boost up those profits? We've got to change that. We have got to have a system where your health care dollar is paying for your health care needs, not for the $24 million salary of the head of Aetna.

You know, even in my own State of Vermont, which is very small, and we don't have these huge executive salaries, by and large, the head of Blue Cross/Blue Shield, who was there for 9 years, when he walked out the door, he left with $9 million. That's unbelievable in Vermont.

Our farmers are struggling to hang onto a way of life, our workers are working a second and third job to try to make ends meet. When they have to use health care, the can't afford the copay and deductible. Oftentimes they are pulling back from getting the care they need.

So one of the major elements of this health care reform is really cracking down on insurance company practices that, yes, work fine for them but are digging a deep hole for the American economy, families, and businesses. Health care reform is going to require that all insurers compete on a level playing field, that they offer policies regardless of preexisting condition, that they don't have a lifetime cap on what your benefits are if you get an illness that requires significant care, that they can't yank your insurance because you need it.

Then you're going to have insurance companies competing for your business on the basis of the service and the value, not on the basis of how cleverly they can write their policies to surprise you when you think you're going to get it. So insurance reform is a major component. Second is extending coverage to the uninsured. More and more folks are becoming uninsured. Obviously, if we can extend affordable coverage to them, it's very good for them. But, Mr. Speaker, it's very good for any of us who have coverage because it means about an $1,100 savings for each and every one of us.

Finally, is the public option. There has been a lot of debate about that, but what it's about very simply is extending choice to you and me so that if we want to select a public option insurance program that competes on a level playing field with the private insurance companies, we can. It also is not a cram-down for our providers. Our doctors, our hospitals, our medical care folks, they can decide yes or no to be in that public option. So this is a choice. It's adding a choice for us. It's adding a choice for our medical providers, and it's going to create some competition for the insurance companies who, in all candor, have been running roughshod over the American consumer and our small businesses for years.

So I thank my friend from Connecticut for bringing us together, and I yield back to you.

Mr. MURPHY of Connecticut. I thank my friend from Vermont. He talks about the public option. It gets a lot of attention out there. A lot of rhetoric gets thrown back and forth on the news networks at night, the cable TV shows, and right here about the public option. I think President Obama, in his speech before this Chamber, said it right: this isn't about ideology. A public option isn't about a liberal philosophy versus a conservative philosophy. The public option represents our best chance to start holding private insurers accountable and putting some real downward pressure on premiums. That's what we're all about. I mean, there should be total bipartisan agreement on that basic premise, that health care reform should be about bringing down the cost of premiums for all of our constituents.

Now, maybe there are a few people here who are so in bed with the health care industry that they like the fact that patients and consumers are paying through the roof for health care insurance and drugs and devices. But I think for most of us on both sides of the aisle we want to get to lower premiums, and what President Obama said, which I think laid it out pretty clearly, he said, I am for a public option because it's the best chance we have to put some pressure on the private insurers to bring costs down. But he said, If you can find me something else that does that, I am for that too or I'm for that instead. I agree.

I'm not for the public option because I think that the government has to have an insurance plan that's available to individuals because that is a baseline of my political ideology. I'm for it because that's the best way to bring down cost. And that's not just me saying that. That's the Congressional Budget Office. The Congressional Budget Office, when analyzing the House and Senate bills, says that having the choice of a public option in that exchange that any small business or individual could choose is a real pressure point as a nonprofit plan that doesn't have to pay marketing costs, advertising costs, big CEO salaries and doesn't have to make a return on its investment.

A nonprofit plan will reduce the cost of the bill and reduce the cost to our health care system by $100 billion. The whole bill together every year costs about $100 billion. So the public option alone essentially brings down the cost of the bill by the equivalent of 1 year of health care reform. So I think that if our friends on the Republican side of the aisle want to say ''no'' to the public option, well, that's their right to do so. But I think that they should come to the table with an alternative to try to deliver some cost savings to our constituents.

Now, maybe I oversimplify things when I say that this is about reform versus no reform. I'm sure there are people on the other side of the aisle that want to do something. But we have yet to see a reform plan from the Republicans that can prove to us that they're going to be able to lower costs for our constituents. I think once they do that, Mr. PERLMUTTER, we can have a real debate.

Mr. PERLMUTTER. I thank my friend from Connecticut. Let's talk about why this works, why this concept works. You have millions of people out there, small businesses and individuals, who can't get insurance today. It's just too costly. They don't create a big enough pool. The actuaries say this doesn't work. You put them in one big pool like the Federal Government, like State governments, like Boeing, like some big company that can go to insurance companies, go to other types of mechanisms and really drive down the cost per employee or the like.

So we create a marketplace. We call it an exchange in this bill, but there is a marketplace for small businesses and individuals to go to. They're going to be able to select from private insurance companies, Blue Cross/Blue Shield, Aetna, CIGNA, United Health and the like; but there will also be another choice, another option which is being called the public option, but it gives another choice for consumers, another choice for small business, another choice for individuals.

Because there are now millions of people in the pool, it's going to be something that many companies would like to have. They would like to be able to attract those kinds of customers, get new paying individuals into their pool. We think that that's going to drive down prices, or at least contain the costs that all of us have seen go up and up and up. So I think that there is a real opportunity for us, both in terms of cost to the public as well as cost to private business, to really rein in these costs and make sure all Americans are covered by insurance in case something bad happens, but also make it so it's affordable for each and every one of us.

With that, I will yield to my friend from New Hampshire because he looks like he has something he wants to add.

Mr. HODES. I think it's a very important discussion because really what we're talking about, Mr. Speaker and my colleagues, is consumer choice. It is a hallowed principle here in this country. The American consumers

want choice. And what we are doing here with the House bill is really designing a uniquely American system that delivers more choice, more competitiveness, and more control for consumers of health care. It's especially important in my State of New Hampshire because in New Hampshire, small business is big business. Some 65 percent of people in New Hampshire are employed by small businesses.

What has happened in small business on the health care front is a lot worse. As bad as it is for many individuals and big businesses, for small businesses, it's a lot worse. In the same time that individual premiums have gone up 100 percent or 117 percent, for small businesses in this country premiums are up 129 percent. Since the early 1990s when 68 percent of small businesses offered health care, we are now seeing that drop off; whereas today it's about 38 percent of small businesses who are able to offer health care to their employees because the costs are simply too high. There is not enough choice in the marketplace.

□ 2045

So what we are doing is what many of us talked about to our constituents, which is saying we think that you folks ought to have the same kind of choices that we have as Members of Congress. If an exchange, the choice, is good enough for us, it ought to be good enough for you. And what the exchange does is finally deliver stability and security and choice. Stability, security, and choice.

It's the security of knowing that if a small business can't find private insurance that they like—and, by the way, what's really critical to say is if people like their insurance, there is nothing in this bill, nothing that says you've got to give up your insurance. You keep your insurance if you like it. But if you don't, you have the option. You have a choice and the security of knowing that there is a consumer choice provision. It's called public option, consumer choice, available to you that will insure you on a level playing field with competitive provisions and competitive costs that means you will be able to find insurance. That's what is critical.

Mr. MURPHY of Connecticut. Reclaiming my time, I think we need to get at where the Republicans are coming from here because a lot of them just hate the public option. They hate it because apparently government-run medicine, a government-administered plan, shouldn't be an option for our constituents. They just do not want people out there to have the choice of a publicly sponsored plan. But then when you ask them whether it's still good enough for people that are 65 or older, no, Medicare is fine. We like Medicare. Well, how about is it good enough for our soldiers who are fighting for us overseas? No, it's good enough for our soldiers. What about for our veterans? No, government-sponsored medicine's good enough for our veterans. What about for Members of Congress? Well, yes, I want it for Members of Congress.

Well, publicly sponsored insurance is good enough for seniors. It's good enough for veterans. It's good enough for soldiers. It's good enough for public employees, for Members of Congress. All we want is for our constituents to have the ability to decide whether it's good enough for them, too. That's the choice that you're talking about, Mr. HODES.

Mr. HODES. Thank you. And that's exactly the point. We are simply saying that it's time for everybody in this country to have real choice in their health care because I trust the people of this country to make good choices when they have the choices to make. And I find it somewhat surprising that my colleagues in this Chamber, most of them across the aisle, say it's good enough for me, but what I've got, oh, no, you don't need it, you don't want it. Let's just leave it all to the private insurance companies. Let's just leave it all there.

I don't know what's going on with that, but I would think certainly choice is the right way to go. And I can't imagine any constituent, any person we represent, wouldn't want more choice in their health care because we thrive on choice, and our competitive system in this country, our economy thrives on competition. So having it out there where private insurance companies, now there are some real rules. Folks, you're going to have to compete on a level playing field with the people of this country. Here's our choice, and the people of the country get to make the choice.

I think it's a really important statement that we are making in terms of trusting the American people to make the right choices if they have the right choices, and it's high time that we gave it to them.

Mr. WELCH. If the gentleman will yield, one of the things that I hear from a lot of Vermonters is that they're frustrated that in Vermont there are only two or three insurance plans that they can choose from. And a lot of times people say what they'd like to do is buy, or have the opportunity to buy insurance from out of State. And the reason that many States don't do that is that the private insurance companies, including some so-called nonprofits, by and large dominate their local market areas. So the frustration that many Vermonters have, very limited choice about what insurance they can buy, that's a frustration folks have in Texas, in Colorado, in New Hampshire, in Connecticut, all over the country.

Now, we regulate insurance with a set of rules that levels the playing field that applies to them and to the public option. So when you as a consumer purchase a policy, you can have some confidence that you actually are going to get coverage for your wife, for your daughter, for your husband. Then that will create the circumstances where we will have competition. And you know what? The insurance companies don't like competition, and they have been very good at restricting it. And then when you deny that choice and you deny competition, the prices, in fact, do go up. The market power of the insurance companies to boost prices, the pharmaceutical companies to boost prices beyond what the competition would allow if there were a freer market is costing the American people an awful lot of money.

So we add a level playing field, a new choice of a public option that's the choice of you from Colorado, me from Vermont. It's going to create competition that is, as many people know from their own experience, going to drive down costs and we hope improve quality, Mr. PERLMUTTER.

Mr. PERLMUTTER. I appreciate my friend from Vermont.

I think within the system, the insurance companies have done what they are supposed to do. They're supposed to maximize profits for their shareholders. So I don't blame them. I think that we need to change the system, and that's what we're doing. And I guess I have confidence in them to really deliver health care insurance and coverage to people at a much more affordable level. I think they're going to be able to compete just fine. The system right now doesn't really mandate that or require that of anybody.

So we have got to take a look at a whole variety of these insurance reforms so that everyday Americans aren't placed into having to go to the emergency room as their first place of care. I mean, if you want to talk about the most expensive way to deliver health care to Americans across our Nation, it's if they have to go to the emergency room instead of to their doctor or instead of to the local clinic. To go to the emergency room drives up prices like crazy. That's got to stop, and that's what we're going to change. That's the reason we are willing to tackle a very tough subject.

The last time America and Congress really addressed the health care system in this country was 44 years ago in 1965 with the Older Americans Act. This is not easy to deal with this. A lot of people have different opinions. The health care system touches each and every one of us. But we are not going to shrink from this. We have to tackle it, and we are. We're going to tackle it in a way that it improves the system and improves the lives of everybody across the country.

And my friend from Connecticut, I would like to say that we have most of New England represented here with Vermont and New Hampshire and Connecticut, and the New England Patriots are playing the Broncos on Sunday, and I'd wager, although that's probably something I shouldn't do on the floor of the House, but my guess is my Broncos are going to defeat your New England Patriots.

Mr. MURPHY of Connecticut. Mr. PERLMUTTER, I don't really care. I'm a New York Giants fan. So you can have that bet with somebody else. But I like the fact that you just lump all of us New Englanders all in together that we believe and think the same things. We're diverse, despite what you may think.

Mr. PERLMUTTER, let me back you up on your discussion on what insurance companies are doing now. You're right. Insurance companies are playing by the rules today, and they've got shareholders, they've got investors. In the end, they've got to put a return out there for the people that are investing in their companies. That's why they call the money they spend on health care ''medical loss,'' because to them, as a business, that's a loss. Now, that doesn't mean that these are bad people that are running the business. It doesn't mean that they don't want to keep people healthy. But in the end, every dollar they spend on health care is less money that they can return to their shareholders.

So to try to gain a competitive advantage against each other, they engage in these practices, like keeping out people that are sick and charging more for people in their plans when they get sick, rescinding policies when you get sick because you didn't cross your ''T'' or dot your ''I.''

But, frankly, Mr. PERLMUTTER, a lot of the insurance companies that are part of the health care reform debate don't really have a problem with the rules changing with respect to preexisting conditions and rescission, because as long as they apply to everybody, as long as none of their competitors can get an advantage over the other by excluding sick people or charging more for sick people, then they're okay, as long as everybody's doing the right thing.

Frankly, that's why it's bewildering to me that we are still sitting here today having not done this 10 years ago, 20 years ago. And it's why I doubt some of my Republican friends who all of a sudden are for these reforms, because they had 12 years when they controlled the House. They could have done it during any of that time.

So I think there are clearly places, as Mr. WELCH outlined, where we are going to depart from the insurance companies. They don't want this competition from the public option. They don't want to have that pressure for their costs to come down. But I think there are going to be some places where we can get some agreement here. And my hope is that as we try to get to the finish line, that we set the lines in the sand where we're not going to be able to compromise with the health insurance company, with the drug industry, but we also understand there are going to be some places that we can come together here on, Mr. HODES.

Mr. HODES. Thank you. I want to speak to the importance of finding common ground if we can find it, because health care is not a partisan issue as far as I'm concerned and I think most of us are concerned. Democrats need doctors and hospitals. Republicans need doctors and hospitals. Independents need doctors and hospitals. We are all in this health care system together. And I would hope that my colleagues on the other side can begin to put aside the name calling and fear tactics that have characterized so much of the debate and speak directly to the real needs of the American people for a system that delivers stability and security, that delivers real choice in health care, that keeps the good that we have in the system because we have terrific hospitals and terrific doctors who are laboring under real impediments to delivering high-quality care.

If you think about what the typical doctor has to go through to fill out the forms for the insurance companies, and the stories that I have heard from my physicians in New Hampshire about the advocacy and fighting that they have to do just to deliver basic health care to their patients because of all the forms and the paperwork and the bureaucracy and administrative costs that go into it, you begin to get a picture of why costs are going up so high and what we have to do for our doctors to help them deliver better care.

One of the things that we haven't talked about in the bill is an important investment in cost-saving measures like medical information technology. Currently, many of our doctors, most of our doctors and hospitals, are dealing with paper records. They're dealing with paper records and there is not a coordination of records. It has led to less quality of care than we could have. And what we are going to do in this bill is make significant investments in information technology that help all our doctors and our hospitals deliver better care.

Now, my mom is 83 years old. The last time I talked to her, she was up to about six different doctors for her various needs and ailments. As far as I can tell, she has to walk from office to office carrying her records and her x rays and her pills in bags under her arm, trying to tell one doctor what the other doctor said or did, and you can see in there the kind of problems that our current system has.

We have the ability to make an investment in medical records technology, which is going to deliver better care for everybody. It's an important part of the bill, and it's one of the things that has to happen to bring our system into the 21st century.

We're going to protect privacy. We're going to preserve patient confidentiality. But we are going to make the necessary investments to bring the medical records technology into a place where we reduce medical errors, which reduces costs for everybody and improves the quality of care throughout our system. It's a very important component of this bill. And I can't begin to think that my colleagues on the other side of the aisle would object to making that kind of investment, because in the end, when we invest in health care reform and health insurance reform, two different things, by the way, when we invest in health care reform and health insurance reform, we save billions and billions and billions of dollars over time because the system, as it is, is unsustainable.

There are investments we have to make to make sure that our economy thrives and that we deliver choice, we deliver better care and better quality, and we put the American people in control of their own health care with a stable and secure system. That means they can't get thrown off their insurance. They'll have access to the medical care they need when they need it. It will be portable and affordable. And those are the hallmarks of a system that will help this country's economy thrive and, I dare say, is perhaps the single biggest economic boon we can deliver to businesses large and small, reduce our deficit, and keep us competitive in the global economy.

□ 2100

Mr. PERLMUTTER. I thank you, Mr. HODES.

And just for me, I would like to wrap up this way: that this is a system where there are parts that are broken, there are parts that are working, and there are parts that haven't been addressed in a long time. We're going to fix what's broken, we're going to keep—and to the degree we can—improve what's been working, and we're going to work on ways to make Americans or help Americans be healthier and to have research that directs them towards better cures and prevention of very difficult illnesses, whether it's heart disease or cancer.

This is a tough subject that we have tackled, but we're not going to shy away from it. We can't. Change is what has been demanded of us. The system requires change. The status quo is not an option. We will tackle this, and we will make this better, and we're going to do it right now. There is no more time to waste—as much as our friends on the Republican side of the aisle would like to just avoid this at all costs. The trouble is it's costing America too much, and we will take it on.

With that, to my friend in Connecticut to wrap it up.

Mr. MURPHY of Connecticut. Thank you.

Thank you to Mr. HODES, Mr. WELCH for joining us down here for this hour.

Listen, I think we have heard loud and clear from the businesses we represent, from individuals, from doctors, from hospitals: Things need to change.

Just take this one last statistic home with you. If we do nothing, if we allow the status quo to continue, within 30 years health care costs will consume almost half of every dollar spent in this country—every dollar that businesses are spending and individuals are

spending and the government is spending. That is ruinous for this Nation. That course cannot stand.

So I hope that as we debate this over the coming weeks and coming months that we can have some coming together here, we can agree on the bottom lines of health care reform, get coverage to people who don't have it, and lower costs to everybody. And we will shut out the people who scream government takeovers and death panels and all of the rest. All of the people either inside this building or outside this building whose agenda is to either stop health care from happening or to score political points shouldn't have a place at the table. But anyone who wants to have an honest debate about how we make the system work better for people we represent I think should be there. I think that's something we can all come together on.

I thank my colleagues for joining us this evening. We will be back as much as we can.

ACORN

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

Mr. CARTER. Mr. Speaker, for about the last 3 to 5 months I have been down here pretty regularly talking about maintaining and restoring the rule of law to certain areas of our activities as a government. And I think this is important. I've stated it over and over and over. We created a Republic by creating a Constitution that set up that form of government.

But our Founding Fathers knew that the moral underpinnings of a Republic were required for that Republic to succeed. And they knew that there had to be implanted and instilled in the hearts and minds of Americans who would be—would maintain this Republic, a certain inbred understanding that there were rules that governed our society and our behavior and that there were morals and ethics which should be applied to what we do as we operate this Republic.

You will recall that when Benjamin Franklin was asked, when he walked outside of the Constitutional Congress, and they said, ''Mr. FRANKlin, what kind of government have you given us?'' He said, ''We have given you a Republic.''

Now, God help us that we can keep it. And the whole purpose of that statement is to point out that he was fairly confident, as was every one of our Founding Fathers, that at that point in time in the United States of America there was a moral and ethical underpinning of society, and that if we would maintain that moral and ethical underpinning of society, we would be able to keep our Republic.

But I don't think any Founding Father envisioned a society in which individuals thought they would make the choices as to which rules applied to them and what rules did not apply to them, and they would not abide by the rules that society had set but rather the rules that they had chosen to govern their own lives. Because that's not a Republic; that's anarchy.

Now, we've been talking about some things that are going on in our society and in this Congress that have to concern everybody. And they have to concern them in a big way because they affect the attitudes of those who govern here in the Congress and those who are involved in this governmental process.

I've tried to raise and point out some things that I think are of dire concern, and I will continue to do this because I spent most of my entire adult life basically following as best I could and trying to enforce those rules that this society has established for itself to operate in.

And when I came to this Congress as a new Member of Congress almost 8 years ago now, I was told there were rules that govern this body—all of the people who serve in the United States Congress—and I very quickly tried to do my best—as I am sure every Member here has—to learn what those rules were. And they were not only just parliamentary rules, but they were fundraising rules, they were political rules, they were reporting rules, they were tax-paying rules. There's lots of rules that govern the activities in this body.

I had started talking about this because I see a trend, and I see things that are happening that make me concerned that there are those who don't think certain rules apply to them.

I am going to point out what the President of the United States said as he started out his term: ''I campaigned on changing Washington and bottom-up politics. I don't want to send a message to the American people that there are two sets of standards: one for the powerful people and one for the ordinary folks who are working every day and paying their taxes.'' This was stated by Barack Obama to CNN February 3, 2009. And it's a noble statement by the President.

That's sort of what I am trying to talk about right now.

And I've got a laundry list that I went over last week, and this list is pretty much the same list but with some exceptions. I've added some things and taken up another subject.

But I want to start with something that's made the headlines here very recently, and that's this organization known as ACORN, which we discovered by watching television and seeing events on television, that people who were established to do certain things under the rules in fact forgot those rules and did others. And this House voted 345–75 for an amendment to bar the Federal funding to ACORN after these undercover investigators uncovered four ACORN offices engaged in blatant mortgage loan fraud and aiding and abetting prostitution.

In my opinion, that was the right vote. I am proud of my colleagues who voted for it, and I think we need a stand-alone bill—not a bill that's an amendment to another bill—that would restate the very obvious: That no Federal moneys should be distributed to those who would blatantly commit mortgage fraud and aiding and abetting prostitution. And many of us saw that, saw it live and in color on television.

But in addition to those videos, we have had our bodies here in this Congress out doing some investigations of ACORN, and they have found a lot to be concerned about.

They found a nationwide history of crime—most of it relating to the last election, but not all of it; some of it relating to mortgages and other things that they were supposedly there to advise the uneducated and the uninformed as to what was available for them, especially the poor and the underprivileged, so that they might attempt to prosper in our society. They sounded like a good cause.

But if you will examine with me this list for just a moment, these are things that our Oversight Committee has found and brought forward. There are things that have been brought forward by the press, and there are things that have been brought forward by court records.

In Colorado we had allegations of voter fraud with multiple counts with convictions. So people were convicted of that crime. In Florida, voter fraud with cases pending in the courts; in Michigan, vote fraud with multiple counts with convictions in the State of Michigan; Minnesota, vote fraud with multiple counts with convictions in Minnesota; Missouri, mail fraud and identity theft, multiple counts with convictions in Missouri; Nevada, vote fraud, multiple counts pending; Ohio, vote fraud, multiple counts with convictions; Pennsylvania, vote fraud, multiple counts with convictions; Washington State, vote fraud, multiple counts with convictions.

Notice how many times the words ''with convictions''—which means—I think everybody knows what that means. It means a finder of fact and a ruler of law made a judgment that these people had violated the law, and they convicted them of breaking that law, and I assume they assessed some form of punishment against them.

So this is a case, I would argue, of just what I was talking about when I started talking today, that someone—and I would argue a whole group of someones—have made a decision that certain laws don't apply to them and therefore, they blatantly—across the United States in a very short period of time, basically the last election cycle—they went out and violated these laws and these rules because they made their personal judgment that the law that we as a society established didn't apply to them.

This is moral relativism run amok, and it's done with $55-plus million of

United States money because that's how much money we have heard that we have allocated and given to ACORN to do their business.

And by the way, we have bills that have passed this House that the Democrat majority have put in other funding mechanisms to the tune of $8 billion, and that's why when we address this very issue that we would no longer fund ACORN, we need to make sure that that includes those things already approved for sources of revenue for ACORN. Because if you're not going to follow the rules of law, there needs to be consequences in our society.

So we start off with this supposedly great helping organization called ACORN.

□ 2115

The next thing I want to address here tonight, and I see that I'm joined by one of my good colleagues, and if he would like to have some of the time, I would be sure glad to give him some, is the fact that Dr. RON PAUL has raised an issue before this body that I think we ought to be concerned about and that we ought to think about, and that issue that he has raised is that we have turned over an awful lot of money to the Federal Reserve, and the Federal Reserve has independently of this body issued an awful lot of additional indebtedness and printed an awful lot of additional money, and we would like an accounting of what is going on.

I think it's kind of important, and I would venture to say that if anybody walks up to anybody who serves in this House of Representatives and says, Where is the money we put in the TARP bill? Can you account to me where that TARP money is? Can you tell me where the stimulus money is and what has happened to it? I have been asked the question all the time. How much have we spent? Well, what we know is that the press says we've spent this or the press says we've spent that, but we should know that. I mean, we are the people that were sent here by the American folks to take care of their business.

The Federal Reserve has been designed because it has an effect on our economy. The theory is you've got to keep their activities sort of off in a dark mist so nobody really knows what is happening so you don't cause a run on one part or the other of the economy. And I don't have a problem with that.

But it comes down to the fact that this Congress has turned over $1 trillion worth of American indebtedness, basically money we don't have, money we are borrowing from other nations like China and others that are buying our paper so that we can issue these huge amounts of money. And if you take the TARP and the stimulus bill, it's $1 trillion, well, you've got to ask—and there's more than that, you've got more than that—but we ought to know.

So Congressman PAUL has introduced H.R. 1207, and he is asking that we look into what's going on with our money. He says that we've given the Fed $700 billion in Bush TARP funds, and the Congress has given $787 billion in Obama stimulus funds, so that's $1.4 trillion and some change that we've given to the Fed, and yet the taxpayers and the Members of Congress have no way to independently verify what in the world the Fed has done with this money or where it is or who it went to or anything.

Now, we read about it in the newspapers. I used to tell juries when they would come before me, I would say, now we've got a case on trial here today that may be in the newspapers or on television or on radio, or there may be something out there in the news about this case. But I don't want you to listen to any radio broadcast, view any television programs or read anything in print about this case because, believe it or not, they don't always get it right. And we want you to only base your opinion on the evidence you hear in this courtroom under the rules of evidence. I'm sure my friend, Mr. GOHMERT, Judge GOHMERT, has done exactly the same instruction. And the reason is, you don't really know if the newspapers know what they're talking about. I like to hear what they have to say, but you don't know.

So why should the people that sit in these chairs around this whole big room, why should those people not have an answer to that question, Where is my money? Who is spending it? Where is it going to? How much is left? I think the guy that owns the garage on the corner down the street from me, he pays his taxes, he is entitled to know. His children, grandchildren, and great grandchildren are inheriting the debt we have created for them. They ought to be able to know what we are doing with it today.

And do you know what? That kind of number is a potential for disaster if somebody is crooked. Because it's such a big number, how are you going to know? There can be people stealing billions of dollars, and we don't know. So we ought to know.

I think Dr. PAUL has a good bill here. Let me ask my friend, LOUIE GOHMERT from east Texas and a fellow judge, I will yield such time as he may wish to spend on this subject of the Federal Reserve and the fact that we probably ought to have an audit that is reported back to this Congress.

Mr. GOHMERT. I appreciate my friend yielding.

This is a very important issue, and actually if you go back to the original bailout bill a year ago, as I read through it, and I did, I didn't read the extra pages that were added for pork at the end, but one of the things that caught my eye was here was a bill for $700 billion for bailout, basically a slush fund for the Treasury Secretary; but in the bill it raised the debt ceiling $1.3 trillion. Now that caught my eyes, because I know $700 billion is less than $1.3 trillion. So I went back through reading again for any loopholes that might allow for the expenditure of more than $700 billion.

Well, we know that before the bill finally passed, there was about $100 billion in pork added in order to get enough votes so that it would pass. That still leaves half a trillion dollars between what the debt ceiling was raised and how much was appropriated in that bill. So I went back through, and one of the things that intrigued me was a provision that allowed the Secretary of the Treasury to hire, utilize whatever personnel was necessary in order to carry out the intentions of the bill.

Well, I was impressed and went to one of the Treasury people privately and asked, what does that mean? Are we going to have a new department of asset management? Are we going to set up a whole new bureaucracy here in Washington? Is there going to be $500 billion spent setting up this kind of extra bureaucracy? And the answer I got was basically, and it was unofficial and informal, but was basically, look, we will hire some people, but ultimately this is going to be so much work we'll have to outsource it.

Well, I don't know if my friend from Texas noticed, but it turns out that the favorite firm of the former Secretary Paulson and the current Secretary Geithner had its biggest profit in the history of Goldman Sachs in the second quarter of this year.

So when my friend talks about transparency, wouldn't it be nice to know how much of that $3.44 billion in clear profit that Goldman Sachs made came from taxpayers, came from the United States Government? But do you know what? There is only one way we really get to know exactly where all that money came from and how much went from the Federal Government. Sure, Goldman Sachs will have to file reports and whatnot, but it would really be nice to see from the government's own reports just how much Federal money is going Goldman Sachs' way, and how much money is being funneled from here in Washington to Wall Street. That would be important to know.

I think one of the things that we have seen, especially in the last several months, is that just because it's good for a Wall Street firm doesn't mean it's good for the stock market and it doesn't mean it's good for rank-and-file Americans who are paying their taxes to keep this government running who also were called upon as they saved and scrimped and tried to meet the demands of the day to be called on to bail out the Wall Street firms. And so it would be nice if maybe they would share a little more than what we are able to see.

I also want to point out the subject of transparency is so important. There is not much that is more cleansing than sunshine. Sunshine, you get enough of it, the mold and mildew just dries up and dies. You get enough sunshine, and things clean up, you get rid

of all the mold and nastiness. And yet what we get around here is people are left in the dark and fed lots of manure. Well, that will grow plenty of mushrooms, but that is not what we are supposed to be about here in Congress.

So the rules of the House, the rules of the Federal Reserve it seems like right now, they are just being played fast and loose, which parenthetically that gives rise to a situation we have right here tonight this week where we played fast and loose with the rules so you have a Defense appropriation, a defense authorization bill where you bring in a hate crimes bill, and I know there's a lot of agreement over what its effect will be; but clearly, one of the effects will be that it will make homosexuality and transgender a protected class.

The elderly were rejected. We weren't going to give them any added protection. Of course, some of us fought for the elderly. If you're going to give anybody protection, how about the elderly? They are commonly sought out. But, no, they weren't protected. And they certainly hadn't been protected in this administration's proposals for Medicare cuts, half a billion—I'm sorry—half a trillion basically in Medicare cuts. So I guess the thinking is we're not going to protect the elderly as much as homosexuals, transgender or even pedophiles. We tried to have an amendment that would exclude pedophiles from a protected class under the hate crimes bill, and that was rejected along party lines basically. So anyway we are not going to protect elderly as much as these sexuality lifestyle groups.

And then we turn around and we tack that hate crimes bill on to the military or Defense appropriation or Defense authorization. We've got soldiers out in the field needing this bill, and we're going to play fast and loose with the rules. We will not be allowed to amend this on the floor; we will not be allowed to change anything about this. It's take it or leave it. And I just think it is so outrageous while we have soldiers in the field to use this Defense authorization bill that's going to help our soldiers protect us, it's going to protect them while they protect us, and you tack on a hate crimes bill to the Defense authorization? Just how much disrespect can somebody have for the rules of this body and for procedure to do that kind of thing? It is just outrageous.

But then as you see these kinds of things coming into play, you see the lack of what really is strong morality in our financial laws, in our transparency. And it was Chuck I heard earlier this year was pointing out that when you lose morality, you're going to have economic chaos; you're going to have economic instability. And when you lose economic stability, people—and this is so tragic—but people throughout history, when they have economic chaos are always willing to give up liberties to gain economic stability. You lose morality in the Federal Reserve, in the Treasury of the United States, and in ACORN and all the voting laws and the procedure of this body. You lose what is just right. You lose that, and it contributes to economic instability, and then that gives rise to economic chaos. And people always give up their liberties trying to get economic stability.

So I think we get back to that sense of morality when you start having transparency, when you're able to see what's going on, when it's not behind closed doors, when it's not some private group with an agenda out there drafting the Employment Non-Discrimination Act who has their own lifestyle agenda, when it's not some group behind closed doors saying let's push through this stimulus bill, it may not stimulate America, it won't spend money, most of it for 2 years, it really won't do what we are saying is stimulus, but, boy, will it enrich our friends.

□ 2130

We have to get away from that or we are going to lose this country. We cannot continue down this road with a lack of candor, with a lack of openness and honesty. We have got to return to transparency. That will help address the issues of this country. Sunlight always has a way of doing that.

Mr. CARTER. I thank my colleague for his passion. You know, it is very simple: We expect the Fed to look at our banks back home and make sure that they are handling our money right. I don't think anybody I know has close to a billion dollars in the bank, and yet we expect the people that we put in charge of our money to have somebody looking over their shoulder to make sure that they are doing the right thing.

This is the largest chunk of money on the face of the Earth right here, and I don't think it is too much to ask somebody to look over their shoulder and decide what is going on.

Mr. GOHMERT. If my friend would yield, this is such an important point.

Through the economic downturn over the last year or so, a lot of people across America have confused community banks and investment banks. They have just lumped them all in together, and there is a major difference. You have community banks who have to have complete transparency. They have Federal regulators who come in and check every dot and tittle. They have to make sure that everything is just the way the Federal regulators want it. Some of us have been concerned that over-aggressiveness by Federal regulators in the most stable of our financial institutions, the community banks, has helped dry up a great deal of the credit.

So imagine the hypocrisy to have Federal regulators just swarm in like locusts to community banks which are the most stable and have been the most careful in Federal banking, and they are being regulated by people who will not open their books to this Congress. That in itself is such an outrage that it alone ought to be a basis for getting RON PAUL's bill here to the floor, get it passed, and let's open them up. I love what Newt Gingrich said: If transparency is good enough for the CIA, it really ought to be good enough for the Federal Reserve.

Mr. CARTER. That is very good.

I am going to change gears here because I have serious business on the floor of this House tomorrow. For every week of this year, just about, I have come before this body and I have discussed with them the fact that we have serious allegations that have been made against the chairman of the Ways and Means Committee, Mr. RANGEL. I have asked repeatedly that Mr. RANGEL do the right thing and resign his position as the chairman of the Ways and Means Committee until such time as these allegations have been dealt with by the appropriate authorities. A lot of this is supposed to have been dealt with and we have been promised would be dealt with by Speaker PELOSI. She told us, by the end of 2008, the Ethics Committee would have resolved Mr. RANGEL's issues.

So I am going to just go briefly over a few.

Mr. RANGEL admits to underreporting income and assets for 2007 by more than half, including failure to report income from his Caribbean resort property again. By the way, I say ''again'' because that's the allegation that started all of this information about Mr. RANGEL.

Mr. RANGEL's aides have now also filed amended disclosure forms revealing similar underreporting by them.

The Committee on Standards is still investigating Mr. RANGEL's lease of multi rent-controlled apartments in Harlem; his use of the House parking spot for long-term storage for his antique Mercedes; his failure to report and pay taxes on rental income on his resort villa in the Dominican Republic; an alleged quid pro quo trading legislative actions in exchange for donations to a center named for Mr. RANGEL at City College of New York; a gift rule violation on trips to the Caribbean sponsored by the Carib News Foundation in 2007 and 2008; and now Mr. RANGEL has the audacity to push through a bill in this body today increasing tax penalties on his fellow taxpayers on the heels of Secretary Geithner's crackdown on UBS depositors for failure to pay taxes.

So, you know, tomorrow I will be offering to this body a very important piece of legislation, a document called a privileged resolution, asking this body to consider what Mr. RANGEL refuses to do, and that is the right thing.

We cannot have the chief taxing authority of this body with the allegations, and there are many more than these, these are just a few. There is another full page just like this of different allegations. We cannot have the

chief of values over the IRS, the man who writes the tax laws for this House of Representatives, as the chairman of the Ways and Means Committee. It is a travesty of justice for him to serve as the chairman of that committee when the American citizens back home, they realize that he has been getting special treatment on his tax problems and those problems he has not faced, the onerous issues that they have to face when they have the IRS finding that they haven't paid their taxes, and he is doing, we are seeing just what President Obama said he didn't want to see, and that is people of power being treated differently than the ordinary American citizen. That is why I have raised this issue.

When I read what the President said, that gave me the incentive to do this. It does not please me at all to raise issues against any Member in this body, but I am telling you, this gives an appearance of wrongdoing and an appearance of impropriety at the least on behalf of Mr. RANGEL, and good governance tell us he should not be in this position of power until the issues are resolved.

I will be the first to say if they are all resolved and concluded to be irrelevant and not any kind of wrongdoing or breaking of the rules, I will be the first to say Mr. RANGEL ought to be the chairman of the Ways and Means Committee. He ought to be put back in there. But it is not right for him to be there.

So tomorrow, I will ask this body to remove him from that position.

Does the gentleman wish to comment on the issues with Mr. RANGEL?

Mr. GOHMERT. It goes back to the issue of transparency. Everybody needs to be accountable under the same rules no matter who it is. And actually, this weekend, I had a number of people commenting on how unfair it was of Congress to be judged by one standard, and specifically mentioning the chairman of the Ways and Means, and the rest of America to be judged by another standard. It is difficult for the American people to understand.

If that were me, I couldn't do this. I would have had to pay the penalty and interest. I mentioned to my friend previously about my constituent, Mr. de le Torre, and he was very proud of his Hispanic descent. He said de le Torre meant ''of the tower.'' Apparently he had some royalty back in Spain some centuries ago.

But here he had four permanent employees, four part-time employees, and he had a sheet metal business, and he had no problem with me mentioning his name and his own situation. And with the downturn in the economy, he wanted to protect his employees. He did not want to let them go. He knew they were struggling, and he certainly was struggling. And, of course, he is the last one to get paid. He didn't have any money. And yet the quarterly payment had to be made for the portions of Social Security and the Federal tax on that payroll, and he did not have the money. And because of the additional pressures being brought to bear by the Federal Reserve, who will not be transparent against community banks, which are doing everything they can and have been transparent, he wasn't able to get a loan. He could not get a loan or a line of credit to make his payment, his quarterly payment to the government.

So he notified them, filed how much he owed, but said, I don't have any cash. I don't want to fire any of my employees, and I can't get a loan or a line of credit to make my quarterly payment.

They let him know you owe penalty and interest. We are coming after you. He was telling me that he has since been notified that they are going to start seizing his accounts and his assets, sell them off if necessary, but seize his assets if he does not make his penalty and interest payment.

So it is kind of hard for a guy like that who is being loyal to these people, the eight people who work with him and for him, how a guy that is chairman of the committee that writes the tax laws can do far worse and not be open, not just be completely transparent in what has happened.

The chairman of the committee doesn't have to pay penalty or interest, and yet this poor man does. It is hard for him to understand, and it is hard for rank-and-file Americans to understand. It is not the standard that this Congress should be establishing. I so hope that we can get back to being a Congress that leads by example.

You know, I think about the words of George Washington. He was a man who had incredible bravery. We would not have the Nation as we know it if it were not for his humility, his willingness to resign and go home after winning a revolution. His words, his exact words were, ''A people unused to restraint must be led; they will not be drove.'' And that was okay English back in those days.

I look at what we are doing now. We are dealing with a country that is not used to restraint, and yet the financial taxation laws are restraining Americans like never before, not so much because of the percentage but because of the actual effect on Americans. And we are not leading as Washington implored. We are trying to drive Americans to do what this Congress has not done and should be doing, and that is lead by example.

And we were promised by the Speaker that this would be the most transparent and open and accountable Congress. That simply has not happened. In fact, to the contrary. I don't know that there has ever been one that has been more closed and protective of its own, and that really has to change.

I yield back to my friend.

Mr. CARTER. I agree. There will be more about Mr. RANGEL tomorrow.

I want to bring up something else. We have had a lot of issues to do with automobiles in this country, and now we have somebody at least that is trying to say, you know, the United States Constitution, section 10, says no State shall pass any ex post facto law or law impairing the obligation of contracts or grant any title of nobility.

This is the Auto Dealers Economic Rights Restoration Act, and this bill prohibits automakers in which the Federal Government has ownership interest or which receives loans from the Federal Government from depriving an auto dealer of its economic rights.

What they are talking about is it seems that these automobile dealerships when they were in the bailout position with the Federal Government—and, quite frankly, General Motors stands for ''Government Motors,'' as far as I am concerned, and Chrysler is sort of in the same boat. I understand Fiat was buying some of that. I am not sure that they made the purchase.

These people went out and made choices to break contracts with one auto dealer and award his customers to another auto dealer. There have been allegations made that these were political decisions. I have no evidence of that. But it is, you know, a right of contract, and they had a contract with these dealers, and because they were pressured, I would argue that they breached contracts with one group of dealers to put their sales into the hands of another dealer. For what reason is beyond my understanding.

□ 2145

But I think this is a good law because it says, this is a violation of the Constitution. This is not the way we do business in the United States. And you know what? We did the Cash For Clunkers, and oh, boy, the government was involved and the money was flowing and all's right with the world, although the government hasn't even started to pay for the clunkers yet. They're still out there processing the deals. And, you know, I think that's a great example, Cash For Clunkers is the perfect example. Do you really want the government running your health care if they can't even pay for junk cars on time? My Lord. I mean, but anyway, that's all part of another tangent.

Mr. GOHMERT. If the gentleman might yield on that point.

Mr. CARTER. I will yield to my friend.

Mr. GOHMERT. On the Cash For Clunkers program we know that there are many foreign vehicles that are manufactured here in the United States, and the American workers do a fantastic job. But it is worth noting that in this program that was rushed through so quickly without going through the proper order, without getting the proper scrutiny through committees and through proper chance for amendment here on the floor, where you can take a law that may have some problems and make it better, we're not allowed any of that opportunity.

And so what we got was a Cash For Clunkers program in which four of the five top vehicles that were purchased were foreign vehicles. Now, some of those were made in America, but most of them were made in foreign countries. In other words, the Cash For Clunkers vehicles helped foreign governments and foreign companies more than it helped American companies. And they want to run my health care. My goodness. Is that sad? If it weren't so tragic, how much we help foreign companies over our own U.S. companies, it would be a comedy. It's just outrageous.

Mr. CARTER. Reclaiming my time for just a moment. I will also point out that, to date, according to my auto dealers, they still haven't paid all the dealers for all the clunkers that they bought. So you know, that program has closed out, finished out, done, and there are some dealers with millions of dollars owed to them and the government hasn't processed those dollars in that thing. The important part of this bill is——

Mr. GOHMERT. If I might, on one other point. Unforeseen consequences too. Because we didn't have a chance to go through the proper channels and really look at this legislation, the Cash For Clunkers bill, one of the effects has been that the working poor in America have been the hardest-hit, because they were not able to come in and buy a brand new car with this attractive program because they didn't have the money to make the payments after that.

So it really didn't help the working poor in the United States. And, in fact, it hurt them because what happened under this Cash For Clunkers program is thousands of vehicles, used vehicles that would be sold cheaply to the working poor in America, cars they could afford, were just fixed to where they could not be run, could not be operated, could not be sold. That drives up the price of the used vehicles that the working poor in America really need to get to and from their jobs. So it hurt those who needed help in America the most and helped foreign companies over domestic companies. Now that's a government program that we're going to use, I'm sure, to model health care after.

Mr. CARTER. And you know, reclaiming my time, the reports this week have been that the sales from our two bailed-out automobile firms that are now part of Government Motors, are tragically low, and there's a lot of talk that they don't know if General Motors can even pull this out. So it's important. Mr. GOHMERT has hit upon something that's very important. It's important that we follow procedures and follow the rules. That's what we're talking about, the rule of law, follow the rules. We need to follow the rules of this House so we give a proper examination of every bill and every idea that passes through these halls.

And that's why we've got a bill by GREG WALDEN and JOHN CULBERSON and BRIAN BAIRD that says how about us following the rules that are written into our book that was written by the Honorable Thomas Jefferson in the rules of this very House of Representatives, that says we're supposed to get three days to read a bill? And as Mr. GOHMERT pointed out, just the Cash For Clunkers bill didn't go through any committees, rushed in here. We saw it when we were voting on it and, bam, it was out there. And has it done any good for the automobile industry?

Maybe there was an idea sitting in one of these chairs that would have been a little bit better than the idea that came from who knows where, because it didn't go through a committee system to get through floor, and none of us had time to read it or come up with an idea or amend it, because the rules didn't allow us to amend it.

And that's what's happened on every bill that's been offered this year of any importance. It is brought to us, crammed down our throat, and we're not given the chance to even read it. The American people have made an outcry, and they're making an outcry about bills that are hard to read. I'll admit they're hard to read. But they're saying, why don't you read the bill that's going to change health care in America permanently? And so many of us struggled through it and did. But we're not enforcing a rule that says we should have 3 days to read this bill. We should.

If Americans send us to Washington to be their voice and cast their vote in Washington, D.C., and we are handed a document that may be 2,000 pages long and spend $700 billion, and it gets to us at midnight and we're expected to vote on it at 10:00 the next morning and they drop in amendments after that, how in the world can we do the job the American people sent us to do here?

So this bill right here, the 3-day reading rule, is just ordinary good courtesy and common sense in a place where we spent, in the last year, in the last 6 months we've spent more than we spent in the history of the Republic. So maybe we should slow down. Maybe we should follow the rules and give us 3 days to read these bills. Sorry, but that's kind of a passion, I think, Mr. GOHMERT. I'll yield.

Mr. GOHMERT. Thank you. And the point about having time to read the bill could not be illustrated more clearly than on the stimulus bill that was basically crammed down this body's throat. We were promised by the President back when he was running for office that he was going to have, what is it, 4 or 5 days it would be up on the Internet, where all America could read these bills for days before we voted on them. But it gets a little hard to take the administration, the President, leaders of this body seriously when they all parroted that stuff and how they were going to do that.

And then on the stimulus bill we were told over and over, we didn't have time to read the bill. We just didn't. It was filed, I think, after midnight. We're voting on it, over 1,000 pages. There was no time for anybody to read it. We were told that there were thousands of people losing their jobs every day. It had to become law immediately. There's no time to read it; just do it. Just do it. Just vote on it. Well, some of us still wanted to see what was in it. We voted against it, and yet it passed on that Friday, and so because it was such an emergency, they said, and we didn't have time to read the bill, we passed it on Friday, and then Saturday came and went, and Sunday came and went, and Monday came and went, and Tuesday, when the photo op was set up in Colorado for the President to sign the bill, he finally got around to signing the bill.

Why couldn't we have had those 3 days and voted on it on Monday if it was such an important bill and if the President had been serious and the leadership of this House had been serious about the importance of reading bills? Why couldn't we have had Friday, Saturday, Sunday, and then debated on Monday? But we were denied that, even though the President never had any intention of signing that bill for 4 days after it was signed. So it gets a little hard to take some of the acrimony on the floor seriously, as in that case, when we were just ridiculed for not being willing to sign it immediately and for wanting to read it when there just was no time to waste. Four days later, the President signed it.

Mr. CARTER. Reclaiming my time, I call that the Chicken Little syndrome. The sky is falling. We've had the sky falling in this Chamber on more than one piece of legislation. Oh, my God, the sky is falling; the banks are dropping off a cliff, the economy's going to hell in a handbasket, and you've got to vote now. Don't bother to read it. Don't ask any questions. Give us the money. Trust us. Sign the check.

Well, and I'm telling you this, the same thing happened in the last waning months of the Bush administration, and I didn't support that then, and I won't support it now, because the sky's not falling. We're sent here to do a job, and we ought to be given the chance to read these bills. And I think this is a good bill. And I hope our leadership will let us bring this up. I'm coming down to the last thing I want to talk about tonight, and that is, we are setting history, because we now have more czars by twofold than the Romanovs in all the history of Russia, Imperial Russia.

And so we have a couple of bills, both of them dealing with czars, which say that they want to—Mrs. BLACKBURN wants to deal with the czars. And we'll start with Mr. SCALISE. Mr. SCALISE defines czars. We have now, and I may be corrected by my friend, Judge GOHMERT, but I believe we're at 34 czars, or maybe 36 czars have been created by this administration, which is like head and shoulders above any bunch of czars we've ever had. We've got czars for everything in the world.

In fact, the compensation czar today announced some compensation rules which were kind of interesting, and I think there's going to be some contract law matters that will probably come up on that. But we have a compensation czar. We have a czar probably, you know, furniture polish czar, for all I know. But sunset the czars. In other words, let's look at them, see what they're doing. If they're not doing anything worth having or they're duplicating efforts that are done by the people who've gone through the Senate appointment process and been vetted by the Senate, the secretaries of the various departments of this government, maybe we ought to just eliminates the czars.

Then our friend, MARSHA BLACKBURN, has a bill that the President is to report the responsibilities and qualifications that authorizes the special assistance of czars. The President will certify that the czars will not assert powers beyond those granted by the law to a commissioned officer on the President's staff, and Congress will hold hearings on the President's report and certification within 30 days.

In other words, Mr. President, tell us what those folks are going to do, how qualified they are to do the job. We're going to pay them somewhere between $175,000 and $200,000 a year to do the job. And the Congress ought to be able to see that report and have the ability to deal with it. Both of these are good laws, and both of these have to do with czars. My friend, LOUIE GOHMERT, has been here with me for almost the full hour. We're about 5 minutes from conclusion, so I'll yield a couple of minutes to my friend, LOUIE GOHMERT.

Mr. GOHMERT. With regard to the czars, we've seen over and over examples of people who have been placed in these positions, and it doesn't do me any good or anybody in America any good to say, well, you know, prior presidents have used czars. Not to this extent. Not ever, and I never really cared for them, no matter who the President was. I didn't like the bailout last year. I thought, until this administration, it was possibly the worst domestic action that's been taken in the last 50 or 60 years. That is, until this administration just left $700 billion in the sand as it blew through more and more money. But then, to have this massive spending spree that's, while we've got people appointed by the White House, not properly vetted, and the more we find out about these people, the more we're concerned they should never have been in those positions in the first place.

And as we know, we've already had one recently step down, he should have never been there in the first place, whereas, if you went through regular order there and had advice and consent of the Senate, it doesn't mean they're going to be perfect. Nobody is. No process is. But there was real ingenuity in the process that was set up by the Founders, and the advice and consent is an important issue. But the whole reason our Founders set up a President outside the main stream of Congress, unlike the parliament that elects a prime minister from this body, it was going to be from outside this body so that there would be more checks and balances, and the czars have done nothing but create Scars upon Thars—with all deference to Dr. Seuss—scars across America, as they have been unaccountable to the Congress, to the courts, to America. And that really has to be changed.

□ 2200

We need the sunlight. We need transparency. We don't need czars.

Mr. CARTER. Reclaiming my time, I agree with my friend and fellow judge from Texas. We don't need czars that don't answer to the people. We intentionally designed the executive department to stand with checks and balances over it, just like the legislative department is designed that way. We intended it. This is not the way our Founding Fathers intended this country to be run.

We've been talking tonight about the rule of law. It's about the rule of law. It's about following the rules. You know, if we don't hold each other to the standards that are required by this body, if we don't hold our colleagues to the standards that are required by this body, then why would we expect the American people to trust us? I will tell you, all of us need to be worried about the issue of trust. So I will continue to raise these issues, and I will be glad to be joined by anyone in this discussion to discuss following the rules and obeying the law.

MODIFICATION IN APPOINTMENT OF CONFEREES ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore (Mr. NYE). Without objection and pursuant to clause 11 of rule I, the Chair removes the gentleman from Texas (Mr. REYES) as a conferee from the Permanent Select Committee on Intelligence on H.R. 2647 and appoints the gentleman from Florida (Mr. HASTINGS) to fill the vacancy.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

REPEAL THE DON'T ASK, DON'T TELL POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) is recognized for 60 minutes.

GENERAL LEAVE

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, tonight, October 6, at 10:03 p.m., we have a very special night. My colleagues and I stand here tonight to champion the repeal of the Don't Ask, Don't Tell policy. Repealing Don't Ask, Don't Tell is important. It's important for three reasons.

Number one, it is vital to our national security that we repeal Don't Ask, Don't Tell. We have kicked out over 13,000 troops since we enacted this law 16 years ago. We have kicked out over 400 troops just this year, in 2009. When our commanders on the ground are desperate for troops in Iraq and Afghanistan, now is not the time to throw them out—not for any type of sexual misconduct, but just because they're gay.

Number two, do we need to repeal Don't Ask, Don't Tell because it is doing right by our taxpayers? It is costing the American taxpayer $1.3 billion to throw these young American heroes out of our military just because of their sexual orientation. It costs the American taxpayer $60,000 to recruit these young heroes to come in, to train them up, to make them warriors, and then we just disregard them just because of their sexual orientation.

And, lastly, the Don't Ask, Don't Tell policy goes against the very fabric of what makes our country the greatest country on Earth, the fact that we're all created equal.

Mr. Speaker, we have colleagues, Members of this great House here tonight to argue about the repeal of Don't Ask, Don't Tell. There are 176 cosponsors to repeal this act, but one of these Members is the highest-ranking enlisted soldier ever to serve the United States Congress. He was a command sergeant major. That is the highest rank you can become in the United States Army in the enlisted ranks. He is a sophomore Congressman from Minnesota. His name is TIM WALZ. He is an American patriot and a hero, and I'd like to turn it over to my colleague and my friend, TIM WALZ from the great State of Minnesota.

Mr. WALZ. Thank you to my colleague, the gentleman from Pennsylvania. Thank you for your service in the military. Thank you for your leadership in this Congress and, especially, thank you for standing forward on this important issue. The colleagues who have joined us here tonight understand this issue is one of civil liberties, of basic human dignity and of national security.

As my colleague said, I had the privilege and the honor to serve this Nation for 24 years in uniform. I can tell you, there is no greater privilege than putting on the uniform of the United States Army and trying to do the best

you can to make sure that our personal liberties and our security of this Nation are maintained. The idea of denying that privilege and that honor to any American is simply unfathomable to me. It makes no sense. I can tell you, approaching this from a perspective—I'm a schoolteacher by profession—I had students that I taught in the classroom, coached on the football field, trained in my Guard unit, and they went off to Iraq to fight for this Nation. They went off to Afghanistan to fight for this Nation. Not once, not once in my career did the question of sexual orientation come up. Not once was the ability of that unit to deliver the security and deliver their mission ever predicated on sexual orientation. Not once did I see that this Nation was safer because a soldier was removed because of sexual orientation.

This issue and in the position I was in as a senior enlisted soldier, my whole purpose in life was to make sure our troops were trained; make sure they were prepared to do the mission and make sure their well-being was taken care of; make sure they could pass their physical proficiency test, make sure they could fire their weapon to the best of their ability; make sure they understood the mission and they understood the tactics to carry out the mission that was assigned to them to protect this Nation.

The professionalism of our troops is beyond question. The professionalism to be able to carry out a mission as assigned to them and to fall back upon their training has led us to have the most successful and proficient military in the world. The idea that these soldiers would be degraded because of the sexual orientation of someone doing the exact same thing alongside them is not only a fallacy; it is degrading to the professionalism of most soldiers there.

We serve today, right alongside in Afghanistan, 12 nations that allow their military to serve as openly gay and lesbian soldiers. Not one incident in that conflict has arisen because of that. And as my colleague from Pennsylvania so clearly pointed out, as that generation of young people willingly raise their hand at a time of two wars to serve this Nation, we're turning out some of the most skilled warriors and turning them out of the military for a bias on sexual orientation that has no place, has no need, and is not undermining our security.

My colleagues here tonight are going to make and have already made a very eloquent case for this. The United States public has a very strong preference that we allow people to serve in the military. We allow them to do their duty. We make sure that our Arab linguists are there, and we've sent many of them out the door because of this archaic and outdated policy. It doesn't reflect the values of this Nation. It doesn't reflect what we know in the military as a sense of trust amongst comrades.

There is a very eloquent quote—I think one of the most powerful speeches ever given, and it was given by the Marine Corps' first rabbi, Rabbi Gittleshon on Iwo Jima. Rabbi Gittleshon was chosen and asked to give the eulogy over the dead at the Battle of Iwo Jima. There was a strong bias about having a rabbi give last rites over Christian soldiers. The decision was made to have three different services. But during Rabbi Gittleshon's remarks, he was very clear about this: an enlisted man and an officer lay dead together, black and white, rich and poor, sons of immigrants and fourth-generation Americans. Not one of those people asked the other why they were there. His point was, theirs was the purest democracy, arm in arm, brothers and sisters in arms fighting for this Nation. And for any of us to discriminate against another because of any perceived bias was to disregard and disrespect the valor and the memory of those who have served.

So I want to thank my colleague from Pennsylvania, Captain MURPHY, an Airborne soldier, served honorably in Iraq and has served this Nation well. He came to Congress to do the same thing and has courageously stood up time and time again for what's right, what's for the best security of this country and what keeps in the best traditions of civil liberties in this country.

So I stand with my captain side by side on this. I can assure the American public, the professionalism of our force and the unwavering commitment to this country of the military is in absolutely secure hands, and to give other Americans the ability to serve and be a part of that is something that this Congress must do. So Captain MURPHY, I congratulate you. I thank you for doing this. I'm proud to stand with you. You have over 170 of our colleagues with you on this. It's time to move this forward. It's time to erase this mistake for our security and for Americans. I'll be with you every step of the way. So thank you for that.

With that, I yield back to the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from Minnesota. There are two points that he mentioned that I would like to highlight. The first is the fact that there are 27 other nations that allow their troops to serve openly. Some of our toughest allies—Great Britain, Israel, the Aussies—they all allow their troops to serve openly with no detrimental effects.

□ 2210

Secondly, the command sergeant major mentioned Iwo Jima. I spoke to 250 senior leaders in the United States Army yesterday, and, unsolicited, I got an e-mail this morning from one of those colonels that I met with. And this Army colonel wrote me a note, and he said, ''In fact, gay men and women have been serving honorably in our military for decades.'' He sent me a moving passage from a book about World War II entitled, ''Stories from the Pacific.'' Reflecting on his experiences, a Marine wrote:

''That lesson of tolerance was well learned by the men in our company. During three amphibious campaigns in which we took part in Bougainville to Iwo Jima, valor and unselfishness were commonplace. I saw bravery and sacrifice all around me.

''One of the most courageous men I met was our Navy corpsman, Billy Hauger, a teenage boy who always put our well-being ahead of his own. In combat, he cared for us. He bandaged our wounds and comforted our men as they died. Often he would leave his position of relative safety and move out into the hail of enemy gunfire to treat a downed marine or pull a man to safety.

''On Iwo Jima, he risked his life time and time again to take care of his fellow men. On his last rescue attempt, he was badly wounded when a Japanese Nambu machine gun put a round through his thigh and another high in his chest. Billy's wounds were life-threatening, and he was quickly transported out to the hospital ship for treatment. But Billy didn't make it.

''Billy was posthumously awarded the Navy Cross, our Nation's second highest honor for extraordinary heroism under fire. I loved Billy Hauger then and I will always love him. Billy Hauger was a homosexual. Every single marine in our company will be proud to stand with him and call him friend and brother.''

He's looking down from heaven right now, and he's looking at us in this hall today. And I'm proud to stand with every one of you as we champion the repeal of Don't Ask, Don't Tell.

With that, I yield to my colleague, the congresswoman from California, Mrs. LOIS CAPPS.

Mrs. CAPPS. I thank my colleague from Pennsylvania, Mr. MURPHY, for yielding.

I am so honored to be with you this evening, and I thank you for organizing this time and for your leadership on this issue.

It's a humbling experience to come to the podium and come to the well following the eloquent testimony that you and our colleague TIM WALZ have given us, the two of you having distinguished yourselves in uniform serving our country on the battlefield. And your eloquence in your statements and also your testimony to the importance of this legislation gives credibility to it and credence to it that you alone uniquely, I believe, in this body have that ability to do, and I thank you that you are stepping up and leading this effort.

I am honored to join you. I believe it takes those of you who served to express your leadership in this way, but I also believe that the rest of us who didn't have that experience of serving but who are so grateful to those who

did want to join you in this kind of effort. I am so honored to stand here this evening tonight with our colleagues from different parts of the country, from different backgrounds and experiences, all with this conviction that we have and lending our support to the Military Readiness Enhancement Act.

It's been stated already, and it's going to be stated again, Don't Ask, Don't Tell is discriminatory, detrimental to the productivity of our Armed Forces, and it really contradicts the very foundation of equality that the United States of America is founded upon. Plain and simple, it is way past time for this prejudiced policy to end.

As you stated before, over 12,000 men and women have been discharged from the military since 1993 because of their sexual orientation, because of their sexuality. That's over 12,000 gifted and qualified individuals our military could not afford to lose in the first place.

We must keep the repeal of Don't Ask, Don't Tell on our priority list in this Congress, and this issue must also remain on the national conscience as well. We have to seek out every opportunity that we can to educate our constituents that Don't Ask, Don't Tell threatens not only our national security but all of our inherent rights as Americans.

I'm very grateful for the countless individuals who are working in our communities to do just that. Many of them are current and former members of the military, and they do their service and they do our country a great honor by doing that, but I want us to widen that. We can't leave it up to those who have served to tell their story out of their own personal experience. We have to also join them because we are part of that movement as well. And there are numerous organizations working across the country to inform people and citizens, all citizens, about the injustice of this policy.

I am very proud that one of these organizations, the Palm Center, is located at the University of California, Santa Barbara, in my district. Nathaniel Frank is a senior research fellow at this center. I have listened to him and had him explain his research to me, but he has written also extensively about how detrimental this policy is in a book that he has published entitled, ''Unfriendly Fire.''

He explains how Don't Ask, Don't Tell has added to the challenge of recruiting and keeping qualified soldiers in the military, and he also describes how the ban undermines the unit cohesion that it is supposedly designed to protect. The very reasons for establishing this policy have had the effect of undermining troop morale and troop discipline. And this is evidence that has been gathered now, substantial enough, that it is way past time, as I said, for us to act on it.

With the assistance of organizations like the Palm Center, important volumes like ''Unfriendly Fire,'' and the testimony of our civilian and military allies, we can and really we must overturn the ban on gays in the military.

I applaud our President's stance on this issue, and I look forward to getting the Military Readiness Enhancement Act to his desk as soon as possible. I believe that's our goal, and I'm grateful, again, for the effort of this hour to lay the groundwork for it.

Every day that passes with the Don't Ask, Don't Tell policy continuing in place, the United States military loses out on more and more qualified applicants. For a country at war, this is simply inexcusable, and it threatens the safety and security of our overstretched deployed troops today. Every effort needs to be taken to ensure that those serving in our Armed Forces have the materials, the support, and the work environment that they need to function most effectively.

□ 2220

The brave men and women serving today in our Armed Forces deserve nothing less than the ability to be honest about who they are.

Thank you again, Mr. MURPHY. Thank you to my colleagues for organizing this hour for giving us the opportunity to speak out on this very important issue, for holding this special order to bring further attention to the Military Readiness Enhancement Act.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the lady from California.

I would like to highlight the fact that Nathaniel Frank and Aaron Bell can do a great job at the Palm Center. They are truly our battle buddies in this cause to do what's right by our soldiers, our marines, our airmen, our sailors, and our coastguardsmen. And that's our job tonight.

Now it's my honor to turn it over to the gentleman from Colorado, Mr. Jared Polis, who happens to be my sister and brother-in-law's Congressman, and I know Brian and Kathy Mergolis out there in Westminster, Colorado, are probably watching, and I would like to turn it over now to their Congressman, Mr. POLIS.

Mr. POLIS. Thank you for highlighting some of the research that was done in your district regarding this matter. And I would like to thank Representative PATRICK MURPHY for taking this challenge on, making our military stronger, saving taxpayer money.

I would like to bring the attention of our viewers to a very recent report that was published. It's called ''The Efficacy of Don't Ask, Don't Tell'' by Colonel Om Prakash. You can find it on the Internet. This was a study that was done by a student at the National War College. It actually won recently the 2009 Secretary of Defense National Security Essay Competition.

One of the quotes on the cover is from General Omar Bradley, and it says, ''Experiments within the Army in the solution of social problems are fraught with danger to efficiency, discipline, and morale.''

Now, of course this was not in relation to our current discussion. It was in reference to the racial integration of the United States military by Harry Truman in 1948.

At some point the experimentation, the so-called experimentation, becomes the exclusion. At this point in the evolution of our society, it is more experimental to use the military as a social incubator to try and deny gay and lesbian soldiers from serving than simply allowing them to serve. The military isn't the place for evaluating whether or not we as a society accept or don't accept homosexuality. It should be designed as a fighting force to defend our Nation. And anything that compromises that weakens our military and is not in our interest as a country.

The report by Colonel Prakash—allow me to quote from it—it says, ''If one considers strictly the lost manpower and expense, 'Don't Ask, Don't Tell' is a costly failure.''

Colonel Prakash further quotes the GAO's estimates that the cost is $190.5 million for the previous 10 years of Don't Ask, Don't Tell. Not only does it cost money, but it costs lives. Whenever we put anything other than our best foot forward in terms of the very most capable personnel for every particular mission, we jeopardize the lives of other men and women serving in our military. We owe it to the men and women serving in our military to ensure that the most capable person is in every job, regardless of the race or the sexual orientation of that individual.

Colonel Prakash's report ends, ''Based on this research, it is not time for the administration to reexamine the issue; rather, it is time for the administration to examine how to implement the repeal of the ban.''

We have a number of other speakers here tonight, Mr. MURPHY, and that is a testimony to your leadership and the importance of this issue. I look forward to engaging in a discussion after we've all had a chance to say a few words.

Mr. PATRICK J. MURPHY of Pennsylvania. I would like to highlight of this report—which is a terrific report—Colonel Prakash writes, ''There are potential lessons to learn from other countries that have lifted the ban on homosexuals serving openly. There was no mass exodus of heterosexuals, there was no mass 'coming-out' of homosexuals. Prior to lifting their bans, in Canada 62 percent of servicemen stated that they would refuse to share showers with a gay soldier, and in the United Kingdom, two-thirds of males stated that they would not willingly serve in the military if gays were allowed. In both cases, after lifting their bans, the result was ''no effect.''

In a survey of over 100 experts from Australia, Canada, Israel, and the United Kingdom, it was found that all agreed the decision to lift the ban on homosexuals had no impact on military performance, readiness, cohesion, or ability to recruit or retain. Nor did it increase the HIV rate among troops.''

He concludes his article by saying, as you mentioned, ''Don't Ask, Don't Tell has been costly both in personnel and treasure. In an attempt to allow homosexual servicemembers to serve quietly, a law was created by this Congress that forces a compromise in integrity, conflicts with the American creed of 'equality for all,' places commanders in difficult moral dilemmas, and is ultimately more damaging to the unit cohesion its stated purpose is to preserve.

''Furthermore, after a careful examination, there is no scientific evidence to support the claim that unit cohesion will be negatively affected if homosexuals serve openly. In fact, the necessarily speculative psychological predictions are that it will not impact combat effectiveness.

''Based on this research, it is not time for the administration to reexamine the issue; rather, it is time for the administration to examine how to implement the repeal of the ban.''

And that, my friends, is from the Joint Force Quarterly. That is a publication from the chairman of the Joint Chiefs of Staff of our country.

With that, I would like to now turn it over to the congresswoman from California, Ms. LYNN WOOLSEY.

Ms. WOOLSEY. I would like to thank the gentleman from Pennsylvania for organizing tonight's Special Order because the men and women who serve in our military deserve nothing less than our respect, our support, and our admiration, yet the Department of Defense continues to deny them the respect they have earned by pursuing a devastating policy that is nothing less than discrimination against gay servicemembers.

Don't Ask, Don't Tell requires that the military discharge gay, lesbian, and bisexual servicemen and women because of their sexual orientation. A servicemember could be the best sharpshooter, the best medic, or the best language specialist in the military; it doesn't matter if he or she is a captain or a cadet having served 3 days or 30 years. If that Member is openly gay, he or she is fired.

Don't Ask, Don't Tell denies our Nation their service, it denies our Nation—makes us less safe because this terrible and open discrimination in the military does no good. It takes away great members that should be working in what they want to do and helping us be safer day in and day out.

It's clear that Don't Ask, Don't Tell is a failed policy that not only punishes the thousands of highly qualified servicemembers who have been discharged from the military, but it wastes millions of taxpayer dollars as well. When you add up the cost of the training, the food, the lodging, the equipment, the uniforms, the staff support, and the transportation, our country makes a huge investment in our servicemembers to be the best in the world. But because of Don't Ask, Don't Tell, all of this training and funding is wasted if a trained servicemember is openly gay.

□ 2230

How can we invest the tens of millions of dollars in these young men and women, all of whom are desperately needed by the military, yet tell them they can't serve our country?

This inflexible policy continues to weaken our Nation's ability to protect and defend itself by retaining qualified servicemen and -women. We must stop this. Don't Ask, Don't Tell has to go away. I was a freshman when we put this terrible policy in place, and believe me, I worked really hard trying to defeat it, but it's there. Let's get rid of it.

Thank you, PATRICK, for doing this.

PATRICK J. MURPHY of Pennsylvania. I thank the gentlelady from California, and I look forward to partnering with her to do that, to right the wrong from 16 years ago in this Congress and to finally overturn that discriminatory piece of legislation and to make it right for our troops.

With that, I would like to turn it over to a fellow hockey player from the great State of Illinois, although he is a Black Hawks fan and not a Fliers fan. By the way, the Fliers won their home opener tonight 6–5 against the Washington Capitals, MIKE QUIGLEY.

Mr. QUIGLEY. Thank you. I want to thank the gentleman from Pennsylvania for his service as well.

Let me briefly try to put a human face on this. When you don't put a person on it, you can imagine it is hard to really understand the human cost with such a policy. I will give you two.

First of all, Lee Reinhart, 4 years after graduating from high school and after spending time at both public and private universities, Lee Reinhart decided he had simply not found his calling. So in September of 1995, Lee surprised his friends and family by joining the Navy. Lee served on board the USS *Cowpens* as an operations specialist working his way up to becoming a second class petty officer in the Combat Information Center, tracking both surface and air contacts.

While serving, Lee earned several medals and ribbons, including the Navy-Marine Corps Achievement Medal. Lee's tour of duty in the Navy was completed in August of 1999. After time in the Reserves and the events of September 11, 2001, Lee wanted to return to active duty, this time to make it a career. This time he chose the Coast Guard. But soon after joining, Lee became a target and was being investigated. Lee was given two choices: he could admit he was gay and be allowed to leave the military peacefully, or he could stay and undergo an investigation with the same end result, discharge.

The point of this story is obvious. Lee had completed a full enlistment in one branch and earned an honorable discharge, but while serving in another branch, the uneven and inequitable implementation of Don't Ask, Don't Tell ended his career.

The implementation of Don't Ask, Don't Tell is uneven and subject to individuals such as Lee to the whims and prejudices of individuals.

Second Lieutenant Sandy Tsao, like the President of the United States, our dear friend Sandy is a fellow former South Sider, this time from the Bridgeport neighborhood. Sunday, February 8, 2009, marked the 1-year service anniversary of her active duty full-time service to her country. Shortly thereafter she received an honorable discharge because of her orientation.

Ms. Tsao wrote a letter to the President of the United States. She writes: ''I am a second lieutenant currently serving in the U.S. Army. In addition to being an officer, I am a Christian, a woman and a Chinese American. I am proud of all these identities. Lastly, I am also a lesbian. On September 21, 2007, I was appointed as an Army officer. In the oath of office, I swore that I would support and defend the Constitution of the United States against all enemies foreign and domestic. Unfortunately, I will not be able to fulfill this oath because the current policy regarding sexual orientation contradicts my values as a moral human being.

Today is the Chinese New Year. I hope it will bring good fortune to you in your newly elect office. Today is also the day I inform my chain of command of who I am. One of the seven Army values is integrity. It means choosing to do the right thing no matter what the consequences may be. As a Christian, this also means living an honest life. I cannot live up to these values unless my workplace 'provides an environment free of unlawful discrimination and offensive behavior.' '' That is an excerpt from the U.S. Army's Equal Opportunity Branch.

''We have the best military in the world, and I would like to continue to be part of it. My mother can tell you it is my dream to serve our country. I have fought and overcome many barriers to arrive at the point I am today. This is the only battle I fear I may lose. Even if it is too late for me, I do hope, Mr. President, you will help us win the war against prejudice so that future generations will continue to work together and fight for our freedoms regardless of race, color, gender, religion, national origin or sexual orientation.''

For 24-year-old Sandy Tsao, we are too late. For the many other gay and lesbian servicemembers, our repeal may just be in time.

In my mind, having gone to Iraq, I looked at the brave men and women willing to make the ultimate sacrifice for our country, many of them as young as my own children. And I will tell you what I didn't see. I didn't see those as black or white, men or women, straight or gay, Democrats or Republicans. I saw Americans. I saw warriors. Don't Ask, Don't Tell is a policy so fundamentally hypocritical that it encourages citizens to put their lives on the line to serve a country built on freedom and democracy as long as they lie about who they are.

Lastly, I'm reminded always at times like this what President Lincoln said at Gettysburg. Now, it has been interpreted many ways, but I would like to think that the essence of what President Lincoln was getting to was, 87 years ago we created a country based on certain principles, the most important of which is that all of us are created equal.

What he was saying in Gettysburg is, Did we really mean it? Did we really mean everyone? And I ask my colleagues to think about that, especially in time of two wars, with storm clouds gathering over North Korea and Iran. Did we really mean it? Do we really mean it today, that all of us are created equal? I think we all are warriors, at least that much. Thank you.

PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from Illinois. Those personal stories of our heroes that wrote to you are very powerful and very moving. I will tell you since I took over the leadership of repealing Don't Ask, Don't Tell by enacting the Military Readiness Enhancement Act, I have gotten letters from all over the country and from overseas in Iraq and Afghanistan. And one of those letters that touched my heart and frankly broke my heart was from a soldier in Afghanistan. See, when I served in Iraq 6 years ago, I had 19 of my fellow paratroopers in the 82nd Airborne Division that gave the ultimate sacrifice. But one of them committed suicide. One of those 19 never made it home to see his family again. But this letter broke my heart because, and you will see, this hero was dealing with the Don't Ask, Don't Tell policy.

He writes: ''Sir, as you know, military spouses and other family members are important parts of the larger 'team' that is essential for our national defense. But such support is fundamentally closed off to the partners of gay servicemembers, even though these partners may be making the exact the same sacrifices as their straight counterparts.

''And it's even worse. Gay servicemembers and their committed partners have to worry that an overheard phone call, an intercepted email, or other type of compromised private communication could lead to a humiliating, career-destroying investigation. This is no way to treat American patriots.

''I write of these matters from personal experience. When the 9/11 terrorist attacks occurred, I was in a serious long-term relationship. The extensive active duty I did after 9/11 put a serious strain on this relationship. The relationship fell completely apart during my first deployment to Afghanistan in 2003.

''One of the big risk factors contributing to soldier suicides is the breakup of serious relationships. This is exactly what I experienced, and in the context of a combat zone deployment. I can still vividly remember sitting alone in Afghanistan, cradling my government-issued pistol in my hands and fighting the urge to blow my own brains out.

''What made that personal struggle in Afghanistan particularly difficult was the isolation that was imposed on me as a consequence of the Don't Ask, Don't Tell policy. A straight soldier in a similar state of crisis could go to his commander, his first sergeant, or his 'battle buddy' for support. But if I as a gay soldier had gone to my commander with the details of my situation, he would have been obligated to start the process of kicking me out of the Army.

''The Don't Ask, Don't Tell policy is wrong. I say this not just as an individual soldier, but also as someone with extensive experience as both a platoon leader and company commander. When I have been in such leadership positions, I have had straight soldiers share with me some of the most shockingly intimate details about their personal lives. I was glad that these straight soldiers put their trust in me, because I was able to offer each one the counsel or moral support that he or she needed at that time.

□ 2240

''Gay soldiers should also have that right to go to a commander, a first sergeant, or a battle buddy and not have to the worry about the ramifications of the Don't Ask, Don't Tell policy. The Don't Ask, Don't Tell policy shackles the hands of leaders like me. It prevents us from giving all of our troops the supportive leadership they deserve. The Don't Ask, Don't Tell policy throws up walls between battle buddies. It is an ugly stain on our national honor.''

I now yield to the new freshman, the gentlewoman from the great State of Maine (Ms. PINGREE).

Ms. PINGREE of Maine. Thank you so much, Congressman MURPHY. Thank you for gathering us here at this late hour and also for taking on the leadership role in this extremely important issue. I am very proud to be here with you and my other colleagues tonight who are taking the time to talk about how important this is. And I would like to add a few words that can't come close to expressing what people have done in letters and stories that have already been told, but I do want to add a few words from my own perspective.

In 1993, as we have talked about today, Congress passed the Don't Ask, Don't Tell law that mandates the discharge of openly gay, lesbian, or bisexual servicemembers. Under this law, as we all know and have been talking about, at least one individual a day on average is fired because they are gay or lesbian. Since 1994, that amounts to 13,000 servicemembers who have been discharged under the authority of this discriminatory act.

I am a freshman, as you mentioned, and I know this bill was passed in a different time, but as a freshman, coming in here with different eyes, as a new Member, nothing seems fair or reasonable about this policy. And as a member of the House Armed Services Committee, it is clear to me that this policy does nothing to keep our country safe. And it does nothing to move our country forward in protecting the very rights that the brave men and women of the military are fighting to protect.

In fact, I believe this policy has the opposite effect. Don't Ask, Don't Tell has been responsible for the dismissal of highly qualified soldiers, as we said, almost 13,000 soldiers, that our country desperately needs at a time when we are engaged in two active conflicts overseas.

We have talked a lot about this report which has just been recently released. And As Colonel Om Prakash recently said, as others have said in the Joint Force Quarterly, Don't Ask, Don't Tell has been costly both in personnel and treasure, and is ultimately more damaging to the unit cohesion its stated purpose is to preserve.

We talk a lot about the numbers, about our need for trained members, like experienced Arabic translators, which we know this damages. Tonight we have heard thousands of stories of the men and women who willingly serve our country and, oh, by the way, happen to be gay.

I heard a story recently of a soldier whose partner died while he was serving in Iraq. Because he was gay and because his partner was a male, he couldn't openly grieve or talk, just as you mentioned, to his commanding officer or to any other troops.

I heard about a young woman who wanted to follow in her father's footsteps but because she was openly gay, a lesbian, she could not serve in the military, and it was her life goal.

I, like many of my colleagues, have visited in Iraq and Afghanistan and I have seen the chaos and the confusion, the danger that our soldiers take on every day in which many of them serve.

In my State, like many other States, I attend the ceremonies where we send them off, where we welcome soldiers home, and I look at them, young and old, men and women. And I, like many others, attend the funerals when those soldiers don't come home, and I have hugged the parents of military members who don't come home and know the grief that they feel. But of all of those soldiers, whether you see them in Iraq and Afghanistan, you see them as they are going off, I just see young men and women, older men and women in the Guard who are willing to serve our country. I don't see anyone who is gay or straight. I see, as one of my colleagues said, Americans, people who are willing to serve.

I stand here today in support of every single one of our soldiers, no matter what their sex, their ethnicity, or their sexual orientation. They deserve our respect and deep gratitude and support, and every single one of them deserves the honor just as they are to serve our country.

Thank you so much for taking on this issue and being here tonight.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentlelady from

Maine. That was powerful. I tell you, you are doing a fantastic job as a new Member of Congress. We are proud to have you and lucky to have you in this Hall.

With that, I would like to turn it over to gentleman from New York (Mr. ARCURI), the former prosecutor from Utica, an Italian Catholic like my mother, who came in in the 2006 class.

Mr. ARCURI. I thank my friend from Philadelphia and for his courage and determination in being here.

This issue, I was sitting there and I turned the TV on this evening and I didn't know you would be here, and I saw you on the floor and I really wanted to come down. My comments pale in comparison to some of the comments made and stories told, but I think it is very important that people weigh in on this issue. This is not the kind of issue that is just reserved for people who have been in the military, but this is an issue that affects all Americans. We are so proud of the freedom our country represents, and there are so many thousands of people who have given their lives over the years to protect that freedom, and they did it to ensure freedom for future generations and to ensure that prejudice and discrimination did not continue as a blemish upon our country.

Don't Ask, Don't Tell is a blemish on our country and it needs to be repealed. It needs to be removed in the same way that any prejudice and any discrimination should be removed from the books of laws of our great country.

I am here tonight to say, first off, for your leadership in this very, very important issue and for stepping forward in the courageous way you have, and for leading the charge to do not just the right thing but the important thing, the critical thing for the future of our country, I stand with you. I am proud to be a cosponsor of your bill, and I am proud to be with you here tonight.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentleman from New York. As Mr. ARCURI said, we should all weigh in and we shouldn't just leave it to those who have served in uniform. I tell you, in the Congress 40 years ago, over 75 percent had military experience. Now it is 23 percent of us here have military experience. I will tell you that you don't need to be a veteran, someone who wore the cloth of our country, to weigh in. And that is why it is great to have patriots like MIKE ARCURI, CHELLIE PINGREE, and like MIKE QUIGLEY, from all over this country, to stand up and do the right thing.

With that, I now turn it over to one of the true champions of equality in this Congress. The Congresswoman from Wisconsin has been in my home district in Bucks County, Pennsylvania, and we keep asking her to come back because she has more fans there than I do, I think. Luckily, she is not running against me in a primary. But I will tell you, Ms. TAMMY BALDWIN is a true champion for all of us with what is right in America.

Ms. BALDWIN. I want to thank my friend and colleague both for your service to your country and for your leadership on this very critical issue. And also thank you for yielding me some time this evening to talk about it.

I join you in strong support of H.R. 1283, the Military Readiness Enhancement Act. We have heard throughout the evening in 1993 Congress passed Don't Ask, Don't Tell, a law mandating the discharge of openly gay, lesbian, or bisexual servicemembers.

At the time, this law was intended as sort of a compromise to allow gay and lesbian servicemembers to serve in the military so long as they did not disclose their sexual orientation, so long as they hid being gay, lesbian, or bisexual. In other words, this compromise required our servicemembers to conceal, at best, or to lie, at worst. And in an organization such as our military where trust and unit cohesion is so important, this was just untenable.

Fifteen years later, we know that Don't Ask, Don't Tell is misguided, unjust, and, flat out, it is a discriminatory policy. Not only does Don't Ask, Don't Tell damage the lives and livelihoods of our military professionals, it deprives our Armed Forces of their honorable service and needed skills.

The armed services have discharged almost 800 mission critical troops and at least 59 Arabic and nine Farsi linguists under Don't Ask, Don't Tell in the last 5 years. This is just indefensible.

Further, the financial cost alone of implementing Don't Ask, Don't Tell from fiscal year 1994 through 2003 was more than $363 million. Now, we can't afford to lose any more dedicated and talented servicemembers to Don't Ask, Don't Tell, and surely we can put these dollars, these resources, to much better use.

□ 2250

Earlier this summer I had the pleasure of meeting Air Force Lieutenant Colonel Victor Fehrenbach. He's an exceptional serviceman who's being discharged under the Don't Ask, Don't Tell law. Lieutenant Colonel Fehrenbach has honorably served his country for 18 years as an F–15E pilot. He received nine Air Medals, including a medal for heroism during the 2003 invasion of Iraq. And he was handpicked to protect airspace over Washington, D.C. after the Pentagon was attacked on September 11, 2001.

Lieutenant Colonel Fehrenbach, who has flown combat missions in Iraq and Afghanistan, against the Taliban and al Qaeda, continues to serve while the recommendation for his honorable discharge moves forward to a review board and eventually to the Secretary of the Air Force. Just 2 years away from his 20-year retirement, this dedicated serviceman stands to lose $46,000 a year in retirement and medical benefits for the rest of his life if he's discharged.

There are approximately one million lesbian and gay veterans in the United States today, as well as 65,000 lesbian and gay servicemembers currently serving in our Armed Forces. Like Lieutenant Colonel Fehrenbach, these brave servicemembers are fighting and dying for their country in two wars. They're making sacrifices, and some are making the ultimate sacrifice, just like their straight counterparts. It makes no sense, and I just believe it's flat out wrong to discharge capable servicemembers for something as irrelevant as their sexual orientation.

Now, as my colleagues have discussed this evening, the Military Readiness Act would prohibit discrimination on the basis of sexual orientation against any member of the Armed Forces or any person seeking to become a member. Further, the Act would authorize the re-accession into the Armed Forces of otherwise qualified individuals previously separated under Don't Ask, Don't Tell.

Finally, the Act would require that regulations governing the personal conduct of members of the Armed Forces are written and enforced without regard to sexual orientation. It's long past time for Congress to act to end discrimination against gays, lesbians and bisexuals in our Armed Forces by passing the Military Readiness Enhancement Act. So I stand ready to join my colleagues in repealing this dishonorable law as soon as possible and restoring justice and equality in our Armed Forces.

Mr. Speaker, before I conclude, I really do want to commend you, my colleague from Pennsylvania, Congressman PATRICK MURPHY, for your bold leadership and your work in helping us move closer to repealing Don't Ask, Don't Tell. You have taken the lead in advancing this bill, and I look forward to working with you to see that day come.

Mr. PATRICK J. MURPHY of Pennsylvania. I thank the gentlelady from Wisconsin. And as she mentioned Lieutenant Colonel Fehrenbach, the fact that we trained him and spent millions of dollars on his training to do what's necessary to keep our family safe here at home and in a faraway place like Iraq and Afghanistan, and just to throw him out and just discharge him like that is really a stain. It is a stain on our military. And it's a stain on this Congress for not acting quick enough.

It reminds me—you know, I had the great honor to teach at West Point. I taught constitutional law at the United States Military Academy at West Point. I was there from 2000 to 2003. And Forbes Magazine just rated West Point the number one college in America. It costs the American taxpayer about a quarter-million dollars to train each one of those cadets to become second lieutenants, to become leaders of character, not just for the 5-year active duty military commitment, but for a lifetime of service.

One of those cadets when I taught there was Lieutenant Dan Choi. Lieutenant Choi is an Arabic speaker, an Army officer, an Iraq war veteran and another one, one of the 13,000 that we just threw out of the military, not for any type of sexual misconduct. And let's be clear. If there's sexual misconduct, whether homosexual or of a heterosexual nature, throw them out. But just because he was gay, just because of his sexual orientation, and that is wrong. I'd now like to turn it over to my colleague, Mr. JARED POLIS, for any comments that he may have.

Mr. POLIS. You know, I'm struck by the sharing of the number of stories, a lot of similarities, many service men and women over the last decade and a half since this policy has been implemented, kicked out for no good reason. You know, what company, and I come from the business sector, could do this kind of thing? It doesn't increase your competitiveness. If you have people that you put hundreds of thousands of dollars into training, and then you don't like who they date and so you say, you're fired. You have people with excellent performance ratings, top of the category and you are saying, sorry, we're going to put somebody who might have a lower rating in your job because, again, we don't like who you date.

That's no way to run a company. It's no way to run a country. It's no way to run the best military. And what we owe to every one of our men and women who are in uniform, who put their lives at risk every day, is to make sure that we put our best foot forward militarily and do everything in our power to protect every life of every man and woman who serves. And when we remove people who would perform better, who are needed for certain functions, who have to cost more to retrain, we jeopardize the lives of other soldiers who are serving with them.

This also has an effect on recruitment and retention within the military. I heard a few weeks ago from somebody who's currently serving. He was facing a decision of whether to reenlist for another few years. He said, You know, when do you think don't ask don't tell will end? If you think it's going to end soon I'm going to re-up for another 5-year period. If not, I'm probably going to get out now.

I didn't know what to tell him. I said, well, Representative MURPHY's working on it, and I have every degree of confidence in him. I said, I hope that we will get it done in the next year or two. I think we will.

If he chose to leave the military, that's our loss. That's our military's lost. The cost of replacing that individual, the cost of training somebody to get up to speed at a time when we need more men and women to serve in uniform, is a cost to taxpayers and a cost to our national security. All of these stories resound that we are engaging in an extremely short sighted policy. How can be it be argued that all of these excellent men and women with great command, great evaluations that are kicked out for no particular reason other than who they date, how can it be argued that that makes our military stronger? It simply doesn't. And we need to correct this policy to ensure that we have the very best military to defend our national interests here and abroad.

Mr. MURPHY. I thank the gentleman from Colorado. I know our time is almost over. But I will tell you, you know, one way to run a company, one way to run the military, but I will tell you that there are military leaders that have served our country that are adamantly opposed to discriminating and going further with this Don't Ask Don't Tell policy. I will note one of them was the Chairman of the Joint Chiefs of Staff, a four-star general, General John Shalikashvili. He's written two op-eds, and I particularly want to point out the one where in 2007 he wrote an op-ed in The New York Times entitled ''Second Thoughts on Gays in the Military.''

He particularly points to a generational shift in the attitudes of our servicemembers towards gays and lesbians. So he writes: ''When I was Chairman of the Joint Chiefs of Staff, I supported the current policy because I believed that implementing a change in the rules at that time would have been too burdensome for our troops and commanders. I still believe that to have been true.

''The question before us now though is whether enough time has gone by, 16 years, to give this policy serious reconsideration. Much evidence suggests that it has.

''Last year I held a number of meetings with gay soldiers and marines, including some with combat experience in Iraq, and an openly gay senior sailor who was serving effectively as a member of a nuclear submarine crew. These conversations showed me just how much the military has changed, and that gays and lesbians can be accepted by their peers.

''I now believe that if gay men and lesbians served openly in the United States military, they would not undermine the efficacy of the Armed Forces. Our military has been stretched thin by our deployments in the Middle East, and we must welcome the service of any American who is willing and able to do the job.

''By taking a measured, prudent approach to change, political and military leaders can focus on solving the Nation's most pressing problems while remaining genuinely open to the eventual and inevitable lifting of the ban. When that day comes, gay men and lesbians will no longer have to conceal who they are, and the military will no longer need to sacrifice those whose service it cannot afford to lose.''

□ 2300

In conclusion, Mr. POLIS, I am proud that you are my battle buddy in this endeavor. Again, there are 176 of us. We are hoping to get more of our colleagues. We need 218 votes. I will yield to you for 30 seconds and any closing comments you may have.

Mr. POLIS. In addition to General Shalikashvili, one of the original cosponsors of the bill, former Representative Barr of Georgia, has come out in favor of the repeal. The former Commander in Chief of the United States military, President Bill Clinton, who signed Don't Ask, Don't Tell, has come out in favor of a repeal. The times have changed, and what was, in our judgment at one time, a decision of military preparedness, it might have been that good minds disagreed with whether it was in our interest back in the early nineties, that idea has changed. The tone of the country has changed, and it is more than time. The time has long passed to end this policy of discrimination within our military.

Mr. PATRICK J. MURPHY of Pennsylvania. I appreciate those comments. Also, another former chairman of the Joint Chiefs, Colin Powell, has actually come out and said that it is now time to reevaluate it. So in conclusion, Mr. Speaker, to the men and women at home, across our country and overseas in places like Iraq and Afghanistan, now is the time to act in the sense of urgency to repeal Don't Ask, Don't Tell. It is vital to our national security. No longer can we afford to let go of 13,000 qualified and honorable troops. We must do right by our taxpayer. It makes no sense that we spend $1.3 billion to train these heroes up and then to just kick them out because of their sexual orientation.

And lastly, this policy is simply un-American. It goes against the very fabric which makes our country great, that we're all created equal.

Mr. HONDA. Mr. Speaker, I rise this evening to express my support for repealing the United States military's ''Don't Ask, Don't Tell'' policy.

I want to thank my colleague, Congressman PATRICK MURPHY for organizing this Special Order Hour on the importance and urgent need for repealing ''Don't Ask, Don't Tell.''

I have long been a friend and an ally of the lesbian, gay, bisexual and transgender (LGBT) community and I am committed to the cause of equality.

I understand first hand discrimination based on racial prejudice, war hysteria, and a failure of political leadership. President Franklin Delano Roosevelt signed Executive Order 9066 on February 19th, 1942 which forced 120,000 Japanese Americans into internment camps during World War II.

Many of these families, including mine, lost their property and possessions during the several years they were jailed behind barbed wire.

Once again we find ourselves in perilous times. Our country and our civil liberties are constantly in jeopardy after the attacks of September 11th launched our nation in a ''war'' against terror.

It is more important than ever to speak up against unjust policies. There is much to be learned from my experience during World War II, as well as the experience of other groups about the destructive consequences of discrimination.

For over 60 years, it has been the U.S. military's official policy to exclude individuals based on their sexual orientation and gender identification. Reflecting one of our country's last officially sanctioned forms of bigotry, this policy stigmatizes patriotic Americans by excluding them from military service.

In 1993, President Clinton introduced the ''Don't Ask, Don't Tell'' policy as a 'compromise' when he was not able to overcome Congressional opposition to lifting the ban on LGBT participation in the armed forces. Unfortunately, this policy works to silence LGBT personnel among the ranks of our military, making them invisible to the American public they bravely volunteer to protect and defend.

Notwithstanding the ''Don't Ask, Don't Tell'' policy, countless veterans have served and continue to serve selflessly in the defense of our nation. Yet while thousands of our men and women continually serve to protect our freedom and liberty and put their lives on the line to do so, many are dismissed once their orientation or identification becomes known.

This policy is not only unfair to LGBT individuals, it also hinders our military's ability to perform its mission. Despite our need for language specialists, almost 800 mission–critical troops and at least 59 Arabic and nine Farsi linguists have been discharged under ''Don't Ask, Don't Tell'' in the last five years solely based on their sexual orientation.

It is the right of all Americans to live open lives within society, free from prejudice, intolerance, and fear, irrespective of race, ethnicity, age and perceived sexual orientation and gender. The contributions made by LGBT veterans, and those in active duty in an atmosphere hostile to them, underscores the tremendous sacrifices they make to serve this nation and I commend and thank them for their commitment and perseverance.

I have the honor of knowing Ashwin Madia, a former Marine Corps JAG officer now living in Minnesota, who was one of the first attorneys to successfully defend a fellow Marine from treatment under the ''Don't Ask, Don't Tell'' policy and who told me about his work on this case. If convicted this Marine would have faced an ''Other Than Honorable Discharge'' and lost his benefits.

When this Marine returned to service, he was welcomed by his comrades and was treated with respect and honor. Sadly, since the ''Don't Ask, Don't Tell'' policy went into effect in 1994, nearly 13,000 servicemembers were not as fortunate and were discharged.

Today there are over one million gay and lesbian veterans and over 65,000 LGBT members of the military serving in fear of being discharged for simply being themselves.

Repealing ''Don't Ask Don't Tell'' is long overdue. On this the military courts have spoken, military leaders have spoken, servicemembers have spoken, and our President has spoken. Today Congress is speaking as well. The Military Readiness Enhancement Act of 2009, H.R. 1283, has 176 cosponsors united and committed to ending this discriminatory policy.

It is time to support our troops by honoring their right to live and serve as their true selves. It's time to ask, it's time to tell, and it's time to get over it.

As policy makers, we are often faced with choices between what is urgent and what is important. But it's a false choice. The urgent issues of the day should never drown out what's important. Full equality for every person under the law is both urgent and important.

Thank you to our active military and to our veterans for their service to this great country. It is in your honor that this Congress will ensure every women and man wishing to serve can do so, without fear or prejudice.

I look forward to working with my colleagues to end discrimination of LGBT people in the workplace and in our immigration policies as well expanding hate crimes to include perceived sexual orientation and gender identity and providing Federal recognition of the commitment between same-sex couples.

Ms. LEE of California. Mr. Speaker, thank you, Congressman PATRICK J. MURPHY of Pennsylvania, for arranging this special order on ending the outdated and discriminatory policy of "Don't Ask, Don't Tell".

Thank you for taking up, H.R. 1283, which was originally introduced by our former colleague Congresswoman Ellen Tauscher.

I'm proud to serve as a vice chair along with several of my colleagues of the Congressional Lesbian, Gay, Bisexual, and Transgendered Equality Caucus which we established last year under the leadership of Congresswoman TAMMY BALDWIN and Chairman BARNEY FRANK.

We've made a lot of progress as a nation, in terms of society's recognition of the need to support basic fundamental human rights for all people—regardless of what their sexual orientation or gender identity happens to be.

I am pleased that we will finally take up legislation to extend hate crimes protections to the LGBT community.

However, we still have a long way to go to achieve the very simple and basic goal that we all seek—equal treatment for all under the law.

One critical step on the path to that goal is ending discrimination based on sexual orientation in our military.

The experience of our allies shows that having openly gay servicemembers does nothing to reduce the capability or effectiveness of the military. Our strongest allies have ended the ban in their militaries and have not suffered the exaggerated fears about weakening "unit cohesion" or lowering morale.

The misguided concerns about gays in the military, which precipitated the adoption of "Don't Ask, Don't Tell" have proven to be completely unwarranted.

Our military served as a leader in ending discrimination and segregation of minority troops in their ranks and helped to lead the nation as a model of fairness.

It should do so again, by ending this policy and giving every American the opportunity to proudly and openly and equally serve their nation.

It makes no sense to kick out thousands of trained and capable soldiers even as recruiters pay huge bonuses to find new recruits.

Just look at the numbers, since 1993:

Numbers of Don't Ask Don't Tell discharges—13,000;

"Mission Critical" soldiers discharged—800;

Arabic linguists discharged—58;

Estimated LGBT currently serving—65,000.

Fixing the clear discrimination of "Don't Ask Don't Tell" doesn't end the fight.

We've got to go further.

We must:

Pass the Employee Non-Discrimination Act;

Pass comprehensive immigration reform legislation that ends discrimination against the LGBT community;

We must ensure that federal benefits are extended to cover LGBT partners;

Repeal the Defense of Marriage Act.

Despite the challenges ahead, I know that as a nation, we will continue down the road of progress and equality under the law.

I will continue to do my part to support the rights of the LGBT community.

Let me, again, thank Congressman PATRICK J. MURPHY of Pennsylvania for this important Special Order.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to voice my support for the repeal of the Department of Defense's policy of "Don't Ask, Don't Tell" that bans openly gay men and women from serving in the military.

Under this law, our military loses on average one person a day, and since "Don't Ask, Don't Tell" became law in 1994, almost 13,000 servicemembers have been discharged. It is startling to think that we are allowing some incredibly qualified and thoroughly trained individuals to fall out of the armed services simply for being themselves. Honesty and integrity are two of our highest ideals, and the notion that our servicemembers sacrifice their personal integrity and capacity to be honest simply to serve our country seems unhealthy and hypocritical. At this time, the contributions of every service man and woman should be highly valued, and it is important that Americans embrace these openly gay individuals as equal and essential to our nation's armed services.

Furthermore, I believe that we must work towards ending discrimination against every racial, religious, and sexual minority. It is imperative that we create more opportunities for all Americans, rather than intensify existing divisions. "Don't Ask, Don't Tell" is discrimination at its very worst, and we must end this policy that violates the fundamental American values of fairness and equality.

Truly, this law does harm to so many individuals, and it is time to see its end. I ask my fellow colleagues to join me in supporting the repeal of the antiquated policy "Don't Ask, Don't Tell" so that our military can reach its highest potential.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the ordering of a 5-minute Special Order speech in favor of the gentleman from Texas (Mr. GOHMERT) is hereby vacated.

There was no objection.

HATE CRIMES LEGISLATION ATTACHED TO THE DEFENSE APPROPRIATION BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for the remaining time until midnight.

Mr. GOHMERT. Thank you, Mr. Speaker.

I have listened to most of the last hour with great interest. I was owed the Army 4 years from a scholarship I had at Texas A&M. Most people my age can tell you exactly what their draft number was. I can't. I didn't care. I was going into the Army. I expected to go into Texas A&M and finish my 4 years, come out as a second lieutenant and end up in Vietnam, as many of my friends did. But Vietnam ended before I graduated. I spent 4 years in the Army. I asked on my dream sheet to be sent to Germany. So the Army sent me to Georgia, to Fort Benning. Pretty close. It begins with G-E.

We've heard many examples here of people saying, Well, gee, if gays are not allowed, they might not reenlist. If you listen to the current commanders of our U.S. military, you listen to the vast majority of the military, then they're concerned not about gays in the military but about openly gay individuals in the military. This isn't a debate. When we talk about Don't Ask, Don't Tell, it's not a debate about whether or not there will be people who practice homosexuality in the Army, Navy, Marines, Air Force, Coast Guard. That's not the issue at all. There are people who practice homosexuality who are in the service, as my friends have already indicated.

The issue is, will they be allowed to be very openly practicing such things. The current policy is, if it's not where it's openly offensive to people who think it's inappropriate, then certainly we welcome your service in the military. It's just amazing where we are right now in America. You know, going back to last September, early October, we crammed a bailout bill down America that most Members hadn't had a chance to read. I read it. Then we come through with these stimulus bills, land omnibus bills, all this stuff that's coming down. And you just go, where have we gotten to in America? The military is not a social experiment. It's not. I think my friends know that. I heard one of the gentlemen across the aisle mention, Anything that distracts from the goals of the military should not be in the military. Whether it is heterosexual open acts or homosexual open acts, indications are it's a distraction.

So this isn't an issue about whether there will be gays in the military. It's about whether or not there will be people who are openly gay in the military. And still the commanders in the field seem to fairly uniformly indicate that it will be a problem for them completing their missions at maximum efficiency. That is what needs to be known. For every example of any individual saying, Gee, if gays are not allowed to be open in the military, I may not reenlist or I won't reenlist or I didn't, you have no idea how many people apparently have indicated, If the Don't Ask, Don't Tell is eliminated, I'm not joining. I'm not reenlisting. I'm about done with the social experimentation in the military. It's no place for it.

But, actually, it seems like this hour tonight follows, interestingly, just as a hate crimes bill has been added to the Defense authorization bill. Here we've got soldiers in harm's way needing us to authorize the money that they need to have the equipment and all that they need to protect us and to protect themselves, and we're playing games with them, attaching a hate crimes bill on a Defense authorization. Most people would say, Defense authorization is a must-pass piece of legislation, and therefore, people will be afraid to vote against it, especially conservatives, moderates. So you add a hate crimes bill to the Defense authorization? Are there no bounds to which this Congress will not stoop?

We can't just say to our military members, Here is what you need. Oh, no. We're going to go beyond Don't Ask, Don't Tell. We're going to stick a hate crimes bill on this bill and hold our soldiers, who are in the field trying to protect us, hostage unless you are willing to pass this hate crimes bill with what the soldiers need. It's just mind-boggling that people in positions of authority in this Congress would be willing to do that. It's just unbelievable.

Now, we have fought over this hate crimes bill in committee and on the floor and over and over. We made amendments, offered amendments because we could see that the definition of sexual orientation is wide open to all kinds of interpretation. And someday some court somewhere will say, You know what, sexual orientation means exactly what those words mean. If you're oriented—I hope it doesn't offend. But this is part of the law. It's laws in most States or it has been certainly in many States. If you're oriented toward animals, bestiality, then that is not something that could be held against you or any bias could be held against you for that, which means you would have to strike any laws against bestiality. If you're oriented toward corpses, toward children, there are all kinds of perversions—what most of us would call perversions. Some would say it sounds like fun, but most would say were perversions, and there have been laws against them.

□ 2310

This bill says whatever you are oriented towards sexually, that cannot be a source of bias against someone. Well, that's interesting.

Someone said, well, surely they didn't mean to include pedophiles or necrophiliacs or what most of us would say are perverse sexual orientations. But the trouble is we made amendments to eliminate pedophiles from being included in the definition. In fact, we made an amendment to use the definition in another part of Federal law that would have restricted sexual orientation to only talking about heterosexuality and homosexuality. We were willing to agree to that. But that also was voted down. The majority who is in control of Congress today made it very clear in committee, through rules, through the floor here, that they did not want any limits on sexual orientation on that definition.

''Gender identity,'' who knows what that will some day be interpreted to mean. There is no definition for that. It's whatever anybody wants to think it means. All of this stuff is just unbelievable.

We even went so far as to say, you know what? If you're going to try to protect transgender or homosexual individuals more than other people in society, then at least give the elderly that same protection. That amendment was voted down. We're not going to give the elderly the same heightened protection we would give transgender individuals, even though elderly are frequently picked out, targeted, because they're older and considered less able to protect themselves. If anybody deserved to be in that protected class, certainly the elderly would be. But this isn't about that. This is about forcing some type of sexual practices on those who are bothered by them on the country.

It's obviously not about run-away crime regarding hate crime that's just growing and growing. In the debate earlier today on this floor, the most we heard were statistics cited from 2007, and the reason for that is that the FBI statistics show that the numbers of hate crimes have been reduced over the last 20 and 10 years. They're going down. The laws in effect are carrying out their purpose.

Also, it should be noted that there is no act of violence that the Federal hate crimes bill covers that is not already a crime in every State in the Union. It makes no sense to hold our soldiers hostage to this hate crimes bill being added on there.

Now, when you look at the status of hate in America, there is hate in America. There is. And I don't know of anybody in this congressional body that likes the idea of hatred of one for another. It's not appropriate. Those of us who are Christians believe we are to love one another. In fact, when Jesus was asked what's the most important commandment, he said love God. The other is like it: Love each other. On

these two commandments hang all the law and the prophets: Love God and love each other. That's what a Christian is supposed to do.

Certainly, though, some people struggle with how anyone can love and care deeply about someone when they disagree strongly with the lifestyle that person is in. All I can suggest is that if someone is a true Christian, it's easier than you might imagine to love someone and totally object to a lifestyle.

But I keep hearing about how it's all about racial hatred. There is some racial hatred in this country. There's no question that there still is. But thank God that has been diminished tremendously over the years.

I am aware back in the 1980s, well over 20 years ago, I had some new neighbors move in. My wife and I and our three children, we had some neighbors move in. And we were excited because we had a doctor moving in next door. And I realized back in those days there still apparently is some feeling among some people of, gee, if somebody's of darker skin than I am, maybe I don't want them in our neighborhood.

That became apparent one night when I got a call from a neighbor who said, Did you know that our new neighbors who are living right next door to you are black? And I said, You know, we had them over here for dinner last night and I kept sitting there through dinner thinking, you know, there's something different about these people, and you know what? I think that's it. I believe you're right. I think they must be black.

Well, I was being sarcastic, for those who don't know sarcasm. As I told that neighbor, Look, I don't care what color he is. These are wonderful people. They're obviously going to be great neighbors, and I have a feeling someday he may save one of my kids. Who knows. Well, it turned out Larry Irvin did.

One night, my 5-year-old's fever spiked. I was not there. My wife was frantic, and she called Larry. He rushed over, got her in a tub of ice, got her temperature down. We didn't lose her. And I'll always be grateful that I had a neighbor, never mind that he happened to be African American. He was a wonderful person. I say ''was'' because we lost him. But a good man. But I realized from that phone call there are some people that still have these issues of race out there.

I've heard some people say that if you question our President because he happens to be black that you must be a racist. Well, that's kind of tough for me because I voted for Alan Keyes back in 1996. I never told Senator Gramm, but I liked the way Alan Keyes was able to articulate things that I believed in. I thought he was a fantastic candidate and would have made a great President back at that time. And so it would never have crossed my mind to think that those who countered Alan Keyes in 1996 must be racists. That didn't cross my mind.

So I'm very saddened when I hear somebody these days say if you're against our President, you must be a racist. That's ridiculous. Does that mean that everybody that disagreed with George W. Bush who is black was being a racist? I don't think so. So I hate to hear especially colleagues in here drag that up as being a motivation and we have to end racial hatred in America and this bill will be the way to do it.

I was very privileged to stand with dozens of African American Christian brothers and sisters who'd also been ordained, and they were so much more articulate than I am and could ever hope to be, but they were pointing out that it seems that the gay rights agenda attached its wagon, basically, to the racial movement, and now that they have arrived here in Washington, now the gay rights movement is attempting to tell them, as these African American ministers pointed out, they can't teach about what they believe and they believe the Bible teaches is sexual immorality.

Now, we have heard people on the floor here today say that this hate crimes bill is not about anything but violent acts, which I am sure they believe what they say, but it's simply not true. Not true at all.

□ 2320

Now, one good example, yes, it pertains to violent acts, and it does have a provision that some people stuck in here that says basically that nothing could be used that burdens a person's exercise of religion, speech, expression, or association—but unfortunately there's not a period there. There is an ''unless.'' Well, that's what makes this worth little more than the paper it's written on unless the government demonstrates an application burden to the person is in furtherance of a compelling government interest.

Now, that's the key here—unless it is in furtherance of the compelling government interest—because you see, 18 U.S. Code 2 is the law of principles in the Federal law. Most States have a similar ''law of principles,'' it's usually called, which means they're not really accomplices. Anybody that aids, abets, induces—that verb is in the Federal law—induces someone to commit a crime is just as guilty as if they perpetrated the crime. That's where this bill does so much damage to religious free speech.

And I brought this up because this has been debated in past Congresses, and I brought this up previously. What if a preacher preaching from a Bible, a rabbi teaching from the Tanach, or an imam preaching from the Koran were to say that homosexuality is just wrong in God's eyes and that such conduct merits punishment in God's eyes? Well, if some nut were to hear that and go out and commit an act of violence and he says, Well, you know, I heard these sermons or the teachings of the preacher, the rabbi, or the imam, that's what induced me into doing it, would the preacher be protected or the rabbi?

And the answer is no, they would not be protected. And you can bet that under the right prosecutor that those individuals would have DVDs, CDs, sermon notes, anything that a prosecutor could get his hands on would certainly be shown to be in furtherance of a compelling government interest, that being whether or not he induced or incited the criminal act.

So that would be a very chilling effect on anyone who teaches or preaches such things in such religious formats. It's not protected. It's not protected.

And so imagine the incredible irony of having a Defense Authorization Bill to give our valiant defenders in harm's way what they need to protect us, and we add on a bill that will limit religious moral teaching. Just amazing. Just amazing.

Now, as an example of exactly how 18 U.S.C. 2A could be applied here. I wanted to give this example. Say the preacher specifically went to Romans 1, verse—well, let's see—let's start with 18. And this is the New King James version. And say a preacher were to stand up and just do nothing but read straight from the Bible, and this is verse 18, For the wrath of God is revealed from heaven against all the ungodliness and unrighteousness of men who suppress the truth in unrighteousness, because what may be known of God is manifest in them, for God has shown it to them.

For since the creation of the world, His invisible attributes are clearly seen, being understood by the things that are made. Even as eternal power and Godhead, so that they are without excuse, because although they knew God, they did not glorify him as God, nor were thankful but became futile in their thoughts and their foolish hearts were darkened. Professing to be wise, they became fools.

I love that part.

Professing to be wise, they became fools, and changed the glory of the incorruptible God into an image made like corruptible man and birds and four-footed animals and creeping things.

Therefore, God also gave them up to uncleanness in the lust of their hearts to dishonor their bodies among themselves, who exchanged the truth of God for the lie and worshipped and served the creature rather than the Creator who is blessed forever. Amen.

This is verse 26: For this reason God gave them up to vile passions. For even their women exchanged the natural use for what is against nature. Likewise also the men, leaving the natural use of the woman, burned in their lust for one another, men with men committing what is shameful and receiving in themselves the penalty of their error which was due.

Now, suppose a preacher is preaching from those verses and just reads those verses actually, and some nut hears

them. Even though the preacher didn't advocate violence, some nut hears that and goes out and commits an act of violence. Says, Well, it was that reading straight from the Bible of Romans 1 that the preacher did, that's what induced me to do this.

Well, you can bet this language will not protect that preacher.

We also know that there are many who believe and teach that—the Koran teaches that the penalty for homosexual conduct is death, of all things. And we know that in Iran, Ahmadinejad I believe had said they didn't have any people practicing homosexuality in Iran. Well, apparently not. I mean, they may kill them, for all we know.

But this is the United States of America, and we do—or used to—believe in religious freedom and the freedom to teach religious morality as it has been taught in the greatest book ever written.

But this hate crimes bill is going to take care of that for us. And how ironic that a movement that would allow a certain conduct to be of a more heightened protected class than even the elderly is going to be attached to the Defense Authorization Bill. It's just mind-boggling that we have stooped this far. It's just unbelievable.

Now, with regard to the hate crimes bill, it should also not be lost that when we talk about protected classes—I think the defense authorization did add the military as a protected class—but just the ability to go into a church and forcefully get a preacher's notes, DVDs, it's going to have a chilling effect. There's no question about it.

And in every country where Federal law has adopted laws like this, this has an extremely chilling effect. And I go back to what our friend Chuck Colson had pointed out earlier this year, and that is when you lose morality in a Nation, you create economic instability leading to economic chaos. And when you have economic chaos, it is tragic, but people have always been willing to give up their liberties, their freedoms, in order to gain economic stability.

□ 2330

It happened in 1920s and 1930s Germany. They gave up their liberties to gain economic stability, and they got a little guy with a mustache who was the ultimate hate-monger. And this is scary stuff we are doing here when we take away what has traditionally been an important aspect of moral teaching in America.

Now, some of the same people are all upset about the plaque I was trying to have added to Statuary Hall here. We filed a bill called the Church Act, and we had research done by the Congressional Research Service so there would be no question that it wasn't slanted one way or another, that it was all accurate according to the Congressional Research Service. It would simply educate people who do not understand that the term ''separation of church and State'' is not in the Constitution. It was in a letter that was written by Thomas Jefferson.

But anyway, this is the language that's proposed in the bill to be on the plaque: ''The first Christian church services in the Capitol''—that is the U.S. Capitol and again this is all researched by CRS, all accurate, but ''The first Christian church services in the Capitol were held when the government moved to Washington in the fall of 1800. They were conducted in the Hall of the House in the north wing of the building. In 1801, the House moved the church services to temporary quarters in the south wing, called the 'Oven,' which it vacated in 1804, returning services to the north wing for 3 years. During church services, the Speaker's podium was used as the preacher's pulpit.

''Within a year of his inauguration, President Thomas Jefferson began attending church services in the Chamber of the House of Representatives. Throughout his administration, which was 1801 to 1809, Thomas Jefferson permitted and encouraged church services in the executive branch buildings. Sermons regarding the Old and New Testaments of the Bible were even conducted in the Supreme Court Chambers while the judicial branch was located in the old north wing of the Capitol.

''The term 'separation of church and State,' not found in the Constitution, was rather first used by Thomas Jefferson in a letter to the Danbury Baptists. Though Jefferson saw no problem about having nondenominational Christian services in government buildings, he affirmed that the government should not choose an official Christian denomination. The worship services in the government-owned House Chamber—a practice that continued until after the Civil War—were acceptable to Jefferson because they were nondiscriminatory and voluntary.

''President James Madison, the recognized author of the Constitution, followed Jefferson's example. In keeping with Madison's understanding of the First Amendment, church services were permitted in the Halls of State on Sundays during his administration. That was 1809 to 1817. However, unlike Jefferson, who rode on horseback to attend church in the Capitol, Madison traveled in a coach pulled by four horses. The services were interrupted in 1814 after the interior was burned by the British and had to be repaired.

''Preachers of every Christian denomination preached Christian doctrine in this Chamber. On January 8, 1826, Bishop John England of Charleston, South Carolina, became the first Catholic clergyman to preach in the House of Representatives. The first woman to preach before the House, and likely the first woman to speak officially in Congress under any circumstances, was the English evangelist, Dorothy Ripley, who conducted a service on January 12, 1806.''

So that is a history of the Christian movement, the Christian church being very much a part of the early founding of this country and the early days. And we could have quote after quote. History is replete with them, of the role of the Judeo-Christian beliefs and the founding of this country. And, in fact, through the 1800s, most of the time, somebody proposed a bill, they liked the idea of having a Scripture to back it up. They thought that would help win the support of the other Members here.

And if you look at the signing of the Declaration of Independence, the 56 signers who pledged their lives, their fortunes and their sacred honor, between one-third and one-half of those signers were ordained Christian ministers. And they helped give us this great start.

The first Speaker of the House, Mr. Speaker, was a Christian minister, was Frederick Muhlenberg, originally from Pennsylvania, as was his brother, Peter, also a minister. But those were the early days.

So it was troubling that the Constitution, that incredible document that was not first established in 1783, that was Articles of Confederation, but then 1787 we get to the Constitutional Convention during which Benjamin Franklin was there. But all 13 colonies had made clear, we are only coming back if George Washington presides. He is the only one we trust. They talked Washington into coming back to the Constitutional Convention to preside. How much that says about an individual, that the 13 colonies would only trust this person. Washington came back. He presided. We got the Constitution.

But even then, after nearly 5 weeks, they had accomplished basically nothing. And that is when Benjamin Franklin stood up, was recognized by President Washington, president of the Constitutional Convention, and basically said, we've been going for nearly 5 weeks and we have accomplished virtually nothing. We have more ''noes'' than ''ayes'' on these votes. He said, When we met in this room during war with Great Britain, we had daily prayer in this room. How is it, sir, that we have not once called upon the Father of Lights to illuminate our understanding? He went on to say that if a sparrow cannot fall to the ground without God taking notice, is it possible that an empire could rise without his aid?

He said, We are told in the sacred writing that unless the Lord builds the house, they labor in vain that build it. Firmly he said he believed that, not only that, but that without God's concurring aid, they would fare no better than the builders of Babel. He went on, spoke some more and ultimately made a motion that henceforth, every day of the Congress of the United States start with a prayer. From that day in 1787 until this very day, every session starts with prayer.

So that was very much a vital part of that. But we had a Constitution that

was the most incredible founding document of any country in the history of the world. It is tragic, also, that it did not come to mean the same thing that all people truly were equal for over 100 years, actually, until 18—well until the Civil War. And Lincoln was a devout Christian. He was a phenomenal theological thinker as evidenced by his second inaugural address that is etched in the north wall of the Lincoln Memorial.

That's why he came forth with the Emancipation Proclamation. That's why if you go back to his two brief years in the House of Representatives, Lincoln was supposedly asked after he was President, Did you ever remember anything occurring memorable during your brief time in the House of Representatives? And he had said nothing other than this; and, of course, history records that we had one President, after he was President, run for the House of Representatives, John Quincy Adams. He believed God was calling him to bring an end to slavery in the United States as a Christian in England had done who got elected in 1785, fought 20 years and finally had the repeal of the slave trade, that was William Wilberforce, the slave trade in 1805, then he fought for 28 more years and in 1833 slavery was outlawed completely in England.

John Quincy Adams felt that was his calling. That was something he felt he was supposed to do here in the United States, what Wilberforce was doing and had done in England.

And so after he was defeated by Andrew Jackson in 1828, he ran for the House of Representatives; 1830 he got elected. For 17 years that man preached on the evils of slavery, basically asking how could God bless America, continue to bless America when we are mistreating our brothers and sisters by putting them in chains and bondage. That was the church.

The church was all involved in the Underground Railroad in trying to protect slaves who were getting away because the churches recognized, and those who were really devout truly understood, they recognized them as being brothers and sisters and treated them accordingly.

□ 2340

And then you come even up to the civil rights movement in the 1960s, Dr. Martin Luther King, Jr., he was an ordained Christian minister. And there are many who believe in this country that all of his work, all of his effort, his peaceful protests, actually did one thing and that was get us closer to the day when people were judged by the content of their character rather than the color of their skin. But many think what he did was have African Americans in an atmosphere where they are treated more evenly. But he did something more. For white people who are Christians, he helped free them to be true Christians and treat every man and woman as brothers and sisters. He helped people across all races.

But he did believe in the Bible. He was quite the Christian evangelist preacher. So this movement has been throughout.

And now all of these years later we come to the point where there is going to be legislation. It has already been attached to the Defense Authorization bill. I guess that is to give people in the Senate protection who are afraid to vote because people back home may actually figure out that this is going to have a detrimental effect on the freedom to discuss immorality as the Bible teaches particularly, but certainly the Koran and the Tanach. And if you want to get right down to it, the term ''sodomy'' does come from the city of Sodom.

But this bill, the hate crimes bill, it will affect the ability of preachers to preach sexual immorality, as I have just read earlier from Romans 1, or to talk about, and both in the Koran and in what we call the Old Testament, the Tanach, the Torah, books in what we call the Old Testament and the Koran both talk about Sodom. Both talk about Gomorrah. Both talk about Lot and his family being there in Sodom. And both talk about the attraction of men for men, and that when the angels came there to Lot in Sodom, the men did not want Lot's daughters for sexual pleasure, they wanted the angels, and that was too much for God for those who believe the account as written out in the Old Testament.

But if this bill passes on the back of a Defense Authorization, a bill that is going to equip our soldiers to defend our freedoms and then take away religious freedom at the same time, it is amazing.

Something Chuck Colson said years ago was you cannot demand the morality of Woodstock and not expect a Columbine. If the morality of the country is if it feels good do it, at some point some warped soul is going to wonder about what it feels like to kill people and what it feels like to do other things.

What is really offensive to me, this hate crimes bill, on committee, on the floor, could have been amended, but the majority would not allow us to restrict the definition even of what sexual orientations were protected. They wanted it left. They wouldn't even restrict pedophilia, wouldn't restrict necrophilia, wouldn't restrict the other definitions of sexual orientation. They wanted it wide open. And for that, you are going to hook this on the backs of our soldiers and they don't get what they need in the field unless we pass this hate crimes bill into law.

How far have we come? How far have we come? There was a reason Jeremiah cried when he fell for his country.

We were promised the most open and fair, procedurally fair Congress in history before the 2006 election. What we have seen is the most closed, fewer amendments allowed. Even when the Republicans took the majority in 1995, in the 1994 election and then were sworn in in 1995, they allowed open rules on their points of the Contract with America. It was openly debated, and yet this has been the most closed Congress.

So the only chance we have to discuss this is not in an amendment process, not on the bill itself that may be jointly in a conference report with nothing but the hate crimes bill. Oh, no, it is on the back of our soldiers and their money and supplies they need in their Defense Authorization.

This is not an open Congress. This is not what was promised. This is not what was on the Speaker's Web site for so long that would occur in this House. It is just sad.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRENSHAW (at the request of Mr. BOEHNER) for today on account of a family medical issue.

Mr. HINOJOSA (at the request of Mr. HOYER) for today on account of official business and extended travel in district.

Mr. NEUGEBAUER (at the request of Mr. BOEHNER) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Mr. HASTINGS of Florida, for 5 minutes, today.

Mr. ALTMIRE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. QUIGLEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, October 7.

Mr. BROUN of Georgia, for 5 minutes, October 7.

Mr. POE of Texas, for 5 minutes, October 13.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, today.

Mr. JONES, for 5 minutes, October 13.

Mr. PENCE, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 251. An act to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within

prison facilities; to the Committee on Energy and Commerce; in addition, to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. Con. Res. 43. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke, to the Committee on House Administration.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3663. An act to amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

On Friday, October 2, 2009:

H.R. 1687. An act to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the ''Ralph Regula Federal Building and United States Courthouse''.

H.R. 2053. An act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the ''Albert Armendariz, Sr., United States Courthouse''.

H.R. 2121. An act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William O. Lipinski Federal Building''.

H.R. 2913. An act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the ''Sidney M. Aronovitz United States Courthouse''.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature on October 2, 2009, to enrolled bills of the Senate of the following titles:

S. 1289. An act to improve title 18 of the United States Code.

S. 1707. An act to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 7, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3960. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 2008-09 Crop Natural (Sun-Dried) Seedless Raisins [Doc. No.: AMS-FV-08-0114; FV09-989-1 FIR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3961. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Change in Reporting Requirements [Doc. No.: AMS-FV-08-0017; FV08-920-2 FR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3962. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Vegetables, Import Regulations; Partial Exemption to the Minimum Grade Requirements for Fresh Tomatoes [Doc. No.: AMS FV-08-0097; FV09-980-1 FR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3963. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Decreased Assessment Rate [Doc. No.: AMS-FV-09-0048; FV09-993-1 IFR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3964. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefurit, Tangerines, and Tangelos Grown in Florida; Order Amending Marketing Order No. 905 [Doc. No.: AO-85-A10; AMS-FV-07-0132; FV08-905-1] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3965. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon and Imported Irish Potatoes; Relaxation of Size Requirements [Doc. No.: AMS-FV-08-0062; FV08-945-1 FR] received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3966. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Avermectin B1 and its delta-8,9-isomer; Pesticide Tolerances [EPA-HQ-OPP-2008-0806; FRL-8427-7] received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3967. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Private Security Contractors (PSCs) Operating in Contingency Operations [DOD-2008-OS-0125] (RIN: 0790-AI38) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3968. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8087] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3969. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certification and General Administrative Provisions [FNS-2007-0009] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3970. A letter from the Chief, Planning and Regulatory Affairs Branch, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Certification and General Administrative Provisions [FNS-2007-0009] (RIN: 0584-AD73) received September 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3971. A letter from the Deputy Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Vocational Rehabilitation Service Projects for American Indians with Disabilities [Docket ID ED-2009-OSERS-0008] (RIN: 1820-AB63) received September 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3972. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Vaulting and Paying Benefits received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

3973. A letter from the Department Director, Regulations Policy And Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Charging for Investigational Drugs Under an Investigational New Drug Application [Docket No.: FDA-2006-N-0237] (formerly Docket No.: 2006N-0061) (RIN: 0910-AF13) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3974. A letter from the Dep. Dir., Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays [Docket No.: FDA-2009-N-0344] received September 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3975. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District [EPA-R09-OAR-2009-0079; FRL-8945-1] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3976. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District and Santa Barbara County Air Pollution Control District [EPA-R09-OAR-2009-0385; FRL-8948-6] received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3977. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations (Boise, Idaho) [MB Docket No.: 09-96] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3978. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Prohibitions on Market Manipulation [Project No. P082900] (RIN: 3084-AB12) received September 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3979. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to Certain End-User Controls under the Export Administration Regulations; Clarification Regarding License Requirements for Transfers (in-country) to Persons Listed on the Entity List [Docket No.: 090126062-91139-01] (RIN: 0694-AE54) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3980. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Department of Commerce, transmitting the Department's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fishery; Emergency Rule; Extension [Docket No.: 090206152-9249-01] (RIN: 0648-AX61) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3981. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Geological and Geophysical (G&G) Explorations of the Outer Continental Shelf—Changing Proprietary Term of Certain Geophysical Information [Docket ID: MMS-2008-OMM-0006] (RIN: 1010-AD41) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3982. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Techinical Changes to Production Measurement and Training Requirements [Docket ID MMS-2008-OMM-0023] (RIN: 1010-AD55) received September 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3983. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors (TCM) IO-520, TSIO-520, and IO-550 Series Reciprocating Engines with Superior Air Parts, Inc. (SAP) Cylinder Assemblies Installed [Docket No.: FAA-2007-0051; Directorate Identifier 2007-NE-37-AD; Amendment 39-15986; AD 2009-16-03] (RIN: 2120-AA64) received September 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3984. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TPE331-10 and TPE331-11 Series Turboprop Engines [Docket No.: FAA-2009-0555; Directorate Identifier 2009-NE-18-AD; Amendment 39-15996; AD 2009-17-05] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3985. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0532; Directorate Identifier 2008-NM-024-AD; Amendment 39-15994; AD 2009-17-03] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3986. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Plentywood, MT [Docket No.: FAA-2009-0225; Airspace Docket No. 09-ANM-4] received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3987. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Limited Model PC-7 Airplanes [Docket No.: FAA-2009-0509; Directorate Identifier 2009-CE-029-AD; Amendment 39-15985; AD 2009-16-02] (RIN: 2120-AA64) received September 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3988. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Revenue Procedure 2007-44 (Rev. Proc. 2009-36) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3989. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revocation of Elections By Multiemployer Defined Benefit Pension Plans to Freeze Funded Status under section 204 of WRERA (Revenue Procedure 2009-43) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3990. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Program allowing Department of Treasury to partner with private investors to form public-private investment partnerships to acquire legacy securities (Rev. Proc. 2009-42) received September 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3991. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Information Reporting of Discharges of Indebt edness (RIN: 1545-BH99) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 719. Resolution commending Russ Meyer on his induction into the National Aviation Hall of Fame; with an amendment (Rept. 111–282). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 138. Resolution recognizing the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas (Rept. 111–283). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 3371. A bill to amend title 49, United States Code, to improve airline safety and pilot training, and for other purposes (Rept. 111–284). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 465. Resolution recognizing the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary, and for other purposes; with amendments (Rept. 111–285). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 3305. A bill to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the ''H. Dale Cook Federal Building and United States Courthouse'' (Rept. 111–286). Referred to the House Calendar.

Mr. McGOVERN: Committee on Rules. House Resolution 799. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–287). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BUYER (for himself and Mr. MICHAUD):

H.R. 3719. A bill to amend title 38, United States Code, to establish in the Department of Veterans Affairs a Veterans Economic Opportunity Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARE (for himself, Mr. SCHOCK, Mr. BRALEY of Iowa, and Mr. BOSWELL):

H.R. 3720. A bill to direct the Secretary of Transportation to promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California (for himself, Mr. CONYERS, Mr. ANDREWS, Mr. NADLER of New York, Mr. COURTNEY, Ms. CHU, Ms. CLARKE, Mr. HOLT, Mr. HARE, Mr. KILDEE, Mr. LOEBSACK, Mr. SABLAN, Mr. SCOTT of Virginia, Ms. HIRONO, Ms. WOOLSEY, Mr. BISHOP of New York, and Mr. SESTAK):

H.R. 3721. A bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona:

H.R. 3722. A bill to amend the Small Business Investment Act of 1958 to improve the New Markets Venture Capital and Renewable Fuel Capital Investment Programs, and for other purposes; to the Committee on Small Business.

By Mrs. HALVORSON:

H.R. 3723. A bill to amend the Small Business Act to improve the activities carried out under section 7(a) of such Act, and for other purposes; to the Committee on Small Business.

By Ms. BERKLEY (for herself, Mr. ABERCROMBIE, Mr. BRADY of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Ms. SCHWARTZ, Mr. SENSENBRENNER, and Mr. THOMPSON of California):

H.R. 3724. A bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector; to the Committee on Ways and Means.

By Mr. CASTLE (for himself and Mr. CAPUANO):

H.R. 3725. A bill to relieve traffic congestion; to the Committee on Transportation and Infrastructure.

By Mrs. CHRISTENSEN:

H.R. 3726. A bill to establish the Castle Nugent National Historic Site at St. Croix, United States Virgin Islands, and for other purposes; to the Committee on Natural Resources.

By Ms. DEGETTE (for herself, Ms. BERKLEY, Mr. BLUMENAUER, Ms. MATSUI, Mr. POLIS, Ms. TITUS, Mrs. NAPOLITANO, and Mr. PERLMUTTER):

H.R. 3727. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Science and Technology.

By Mr. HASTINGS of Florida:

H.R. 3728. A bill to make certain improvements in the laws applicable to the detention of individuals at United States detainment facilities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), 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. HERGER:

H.R. 3729. A bill to amend section 31 of the Small Business Act with respect to awarding contract opportunities to qualified HUBZone small business concerns, and for other purposes; to the Committee on Small Business.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3730. A bill to provide for financial literacy education; to the Committee on Education and Labor.

By Mr. LUJÁN (for himself, Mr. SIRES, Mr. MILLER of North Carolina, Mr. GONZALEZ, Mr. WU, Ms. MATSUI, Mrs. NAPOLITANO, Mr. SABLAN, Mr. BACA, Mr. LARSON of Connecticut, Mr. OLVER, Mr. CROWLEY, Ms. ROYBAL-ALLARD, Ms. HIRONO, Mr. TONKO, Mr. GRIJALVA, Mr. HINOJOSA, Mr. REYES, Mr. ORTIZ, Mrs. CHRISTENSEN, Mr. PERRIELLO, Mr. TEAGUE, and Mr. HEINRICH):

H.R. 3731. A bill to require the Secretary of Energy, in coordination with the Secretary of Labor, to establish a program to provide for workforce training and education, at community colleges, in sustainable energy; to the Committee on Education and Labor.

By Mr. MITCHELL (for himself and Mr. HELLER):

H.R. 3732. A bill to prohibit an agency or department of the United States from establishing or implementing an internal policy that discourages or prohibits the selection of a resort or vacation destination as the location for a conference or event, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SESTAK:

H.R. 3733. A bill to amend title 10, United States Code, to expand the eligibility of members of the Armed Forces to participate in programs of higher education offered by the Community College of the Air Force; to the Committee on Armed Services.

By Mr. SIRES (for himself, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mrs. MALONEY, Mr. TOWNS, Mr. ROTHMAN of New Jersey, Mr. MCMAHON, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. RUSH, Mr. QUIGLEY, Mr. GUTIERREZ, Mr. LIPINSKI, Mr. DAVIS of Alabama, Mr. COHEN, Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Mr. LEWIS of Georgia, Mr. KENNEDY, Mr. SERRANO, and Mr. CAPUANO):

H.R. 3734. A bill to authorize the Secretary of Housing and Urban Development to establish and carry out an urban revitalization and livable communities program to provide Federal grants to urban areas for the rehabilitation of critically needed recreational areas and facilities and development of improved recreation programs, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, 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. TIAHRT (for himself, Mr. MOORE of Kansas, Ms. JENKINS, and Mr. MORAN of Kansas):

H.R. 3735. A bill to authorize and request the President to award the Medal of Honor posthumously to Captain Emil Kapaun of the United States Army for acts of valor during the Korean War; to the Committee on Armed Services.

By Mrs. LOWEY:

H. Con. Res. 194. Concurrent resolution supporting the goals and ideals of ''Lights On Afterschool!'', a national celebration of after-school programs; to the Committee on Education and Labor.

By Mr. DANIEL E. LUNGREN of California:

H. Con. Res. 195. Concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H. Res. 796. A resolution expressing the sense of the House of Representatives that no American should be penalized for failing to purchase Government-mandated health coverage; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE (for herself, Mr. DANIEL E. LUNGREN of California, Mr. WU, Mr. THOMPSON of Mississippi, Mr. KING of New York, Mr. GORDON of Tennessee, Mr. CUELLAR, Mr. CARNAHAN, Mr. HIMES, Ms. KILROY, Mr. LUJÁN, Mr. LANGEVIN, Ms. RICHARDSON, Ms. LORETTA SANCHEZ of California, and Ms. FUDGE):

H. Res. 797. A resolution expressing the sense of Congress with respect to raising awareness and enhancing the state of cyber security in the United States, and supporting the goals and ideals of the sixth annual National Cyber Security Awareness Month; to the Committee on Science and Technology.

By Mr. MCDERMOTT (for himself, Mr. ROYCE, Mr. CROWLEY, Mr. PALLONE, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, and Mr. ACKERMAN):

H. Res. 798. A resolution conveying the best wishes of the House of Representatives to those celebrating Diwali; to the Committee on Oversight and Government Reform.

By Ms. SPEIER (for herself, Ms. HIRONO, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. SABLAN, Mr. CAO, Mr. SCOTT of Virginia, Mr. FILNER, Ms. CHU, Ms. RICHARDSON, Mr. GEORGE MILLER of California, Mr. BACA, Mrs. CAPPS, Mr. THOMPSON of California, Mr. ROSS, Mr. SIRES, Mr. HONDA, Mr. BILBRAY, Mr. GRIJALVA, Mr. COSTA, Mr. CONNOLLY of Virginia, Mr. RUPPERSBERGER, Mr. INGLIS, Ms. WOOLSEY, Mr. BURTON of Indiana, and Mr. WU):

H. Res. 800. A resolution expressing sympathy for the citizens of the Philippines dealing with Tropical Storm Ketsana and Typhoon Parma; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself, Ms. CORRINE BROWN of Florida, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. TOWNS, and Mr. RANGEL):

H. Res. 801. A resolution expressing congratulations and support for the appointment of former President William J. Clinton as United Nations Special Envoy for Haiti, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SESTAK (for himself and Mr. MCGOVERN):

H. Res. 802. A resolution recognizing the commencement of the 9th year of Operation Enduring Freedom and the sacrifice and contributions of United States service members and their families in support of Operation Enduring Freedom; to the Committee on Armed Services.

By Mr. SPACE (for himself and Mr. TERRY):

H. Res. 803. A resolution expressing the support of the House of Representatives regarding the merits and benefits of the Laundry Environmental Stewardship Program (ESP) program, which improves the environment through textile services industry wide conservation of water and energy, reducing pollutants, and using safer surfactants; 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. ROTHMAN of New Jersey.

H.R. 25: Mr. HALL of Texas and Ms. GRANGER.

H.R. 29: Mr. DAVIS of Illinois.

H.R. 86: Mr. CHAFFETZ.

H.R. 124: Mr. YOUNG of Alaska.

H.R. 197: Mr. HARPER, Ms. GRANGER, and Mr. TURNER.

H.R. 198: Mr. PITTS.

H.R. 305: Mr. HEINRICH.

H.R. 406: Mr. ARCURI, Ms. NORTON, Mrs. SCHMIDT, Mr. CARDOZA, Mr. BRALEY of Iowa, Ms. HIRONO, Mr. CAPUANO, Mr. PIERLUISI, Mr. INSLEE, Mr. FORTENBERRY, Ms. BEAN, and Mr. JACKSON of Illinois.

H.R. 453: Mr. COHEN.

H.R. 510: Ms. SHEA-PORTER and Mr. TERRY.

H.R. 571: Mr. LARSON of Connecticut, Mr. POLIS, and Mr. BOCCIERI.

H.R. 574: Mr. OBERSTAR.

H.R. 597: Mr. KILDEE.

H.R. 614: Mr. JONES.

H.R. 616: Mr. DAVIS of Alabama and Mr. YOUNG of Alaska.

H.R. 621: Mr. OBERSTAR.

H.R. 624: Mr. ELLISON.

H.R. 635: Mr. CLEAVER.

H.R. 678: Mr. NYE, Ms. KAPTUR, Mr. JOHNSON of Georgia, and Mr. SIRES.

H.R. 690: Mr. PALLONE.

H.R. 789: Ms. MOORE of Wisconsin.

H.R. 840: Mr. SESTAK.

H.R. 881: Mr. ROE of Tennessee.

H.R. 916: Mr. LEWIS of Georgia, Mr. CHANDLER, and Mrs. DAVIS of California.

H.R. 958: Mr. YARMUTH.

H.R. 988: Mr. HEINRICH, Mr. PAULSEN, and Mr. ETHERIDGE.

H.R. 995: Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, and Mr. MCINTYRE.

H.R. 1021: Mr. ALTMIRE.

H.R. 1067: Mr. ENGEL and Mr. SMITH of Washington.

H.R. 1074: Ms. MARKEY of Colorado and Mr. HARPER.
H.R. 1079: Mr. SCALISE, Mr. TOWNS, Mr. ELLISON, and Mr. SCHIFF.
H.R. 1093: Mr. ROTHMAN of New Jersey.
H.R. 1101: Mr. GENE GREEN of Texas.
H.R. 1126: Mr. DAVIS of Illinois.
H.R. 1166: Ms. RICHARDSON.
H.R. 1188: Mr. PUTNAM.
H.R. 1190: Mr. COHEN.
H.R. 1205: Mr. DONNELLY of Indiana.
H.R. 1207: Ms. CHU, Ms. PINGREE of Maine, Ms. SUTTON, and Mr. DRIEHAUS.
H.R. 1227: Mr. SHERMAN.
H.R. 1230: Mr. BUTTERFIELD.
H.R. 1237: Ms. WASSERMAN SCHULTZ.
H.R. 1278: Ms. SHEA-PORTER.
H.R. 1298: Mr. MARSHALL, Mr. BARTLETT, Mr. COSTELLO, Mr. RAHALL, MR GOODLATTE, and Mr. TIERNEY.
H.R. 1303: Mr. MEEKS of New York.
H.R. 1339: Mr. MURPHY of Connecticut.
H.R. 1362: Mr. BOOZMAN, Mr. SCHIFF, Mr. KIRK, and Mr. ROE of Tennessee.
H.R. 1407: Mr. MARSHALL.
H.R. 1428: Ms. DEGETTE.
H.R. 1447: Mr. WOLF.
H.R. 1505: Mr. BLUMENAUER.
H.R. 1528: Mr. DAVIS of Illinois.
H.R. 1530: Mr. DAVIS of Illinois.
H.R. 1531: Mr. DAVIS of Illinois.
H.R. 1547: Mr. ROGERS of Michigan.
H.R. 1570: Mr. MACK.
H.R. 1625: Mr. LYNCH, Mr. KLEIN of Florida, Mr. DENT, Mr. MILLER of North Carolina, Mr. SHADEGG, Ms. WATERS, and Mr. MICHAUD.
H.R. 1646: Mrs. MILLER of Michigan.
H.R. 1691: Mr. KISSELL and Mr. YARMUTH.
H.R. 1693: Mr. FARR.
H.R. 1708: Mr. ORTIZ.
H.R. 1722: Ms. ZOE LOFGREN of California, Mrs. CAPITO, and Mr. DOGGETT.
H.R. 1740: Mr. COSTA, Mr. SPACE, and Mr. KUCINICH.
H.R. 1769: Mr. JACKSON of Illinois.
H.R. 1778: Mrs. HALVORSON.
H.R. 1796: Mr. MCGOVERN.
H.R. 1820: Ms. WATERS, Mr. SHERMAN, Mr. FARR, Ms. CHU, Ms. SPEIER, and Ms. LORETTA SANCHEZ of California.
H.R. 1826: Mr. MARKEY of Massachusetts, Ms. HIRONO, Ms. HARMAN, and Mr. MURPHY of New York.
H.R. 1835: Mr. RYAN of Ohio.
H.R. 1875: Mr. BRALEY of Iowa.
H.R. 1884: Mr. LARSEN of Washington, Mr. MURPHY of New York, Mr. ALTMIRE, Mr. DENT, and Ms. CHU.
H.R. 1891: Mr. PITTS.
H.R. 1894: Mr. GONZALEZ.
H.R. 1912: Mr. SESTAK.
H.R. 1927: Mr. MORAN of Virginia.
H.R. 1977: Mr. SCOTT of Virginia, Ms. CORRINE BROWN of Florida, and Ms. KAPTUR.
H.R. 1995: Mr. PAYNE.
H.R. 2017: Mr. COLE, Mr. COSTELLO, Mr. WAMP, and Ms. SLAUGHTER.
H.R. 2055: Mr. HINCHEY.
H.R. 2060: Mr. LUJÁN.
H.R. 2067: Mr. COSTELLO and Mr. ACKERMAN.
H.R. 2135: Mr. MOORE of Kansas.
H.R. 2149: Mr. FORTENBERRY and Ms. BALDWIN.
H.R. 2190: Mr. GEORGE MILLER of California.
H.R. 2194: Ms. ROYBAL-ALLARD, Mr. GUTIERREZ, Mr. HARPER, Mrs. DAVIS of California, Mr. NYE, and Ms. TSONGAS.
H.R. 2198: Mrs. BIGGERT.
H.R. 2254: Mr. MELANCON, Mr. MILLER of North Carolina, Mr. CARDOZA, Ms. SLAUGHTER, Mr. BERMAN, Mr. LANGEVIN, Ms. KILPATRICK of Michigan, Mr. AUSTRIA, Mr. ROGERS of Kentucky, Mr. CUMMINGS, and Mr. SHULER.
H.R. 2262: Mr. COSTELLO and Ms. HERSETH SANDLIN.
H.R. 2269: Mr. DAVIS of Illinois.
H.R. 2279: Mrs. CHRISTENSEN and Mr. GENE GREEN of Texas.
H.R. 2280: Mr. GRIJALVA, and Mr. PETERSON.
H.R. 2324: Mr. SERRANO and Ms. ZOE LOFGREN of California.
H.R. 2358: Mr. GENE GREEN of Texas.
H.R. 2377: Mr. CARDOZA and Mr. LATOURETTE.
H.R. 2381: Mr. DEFAZIO.
H.R. 2418: Mr. SESTAK.
H.R. 2425: Ms. SPEIER, Mrs. LOWEY, and Mr. GENE GREEN of Texas.
H.R. 2427: Mr. DOGGETT.
H.R. 2452: Mr. WITTMAN, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. WILSON of South Carolina, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. BISHOP of New York, and Mr. MINNICK.
H.R. 2476: Mr. GALLEGLY.
H.R. 2493: Mr. MURPHY of New York, Mr. ISRAEL, and Mr. SOUDER.
H.R. 2499: Mrs. DAHLKEMPER, Mr. BUCHANAN, and Mr. TERRY.
H.R. 2515: Ms. EDWARDS of Maryland.
H.R. 2517: Ms. CHU.
H.R. 2527: Mr. POLIS.
H.R. 2567: Mr. JACKSON of Illinois and Mr. PETRI.
H.R. 2597: Mr. SCOTT of Virginia.
H.R. 2607: Mr. SMITH of New Jersey.
H.R. 2625: Mr. WU.
H.R. 2628: Mr. BISHOP of Georgia.
H.R. 2642: Mr. TURNER.
H.R. 2648: Mr. CLEAVER.
H.R. 2655: Mr. LATOURETTE.
H.R. 2730: Mr. GENE GREEN of Texas.
H.R. 2732: Mr. FORBES.
H.R. 2740: Mr. GRIJALVA.
H.R. 2746: Mr. BRALEY of Iowa and Ms. RICHARDSON.
H.R. 2753: Mr. PITTS, Mr. OBERSTAR, Mrs. EMERSON, Mr. ROGERS of Kentucky, and Mr. WHITFIELD.
H.R. 2766: Mr. ROTHMAN of New Jersey and Mr. BERMAN.
H.R. 2807: Mrs. MALONEY, Mr. FILNER, and Mr. DOGGETT.
H.R. 2831: Ms. BALDWIN.
H.R. 2842: Mr. HOEKSTRA and Mr. BLUNT.
H.R. 2868: Mr. HINCHEY.
H.R. 2879: Mr. MINNICK and Mr. WALZ.
H.R. 2897: Mr. MCGOVERN, Mr. HILL, Mr. COSTA, Mr. WILSON of Ohio, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, and Mr. MORAN of Kansas.
H.R. 2935: Mr. BLUMENAUER, Mr. WAMP, and Mr. POMEROY.
H.R. 2936: Ms. SUTTON.
H.R. 2964: Ms. TITUS, Mr. ROE of Tennessee, Mr. COFFMAN of Colorado, Mrs. CAPITO, Mr. HARPER, Mr. HENSARLING, Mr. ROSKAM, Mr. LAMBORN, Mr. TERRY, Mr. RYAN of Wisconsin, Mr. SMITH of Nebraska, Mr. MCCARTHY of California, Mr. WALDEN, Mr. KINGSTON, Mr. JORDAN of Ohio, and Mr. SCALISE.
H.R. 3011: Mr. SESSIONS and Mr. BRALEY of Iowa.
H.R. 3012: Ms. CHU.
H.R. 3015: Mr. KLINE of Minnesota.
H.R. 3035: Mr. COHEN and Mr. VAN HOLLEN.
H.R. 3043: Mr. FARR, Mr. MEEKS of New York, Mr. RYAN of Ohio, Mrs. NAPOLITANO, Mr. ISRAEL, Ms. WATERS, Ms. DEGETTE, Mr. TONKO, Mr. LANGEVIN, and Mr. MASSA.
H.R. 3050: Mr. CONNOLLY of Virginia and Mr. THOMPSON of California.
H.R. 3075: Mr. SESTAK.
H.R. 3077: Mr. OLVER.
H.R. 3078: Ms. DELAURO and Mr. FILNER.
H.R. 3105: Mr. MCCLINTOCK.
H.R. 3116: Mr. KILDEE, Mr. WAMP, and Ms. SLAUGHTER.
H.R. 3186: Mr. HINCHEY.
H.R. 3202: Mr. KAGEN.
H.R. 3217: Mr. SMITH of Nebraska.
H.R. 3238: Mr. ORTIZ.
H.R. 3245: Ms. CHU, Mr. ELLISON, and Ms. LEE of California.
H.R. 3258: Ms. SHEA-PORTER, Mr. HINCHEY, and Mr. COHEN.
H.R. 3271: Mr. FILNER.
H.R. 3286: Ms. BERKLEY, Mr. DOGGETT, and Ms. KAPTUR.
H.R. 3312: Ms. TITUS.
H.R. 3328: Ms. HIRONO and Mr. JOHNSON of Georgia.
H.R. 3348: Mr. SHIMKUS, Mr. LATTA, Mrs. MILLER of Michigan, Mr. CALVERT, Mr. LEWIS of California, Mr. CASSIDY, Mr. TURNER, Mr. ROYCE, Mr. ORTIZ, Mr. MCKEON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SMITH of New Jersey, Mr. WOLF, Mr. PITTS, Mr. BOUSTANY, Mr. DAVIS of Kentucky, Mr. ALEXANDER, Mr. LUCAS, Mr. COLE, Mrs. LUMMIS, Mr. THORNBERRY, Mr. CONAWAY, Ms. GRANGER, Mr. FRANKS of Arizona, Mrs. MCMORRIS RODGERS, Mr. HERGER, Mr. SOUDER, Mr. POSEY, Mr. GARRETT of New Jersey, Mr. KLINE of Minnesota, Mr. BRADY of Texas, Mr. CARTER, Mr. KING of New York, Mr. MCCAUL, Mr. ROGERS of Michigan, Mr. FLEMING, Mr. PAULSEN, and Mr. OLSON.
H.R. 3365: Mr. RAHALL, Mr. ALTMIRE, Mr. BACA, and Mr. MASSA.
H.R. 3375: Mr. WAMP.
H.R. 3385: Mr. SAM JOHNSON of Texas.
H.R. 3408: Mr. HIGGINS, Mr. GEORGE MILLER of California, Mr. WALZ, Ms. SUTTON, and Mr. CAPUANO.
H.R. 3413: Mr. AL GREEN of Texas, Ms. JENKINS, Mrs. MYRICK, and Mr. MICHAUD.
H.R. 3421: Mr. HONDA and Ms. RICHARDSON.
H.R. 3430: Mr. CLEAVER.
H.R. 3441: Mr. MOORE of Kansas.
H.R. 3480: Mrs. LOWEY.
H.R. 3502: Mr. TAYLOR and Mr. MASSA.
H.R. 3518: Mr. WILSON of Ohio and Mr. ALTMIRE.
H.R. 3545: Mr. FILNER.
H.R. 3549: Mr. LINCOLN DIAZ-BALART of Florida and Mr. ROTHMAN of New Jersey.
H.R. 3554: Mr. SCHIFF, Mr. ROTHMAN of New Jersey, Mr. LARSEN of Washington, Mr. COSTELLO, Mr. KENNEDY, and Ms. SCHAKOWSKY.
H.R. 3569: Mr. HALL of Texas.
H.R. 3571: Ms. GINNY BROWN-WAITE of Florida.
H.R. 3585: Mrs. BONO MACK and Mr. HEINRICH.
H.R. 3590: Mr. JOHNSON of Georgia, Mr. COURTNEY, Mr. PLATTS, Mr. FILNER, Mr. MOORE of Kansas, Ms. TITUS, Mr. GUTIERREZ, Mr. MCGOVERN, Mr. PETERS, and Mr. AL GREEN of Texas.
H.R. 3608: Mr. WU, Mr. ISSA, and Mr. FILNER.
H.R. 3610: Mr. PENCE, Mr. SMITH of New Jersey, and Mr. CALVERT.
H.R. 3613: Mrs. BACHMANN, Mr. BROUN of Georgia, Mr. WOLF, and Mr. PETRI.
H.R. 3633: Mr. WELCH.
H.R. 3636: Mr. JACKSON of Illinois, Mr. SERRANO, and Mr. HINCHEY.
H.R. 3644: Ms. KILPATRICK of Michigan, Mr. BLUMENAUER, Mr. GRIJALVA, Mrs. CHRISTENSEN, and Ms. RICHARDSON.
H.R. 3650: Mr. FARR, Mr. BOYD, and Mr. CAPUANO.
H.R. 3668: Mr. FRANK of Massachusetts and Mr. MORAN of Virginia.
H.R. 3670: Mr. SNYDER, Ms. TSONGAS, Mr. SOUDER, and Ms. RICHARDSON.
H.R. 3677: Mr. WAMP and Mr. HALL of Texas.
H.R. 3679: Mr. SERRANO.
H.R. 3696: Mr. PENCE.
H.R. 3710: Ms. JACKSON-LEE of Texas.
H.R. 3712: Mr. ROTHMAN of New Jersey, Mr. THOMPSON of Pennsylvania, and Mr. PATRICK J. MURPHY of Pennsylvania.
H. J. Res. 26: Mr. LATOURETTE.
H.J. Res. 47: Mr. MOLLOHAN.
H. Con. Res. 18: Mr. CULBERSON.

H. Con. Res. 144: Mr. ROE of Tennessee.

H. Con. Res. 147: Ms. RICHARDSON.

H. Con. Res. 158: Mr. CALVERT, Mr. HASTINGS of Florida, and Mr. ROTHMAN of New Jersey.

H. Con. Res. 160: Mr. HASTINGS of Florida and Mr. MOORE of Kansas.

H. Con. Res. 169: Mrs. MILLER of Michigan and Ms. JENKINS.

H. Con. Res. 170: Mr. CONAWAY, Mrs. MCMORRIS RODGERS, Mr. CAO, and Mrs. BLACKBURN.

H. Con. Res. 177: Mr. ROONEY and Mr. COSTELLO.

H. Res. 159: Mr. CROWLEY, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RYAN of Ohio, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BLUMENAUER, Ms. BORDALLO, Ms. WASSERMAN SCHULTZ, Ms. LINDA T. SÁNCHEZ of California, Mr. MCGOVERN, Ms. NORTON, Mr. COHEN, Mr. FILNER, Mr. DAVIS of Illinois, and Mr. BISHOP of New York.

H. Res. 185: Mr. HALL of New York and Ms. RICHARDSON.

H. Res. 252: Mr. ISSA and Mr. BILBRAY.

H. Res. 395: Mr. SMITH of New Jersey and Mr. MCGOVERN.

H. Res. 416: Mr. PAYNE.

H. Res. 480: Mr. CARSON of Indiana.

H. Res. 516: Mr. WOLF.

H. Res. 531: Mr. FOSTER, Mr. SCHOCK, Mr. RUSH, and Mr. KILDEE.

H. Res. 554: Mr. CUELLAR, Mr. MACK, Mr. BACHUS, Mr. SENSENBRENNER, Mr. LUCAS, Mr. MCCARTHY of California, Mrs. MYRICK, Mr. TEAGUE, Mr. JORDAN of Ohio, Mr. DAVIS of Kentucky, Mr. HELLER, and Mr. BOOZMAN.

H. Res. 567: Ms. LEE of California.

H. Res. 568: Mr. PLATTS, Mr. HENSARLING, Mr. HARPER, Mr. HELLER, Mr. BROWN of South Carolina, Mr. COFFMAN of Colorado, Mr. COLE, Mr. ROSKAM, Mr. LATOURETTE, Mr. ROE of Tennessee, Mr. MILLER of Florida, Mr. INGLIS, Ms. FALLIN, Mr. PETRI, Mr. MORAN of Kansas, Mr. POE of Texas, Mr. COBLE, Mr. UPTON, Mr. CASTLE, Mr. DAVIS of Kentucky, Mr. LANCE, Mr. SMITH of Nebraska, Mr. MCCARTHY of California, Mrs. BIGGERT, Mr. KIRK, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. BOUSTANY, Mr. DENT, Mr. AKIN, Mr. ROGERS of Michigan, Mr. ISSA, and Mr. TIAHRT.

H. Res. 603: Mr. DANIEL E. LUNGREN of California.

H. Res. 614: Mr. MINNICK.

H. Res. 630: Ms. PINGREE of Maine.

H. Res. 650: Mr. COOPER, Mr. GENE GREEN of Texas, Mr. DUNCAN, Mr. KILDEE, Mr. ROGERS of Kentucky, Mr. PETRI, Mr. FILNER, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROE of Tennessee, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. CAO, Mr. THORNBERRY, Mr. INGLIS, Mr. WOLF, Mr. UPTON, Mr. BRADY of Texas, Mr. TIBERI, Mr. Chaffetz, Mr. HUNTER, Mrs. LUMMIS, Mrs. BIGGERT, Mr. POE of Texas, Mr. DANIEL E. LUNGREN of California, Mr. ROYCE, Mr. Posey, Mr. PLATTS, Mr. BILBRAY, and Mrs. BLACKBURN.

H. Res. 660: Mr. CUMMINGS.

H. Res. 700: Mr. HARE.

H. Res. 704: Mr. DANIEL E. LUNGREN of California, Mr. MCCLINTOCK, Mr. BILBRAY, Mr. MARIO DIAZ-BALART of Florida, Ms. CORRINE BROWN of Florida, and Mr. LATHAM.

H. Res. 707: Mr. MAFFEI, Mr. CAPUANO, and Mrs. BLACKBURN.

H. Res. 716: Mr. ROE of Tennessee and Ms. CLARKE.

H. Res. 727: Mr. HUNTER, Mr. DENT, Mr. BERMAN, Mr. GERLACH, Mr. SOUDER, Mr. PETERS, Mr. KIRK, Mr. MORAN of Kansas, Mr. TURNER, Mr. ROTHMAN of New Jersey, and Mr. PATRICK J. MURPHY of Pennsylvania.

H. Res. 729: Mr. RANGEL, Mrs. BLACKBURN, Ms. FUDGE, Mr. JONES, and Mr. RYAN of Ohio.

H. Res. 736: Mrs. EMERSON, Mr. MURTHA, and Mr. ROTHMAN of New Jersey.

H. Res. 741: Mr. GEORGE MILLER of California.

H. Res. 748: Mr. PITTS.

H. Res. 749: Mr. DANIEL E. LUNGREN of California.

H. Res. 752: Mr. TONKO.

H. Res. 763: Mr. FORBES.

H. Res. 780: Mr. BERMAN, Mr. ABERCROMBIE, Ms. BORDALLO, Ms. SPEIER, Ms. RICHARDSON, Mr. JACKSON of Illinois, Mr. SABLAN, Ms. ROYBAL-ALLARD, Mr. BILBRAY, Ms. CORRINE BROWN of Florida, Mr. GEORGE MILLER of California, Ms. LEE of California, Ms. HIRONO, Ms. CHU, Mr. HONDA, Mr. AUSTRIA, Ms. SCHAKOWSKY, and Mr. WU.

H. Res. 782: Ms. SCHAKOWSKY, Mr. MARKEY of Massachusetts, Mr. LINDER, Mr. BISHOP of Georgia, Mr. LANCE, Mr. MARSHALL, Mr. PRICE of Georgia, Mr. GINGREY of Georgia, and Mr. BARROW.

H. Res. 783: Mr. CAO, Mr. PRICE of Georgia, Mr. DANIEL E. LUNGREN of California, and Mr. SHULER.

H. Res. 787: Mr. PETERS, Mr. OLVER, Mr. QUIGLEY, Mrs. HALVORSON, Ms. TITUS, Mrs. DAHLKEMPER, Mr. SNYDER, Ms. BALDWIN, Mr. KENNEDY, Mr. GEORGE MILLER of California, Mr. MURPHY of Connecticut, Ms. RICHARDSON, and Mr. PIERLUISI.

H. Res. 789: Mr. QUIGLEY.

H. Res. 790: Mr. PERLMUTTER.

H. Res. 793: Mr. GORDON of Tennessee, Mr. ROTHMAN of New Jersey, Ms. RICHARDSON, Mr. LUJÁN, Mr. WOLF, Mr. WU, Mr. BILBRAY, Mr. MEEKS of New York, Ms. BORDALLO, Mr. GONZALEZ, and Ms. EDWARDS of Maryland.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, OCTOBER 6, 2009 No. 143

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God of the nations, our country was conceived in the minds and hearts of appointed leaders who acknowledged their need of You. May the Members of this body follow that example and humble themselves before You. Help our lawmakers to admit their need for Your guidance and submit to the leading of Your spirit. Lord, remind them that You have promised to be with them always, even until the end of the age. Encourage our Senators in the knowledge that each Member is important to the effective operation of the legislative process. Keep them working together as a family of loyal Americans privileged to serve our Nation.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 6, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will turn to executive session to consider the nomination of Thomas Perez to be an assistant attorney general, with the time until 12:15 equally divided and controlled between Senators LEAHY and SESSIONS, the chairman and ranking member of the Judiciary Committee.

At 12:15 the Senate will proceed to a cloture vote on the nomination. Under a previous order entered, if cloture is invoked, all postcloture debate time will be yielded back and the Senate will proceed to vote on confirmation of the nomination.

We are working out now whether we will need a rollcall vote on confirmation of the nomination if cloture is invoked. Upon disposition of the nomination, the Senate will proceed to the weekly caucus luncheons which will last until 2:15 p.m. today.

After the recess, there will be a period of morning business until 3:15 p.m., with the time equally divided and controlled between the two leaders or their designees. At 3:15 the Senate will resume consideration of the Department of Defense Appropriations bill and begin a series of up to 14 rollcall votes in relation to the remaining amendments and passage of the bill.

MEASURE PLACED ON THE CALENDAR—S. 1751

Mr. REID. Mr. President, S. 1751 is at the desk. It is my understanding it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1751) 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 or any other entity which has been indicted for or convicted of violations of laws governing election administration or campaign financing.

Mr. REID. I object to any further proceedings with respect to the bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. Mr. President, 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. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK XII, DAY 1

Mr. MCCONNELL. Mr. President, the American people have made their voices heard in the health care debate. Their message is clear. They want reforms that bring down the staggering cost of health care and increase access,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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and they do not want insurers turning people away.

In short, Americans are not happy with the status quo. But they are just as concerned, if not more so, with the alternatives that the White House and a handful of Democrats on Capitol Hill are pushing through Congress.

Soon, the last of the five committees involved in this debate will finish its work. After that, a handful of Democratic Senators will get together in a closed conference room somewhere in the Capitol to hash out a final product. Their proceedings may be private, but based on their stated preferences we have got a good sense of the basics.

We know that the bill they send to the Senate floor will cut seniors' Medicare by half a trillion dollars; we know that it will raise taxes on virtually everyone; we know it will limit the health care choices Americans now enjoy. And we know it will be a big government bonanza: a $1 trillion pricetag and 1,000 pages of indecipherable text.

For the past 2 weeks, Americans have been focused on the Senate Finance Committee. The real focus should be on the conference room where the final bill will be decided. That is because it is in that room that the Democratic leadership from the White House and Congress will attempt to decide the fate of health care for everyone. Their deliberations will be secret. And there is only one direction these Senators plan to take this legislation, and that is to the left.

We have seen what happens in these kinds of closed deliberations before. Over the summer, members of the HELP Committee discovered after a month-long markup that a wellness measure they had agreed to unanimously in front of the cameras in July was mysteriously taken out away from the cameras sometime after a final vote was taken on the bill.

And we all remember how executives at AIG ended up with multimillion dollar bonuses after nearly driving the company off a cliff. Those bonuses were blessed in a closed-door meeting somewhere in the Capitol after a final vote on the stimulus bill had already taken place.

This bill already starts out with a flawed foundation of Medicare cuts, more taxes, more debt, and fewer health care choices. That is reason enough for Americans to oppose it. Now the finishing touches will be added on in secret before a rush to the finish.

Proponents of the administration's health care plan have been working hard over the past 2 weeks to convince the American people their concerns are being heard. We will see if that has just been window dressing. The fact is, the final bill will be worked out, out of sight, by a mere few whose decisions will affect everyone in America. Away from the cameras, they will make decisions that affect every single American and one-sixth of our entire economy.

Americans want commonsense reform. Reshaping the entire economy, limiting their choices, expanding government control over health care, cutting Medicare, and raising taxes in the middle of the worst economy in memory, and then pushing it through with as little public scrutiny as possible is not what they would call reform.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF THOMAS E. PEREZ TO BE AN ASSISTANT ATTORNEY GENERAL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Thomas E. Perez, of Maryland, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:15 p.m. will be equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS, or their designees.

The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first let me say how pleased I am that we are now considering Tom Perez to head the Civil Rights Division. We in Maryland are particularly proud because Tom Perez hails from our State. He has had a distinguished record in the State of Maryland in service to the people of our State and also to the people of our Nation.

I am very pleased that we finally have gotten to this moment. The Civil Rights Division is the Nation's moral conscience. It has been important to protect the rights of all Americans against all forms of discrimination whether it is in employment, whether it is in education, whether it is in housing, whether it is in voting, whether it is in personal liberties or hate crimes. It is what Americans turn to to protect their rights. It has had a very proud history, the Civil Rights Division, since its inception, both under Democratic and Republican administrations. It has had a steady course.

There has been one notable exception. I think we all understand that during the previous administration there was an effort made to diminish the importance of the Civil Rights Division. It triggered joint reports by the Office of Personal Responsibility and the Office of the Inspector General. They issued a joint report on January 13, 2009. It found there was consideration of political and ideological affiliations in hiring career attorneys at the Department of Justice, Civil Rights Division, which was a violation of Federal law. We also know that during the previous administration, the number of cases brought to protect the civil liberties of Americans was greatly diminished, and the Department took a different view, one that compromised the integrity and independence of the Civil Rights Division.

So it is important we get back on track, and that is why I am so pleased today that we are considering the confirmation of Tom Perez to be the head of the Civil Rights Division. Tom brings a great background to this important assignment. He was educated at Brown University where he received his undergraduate degree, the John F. Kennedy School of Government, and Harvard Law School. He had experience right out of law school as a prosecutor in the Civil Rights Division of the Department of Justice. So from day one Tom Perez knew he had a calling to help improve the civil rights of Americans. Maybe it was because of his family background, the son of an immigrant, maybe it was because of his commitment to the American dream, but he had that passion to help other people, to protect the civil liberties and civil rights of Americans. He rose to become the Deputy Chief in the Division's criminal section. He was a trial attorney for the Department of Justice. He then later took a very important assignment in the Senate. He became special counsel to Senator Ted Kennedy. What a mentor for him. He has commented frequently about his year in the Senate and what a great learning experience it was to understand the importance of the Civil Rights Division from the champion of civil rights in the Senate, Senator Kennedy.

He then became a professor in civil rights law and later returned with an appointment to head the Civil Rights Division of the Department of Health and Human Services, continuously working to promote civil rights. He decided to take on a unique challenge and ran for county council in Montgomery County, MD. I am familiar with all the jurisdictions of Maryland. Perhaps the most challenging is to be a county councilman in Montgomery County, one of our most diverse counties and the largest. He was the first Latino to become president of the county council and took on the great challenges in that county in a professional way and was well respected.

Governor O'Malley appointed him as secretary of Labor, Licensing and Regulation, a critically important part of the O'Malley cabinet. Then, President Obama tapped him to be the head of the Civil Rights Division of the Department of Justice. On June 4, the Judiciary Committee recommended, by a 17-to-2 vote, strongly bipartisan, to recommend his confirmation to the entire Senate. As to reservations raised in the committee, after the confirmation vote, we had meetings with Mr. Perez and Members of the Senate to get a

further understanding of their concerns and to understand where Tom Perez would lead the Civil Rights Division. I don't want to comment for my colleagues, but I thought those meetings went extremely well. That is the type of person Tom Perez is. He tries to work things out without compromising the responsibilities of promoting civil rights of all Americans.

With this vote today, we can take a major step forward to restore the integrity, confidence, historical role, and the reputation of the Nation's most important agency to protect the civil rights of all Americans.

I ask unanimous consent to have printed in the RECORD letters of support we have received from the following individuals: Martin O'Malley, Governor of the State of Maryland; Thomas Mike Miller, president of the Maryland Senate; Mike Busch, speaker of the house of the Maryland General Assembly; John McCarthy, States attorney for Montgomery County; along with Anthony O'Donnell, the Republican leader of the Maryland house of delegates; and our colleagues in the Congress, CHRIS VAN HOLLEN, who represents the eighth district; ELIJAH CUMMINGS, who represents the seventh congressional district; DUTCH RUPPERSBERGER, who represents the second congressional district; STENY HOYER, majority leader of the house from the fifth congressional district; and ERIK PAULSEN, who represents the third congressional district of Minnesota.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF MARYLAND,
Annapolis, MD, April 21, 2009.

Hon. PATRICK LEAHY,
Chairman, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. ARLEN SPECTER,
Ranking Member, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I am writing to express my strong support for the nomination of Thomas Perez to be Assistant Attorney General for Civil Rights at the Department of Justice. Tom is a committed public servant who has devoted his entire career to the people of Maryland and this nation, and he is highly qualified to lead the revitalization of the Civil Rights Division.

The Department of Labor, Licensing and Regulation (DLLR) has 1600 employees and wide ranging jurisdiction. Its responsibilities range from enforcement of labor laws to the oversight of our state banking system and regulation of certain mortgage originators, to the administration of Unemployment Insurance and workforce development programs. The Department has additional consumer protection responsibilities, and the job requires a person with a wide breadth and depth of knowledge and experience.

When I asked Tom to serve as Secretary of DLLR in 2007, I frankly had no idea that the issues within his agency's jurisdiction would occupy such a prominent role in my administration so soon. Shortly after I assumed office, we were immediately confronted by the foreclosure crisis and the national recession.

Tom immediately rose to the occasion, and has been especially instrumental in leading the charge to combat the foreclosure crisis, and in helping me craft an economic security package to assist straggling Marylanders. In 2007 he co-chaired the Homeownership Preservation Task Force, and by working with all stakeholders, including both consumer groups and banking representatives, he was able to craft consensus reforms that gained broad bipartisan support in the General Assembly. Those reforms, which lengthened the foreclosure process, strengthened lending and licensing standards and created new tools to combat fraud, have been recognized as some of the most sweeping in the nation. One of the nation's largest mortgage fraud prosecutions originated in Tom's office, and has been a model of collaboration between the state and federal prosecuting authorities.

I have been particularly impressed with Tom's leadership and management skills, as well as his ability to work across party lines with the Maryland General Assembly. Tom inherited an agency with great potential that was not firing on all cylinders. He tackled critical management and leadership challenges head on, and transformed DLLR from a second tier to a top tier agency. He has brought the Department recognition it never before received from lawmakers and other officials in the State. Republicans and Democrats alike in the Maryland General Assembly have praised his policy and legal acumen, and his inclusive, engaging style.

While Tom's nomination by President Obama leaves us with the difficult task of finding someone as able and well-respected to fill his shoes, I know he is the right person to lead the Civil Rights Division back to prominence. I strongly support his confirmation, and I urge you to do the same.

Sincerely,

MARTIN O'MALLEY,
Governor.

MARYLAND GENERAL ASSEMBLY,
Annapolis, MD, April 22, 2009.

Senator PATRICK LEAHY,
Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: We write to offer an unqualified and unhesitating endorsement of Thomas Perez's nomination to serve as Director of the United States Department of Justice's Office for Civil Rights. We know Mr. Perez to be a passionate and tireless advocate, a dedicated and responsible civil servant, and a thoughtful and respected leader. He will be a tremendous asset to the Department of Justice.

Mr. Perez was appointed to serve as Maryland's Secretary of Labor, Licensing and Regulation in January, 2007. He inherited a historically underfunded agency beset by political challenges and morale problems—a weaker leader could easily have been overwhelmed by the agency's inertia. Where others might have seen problems, Mr. Perez saw opportunity. From his first day as Secretary, Mr. Perez breathed new life into the department with a goal-oriented agenda and a commitment to pro-active, results-driven management.

The Department of Labor, Licensing and Regulation supervises job training and match services, unemployment insurance, and many of the State's licensing and regulatory boards. As Secretary, Mr. Perez had to balance the interests of the business community against our State's commitment to consumer protection. That can be a precarious tightrope, but he won praise from business leaders and consumer advocates for his willingness to listen and his ability to forge consensus.

In addition to his responsibility for the day-to-day operations of the agency, Mr. Perez helped shepherd the Governor's agenda through the General Assembly. He conducted himself with grace and aplomb, confronting skeptics and cynics with his earnest desire to improve the lives of ordinary Marylanders. His work ethic and meticulous attention to the details of policy-making earned him the trust of lawmakers across the political spectrum, and he parlayed that trust into extraordinary legislative success for working families in our state.

Mr. Perez championed Maryland's efforts to combat the foreclosure crisis. He brought the banking industry together with consumer advocates to craft meaningful reform that put Maryland at the forefront of this critical issue. During this year's legislative session, he brought labor organizations together with industry groups to fight fraudulent misclassification of employees as independent contractors. In both instances, he won praise for bringing everyone to the table and crafting compromises which might otherwise have proved elusive.

We would be remiss if we did not raise the time honored cliché: the nation's gain will be the State of Maryland's loss. Mr. Perez's unwavering obligation to the highest ideal of public service will be an asset to the Department of Justice. His untiring commitment to his work will earn him respect and admiration from his colleagues. His innate intelligence and problem-solving abilities will help him move the Office of Civil Rights forward to the benefit of all Americans.

In the plainest and strongest terms possible, we urge you to confirm Mr. Perez as Director of the Office of Civil Rights. He is a remarkable public servant, and he will be an exceptional asset to our nation during this tumultuous period in our history.

Respectfully,

THOMAS V. MIKE MILLER, Jr.,
President of the Senate.

MICHAEL E. BUSCH,
Speaker of the House.

STATE'S ATTORNEY FOR MONTGOMERY COUNTY,
Rockville, MD, April 20, 2009.

Chairman PATRICK LEAHY,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: I am writing to urge the confirmation of Tom Perez as Assistant Attorney General for the Civil Rights Division at the Department of Justice.

Mr. Perez currently holds the position of Secretary of Maryland's Department of Labor Licensing and Regulation. In that capacity, Tom took on the challenge of revamping a state agency that had been long neglected and widely seen as ineffective. Under Tom's leadership, this agency has gained stature and become well respected by lawmakers and other government officials.

Tom has also served as Maryland's leader to combat the mortgage foreclosure crisis. Tom played a key role in helping to craft a legislative package that has been called among the most sweeping in the nation. Tom was the first public official, that I am aware of, that several years before the current mortgage crises became apparent, publicly talked about the danger that lurked ahead in America's housing market due to a crisis in sub-prime mortgages.

Tom is a committed career public servant. Tom spent 12 years in federal public service, the majority as a federal prosecutor for the Civil Rights Division. Tom served as special counsel to Senator Edward Kennedy and was his principal advisor on civil rights and criminal justice. Tom was a law professor at the University of Maryland School of Law from 2001–2007 where he taught a civil rights clinic focusing on employment issues, health law and criminal justice.

Tom is married to Ann Marie Staudenmaier (a public interest lawyer) and father of three. Educated at our nation's finest universities including Brown and Harvard, Tom is a brilliant and articulate man of tremendous depth.

I urge you to act favorably on Tom's nomination and confirm him as Assistant Attorney General for the Civil Rights Division at the Department of Justice.

Very truly yours,

JOHN J. MCCARTHY,
State's Attorney.

THE MARYLAND
HOUSE OF DELEGATES,
Annapolis, MD, April 23, 2009.

Hon. PATRICK LEAHY,
U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: As Minority Leader of the Maryland House of Delegates, I am pleased to support the nomination of Thomas Perez for the position of Assistant Attorney General for Civil Rights.

In my dealings with Secretary Perez, I have always found him to be fair-minded and willing to listen to a variety of views on an issue. While we have not always agreed ultimately, I have been impressed by his willingness to reach across the aisle. That is one reason I believe Tom Perez is an excellent choice to lead the Division of Civil Rights at the Department of Justice.

During Secretary Perez's tenure at the Department of Labor, Licensing, and Regulation, he has convened diverse groups of stakeholders on the foreclosure crisis, adult education and workforce training, and the misclassification of Maryland workers to forge consensus and find common ground. During the legislative session, he regularly seeks input from both Democratic and Republican members of the Maryland General Assembly. He also has been very responsive to my office regarding constituent issues and helping to resolve the same without regard to party.

It is my belief that the reason Tom works so hard to find comprehensive solutions to the everyday problems Americans face because he truly has their best interests at heart. He is a committed public servant. I am confident that Tom will lead the Division with commitment and integrity.

For those reasons, I support his nomination and strongly urge his confirmation.

Sincerely,

ANTHONY J. O'DONNELL,
Minority Leader.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 22, 2009.

Hon. PATRICK LEAHY,
Chairman, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. ARLEN SPECTER,
Ranking Member, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I am writing to offer my wholehearted support for the confirmation of Thomas E. Perez as Assistant Attorney General for Civil Rights. I've known Tom since 2002, and have had both the honor of serving as his representative to Congress and the privilege of having him serve as my representative to the Montgomery County Council.

I have seen firsthand Tom's ability to bridge divides and build coalitions in the interest of advancing the common good. Throughout his service to the people of Montgomery County and Maryland, this ability has gained him strong support from the business community as well as the nonprofit and faith communities. It has also allowed him to successfully spearhead the State's nation-leading efforts to combat the foreclosure crisis. He has a proven track record for making decisions based on input from all stakeholders, and for being open to all opinions even when they differ from his own.

Prior to his service to his community and his state, Tom served this country ably as a career attorney in the Civil Rights Division. His knowledge of the law and his respect for the Department of Justice as an institution guarantee that he will lead the Division with integrity and with respect for the career staff and their tireless work. His talent for building coalitions makes him a natural to reinvigorate the Division.

Tom is an outstanding citizen and a devoted public official who has served his county, his state and his country with distinction. I am honored to ask you to support his nomination.

Sincerely,

CHRIS VAN HOLLEN.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 20, 2009.

Hon. PATRICK LEAHY,
Chairman, U.S. Senate. Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: I write to express my strong, unqualified support for the confirmation of Thomas Perez as Assistant Attorney General for the Rights Division of the United States Department of Justice.

The urgent need for strong, experienced and motivated leadership of the Civil Rights Division cannot he overstated.

The historic ascension of our first African American President and Attorney General reflect progress that is both substantive and lasting. As far too many Americans are painfully aware, however, this progress does not mean that our nation's long journey toward becoming a truly just and inclusive society is at an end.

President Obama and Attorney General Holder need the most qualified and determined leadership in the Civil Rights Division that America's legal community can provide. I am firmly convinced that Thomas Perez exemplifies the character, experience and dedication that will be required.

Tom Perez is gifted with a penetrating intellect honed at Brown, The Harvard Law School and The John F. Kennedy School of Government. His professional work has coupled that intellectual acumen with an exemplary record of public service and dedication to civil rights.

He has consistently advanced and defended civil rights as a federal prosecutor for the Civil Rights Division, Special Counsel for Senator Edward Kennedy, Deputy Assistant Attorney General for Civil Rights under former Attorney General Janet Reno, Director of the Office of Civil Rights at the Department of Health and Human Services and, currently, as Maryland Secretary of Labor, Licensing and Regulation.

In addition, Tom Perez taught at the University of Maryland School of Law from 2001 until 2007, where he advanced the school's nationally recognized clinical law and health program—and he currently serves on the faculty of the George Washington School of Public Health.

On a personal note, I have been privileged to work with Thomas Perez in his current role as Secretary of Maryland's Department of Labor, Licensing and Regulation. He has been a vocal leader in our shared efforts to combat foreclosures and improve workplace protections.

He has shown a great ability to bring parties together and build consensus in important policy areas without compromising his commitment to helping people. In these times of great economic distress, Tom has been a true voice for all Marylanders.

Chairman Leahy, it is hard to imagine how President Obama and Attorney General Holder could have made a better choice to help them restore the Civil Rights Division as this nation's leading defender of our fundamental freedoms. While I acknowledge proper deference to the Senate's constitutional power and responsibility in this matter, I also believe that it is essential—and appropriate—to add my personal voice in support of this nomination.

Tom Perez has committed his entire career to advancing civil rights and serving the public good. He is uniquely qualified to repair what has been broken at the Civil Rights Division—and I urge his speedy confirmation.

Sincerely,

ELIJAH CUMMINGS,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 27, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I am writing to express my strong support for the nomination of Thomas Perez for Assistant Attorney General for the Civil Rights Division of the United States Department of Justice and urge his confirmation.

Secretary Perez's qualifications and credentials are exceptional. He is a nationally recognized civil rights lawyer whose breadth and depth of experience makes him an ideal choice to lead the Civil Rights Division. He knows the Division inside and out, because he worked there for almost a decade in a variety of critical positions. As a prosecutor in the Division, he was lead attorney in some of the Department's most high profile and complex civil rights cases. As Deputy Assistant Attorney General for Civil Rights, he oversaw complex litigation in the employment and education areas. As a member of the nonpartisan Kaiser Commission on Medicaid and the Uninsured and the former Director of the Office for Civil Rights at the U.S. Department of Health and Human Services, he has a keen understanding of health care issues that are front and center in our national dialogue.

In Maryland, Secretary Perez, in his current capacity as Secretary of Maryland's Department of Labor, Licensing and Regulation, has been a principal architect of Governor Martin O'Malley's wide ranging, successful foreclosure prevention initiative. Secretary Perez led the legislative effort that resulted in the passage of a package of reforms that were comprehensive and consensus. He negotiated written agreements with six major mortgage servicing companies to provide meaningful relief to Maryland homeowners in danger of foreclosure. One of the largest ongoing mortgage fraud prosecutions in the nation originated in Secretary Perez's office.

He has held leadership positions in federal, state and local government, and has worked in all three branches of the federal government. As such, he has an acute understanding of the need for the federal government to work in partnership with state and local governments to safeguard the civil rights of all Americans.

Leading the Civil Rights Division, like running an Attorney General's office, requires extensive legal, management and

leadership skills, as well as extensive experience in building coalitions. Secretary Perez has led important agencies. He currently heads a Department of roughly 1600 employees, and has held other leadership positions in the federal government. He has a well earned reputation as a consensus builder.

Mr. Perez's distinguished career demonstrates his vast leadership ability, integrity and commitment to public service. I am confident that Mr. Perez would make an exceptional Assistant Attorney General for the Civil Rights Division and urge you to confirm his nomination.

Sincerely,

ERIK PAULSEN,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 27, 2009.

Hon. PATRICK LEAHY,
Chairman, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

Hon. ARLEN SPECTER,
Ranking Member, U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND SENATOR SPECTER: I wish to add my strong support for the nomination of Thomas Perez to be Assistant Attorney General for Civil Rights at the U.S. Department of Justice.

Tom has dedicated his life to public service, to the citizens of Maryland and to the nation. He has a breadth of experience in the law, public policy and management, and, he is known as a fair minded, knowledgeable and agreeable advocate for his clients, his law students and the public at large.

I was impressed that after Tom's service in very important posts in the Administration of President Bill Clinton, he worked to put into practice the policies he advocated. He chose to work in local government, winning election to the Montgomery County Council in Maryland and earning the support of his constituents and confidence of his colleagues on the Council when they elected Tom their President. At the same time, Tom commuted to Baltimore and taught public service advocacy to law students at the University of Maryland, Baltimore Law School.

Most recently, Tom demonstrated his management skills as the Secretary of Maryland's Department of Labor, Licensing and Regulation. He energized the agency and put it at the forefront of the effort to help Maryland homeowners facing foreclosure, along with many other reforms to help protect consumers. He was well respected by legislators in Annapolis from both sides of the aisle serving in the Maryland General Assembly.

I believe Tom possesses the talents and skills to make the Civil Rights Division an outstanding performer in the Justice Department. I hope your Committee will act favorably and expeditiously on the President's nomination for Tom to serve our Country again.

Respectfully,

C.A. DUTCH RUPPERSBERGER.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 21, 2009.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I strongly support for the nomination of Thomas Perez for Assistant Attorney General for the Civil Rights Division of the Department of Justice, and. I urge his speedy confirmation. Currently leading Maryland's Department of Labor, Licensing and Regulation, Secretary Perez has shown outstanding leadership throughout his career at all levels of government.

I have worked with Secretary Perez on many critical issues, and I consider him an excellent choice for the Civil Rights Division. He has already served there in a variety of key positions. As a prosecutor in the Division, he was the lead attorney in many high-profile civil rights cases. As Deputy Assistant Attorney General for Civil Rights, he oversaw complex litigation in the employment and education areas. As a member of the Kaiser Commission on Medicaid and the Uninsured, as well as the former Director of the Office for Civil Rights at the Department of Health and Human Services, Secretary Perez would also bring to his new role a deep understanding of health care disparities. In my state of Maryland, Secretary Perez led a 1,600-employee department and was the principal architect of Governor O'Malley's wide-ranging foreclosure prevention initiative. Secretary Perez also negotiated written agreements with major mortgage servicing companies to provide relief to homeowners facing foreclosure.

Leading the Civil Rights Division requires high-level management and consensus-building skills. I am confident that Secretary Perez possesses those skills, and I urge you to confirm his nomination.

With warmest personal regards, I am

Sincerely yours,

STENY H. HOYER.

Mr. CARDIN. I ask unanimous consent that time during quorum calls be equally charged to both Democrats and Republicans.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. I suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. 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. MERKLEY. Mr. President, this morning I rise to make a few remarks in support of the nomination of Tom Perez as Assistant Attorney General for the Civil Rights Division. Mr. Perez is an exceptionally qualified nominee. His nomination was reported out of the Judiciary Committee on a strong bipartisan vote of 17 to 2. He has the backing of a bipartisan group of former heads of the Department of Justice Civil Rights Division, the backing of State attorneys general, and the backing of other elected officials. His varied experience will serve him well in many aspects of this position.

He was a career employee with the Civil Rights Division for 10 years and understands the importance of enforcing the law without regard to politics. He has taken on racially motivated crime through the prosecution of White supremacists who went on a fatal crime spree in Lubbock, TX, and the perpetrators of cross burning designed to intimidate an interracial family.

Mr. Perez served as Director of the Office for Civil Rights at the U.S. Department of Health and Human Services, where he worked to expand opportunities for individuals with disabilities to receive care and treatment in community-based settings rather than institutions and helped develop landmark medical records privacy regulation. He was a special counselor to Senator Ted Kennedy. Currently, Mr. Perez serves as Maryland's Secretary of Labor, Licensing, and Regulation. In this position, he enforces workplace safety laws, protects consumers through the enforcement of a wide range of consumer rights laws, and collaborates with businesses and workers to address critical workforce development needs. It is hard to imagine anyone better prepared to serve as the Assistant Attorney General for the Civil Rights Division.

Mr. Perez has firsthand experience fighting racially motivated crimes. Mr. Perez has firsthand experience standing up for the disabled and patient privacy. He has firsthand experience protecting the rights of workers and consumers.

I urge my colleagues to move expeditiously to confirm this nomination and put a man of rare and extensive experience in charge of the Civil Rights Division for the benefit of all of our citizens.

Thank you, Mr. 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. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE APPROPRIATIONS

Mr. BURRIS. Madam President, as we debate this Defense appropriations bill, many of my colleagues have discussed the commitment we make to those who serve this country in uniform. It is a commitment that begins on the day they volunteer for military service, and it extends through their retirement and beyond.

Just as we have an obligation to servicemembers who work in harm's way, we need to offer strong support for those who are left here at home.

Military families bear a burden that must not be forgotten. They deserve our utmost gratitude. And their stability and well-being affect the readiness of our Armed Forces. Our soldiers, sailors, airmen and marines cannot afford to be distracted by worries about those they leave at home. We need to address the needs of these families, not only to honor the sacrifices they make, but also to provide stability. Quality

education is at the very center of these needs.

That is why we must increase funding for Impact Aid, a program which provides assistance to school districts that serve military families.

Throughout my career in public service, I have been a strong believer in education as a powerful force to shape lives—to give people the tools they need and the inspiration that will help them succeed. It is the foundation upon which we build our Nation's future.

But even when we see an improvement in scholastic performance at the national level, some groups of students fall further and further behind. Many children of Federal workers, including military personnel, fall into one of these groups.

Military bases—and other Federal facilities—occupy land that might otherwise be zoned for commercial use. Because of this, local school districts suffer from a reduced tax base to fund their expenses. This limits the amount that can be spent in the classroom and leaves students at a serious disadvantage compared with kids in neighboring towns.

We need to correct this inequity.

In North Chicago, IL—the home of the Great Lakes Naval Training Center—only half of the 4,000 students meet or exceed State standards. Even with some Federal assistance, North Chicago's School District 187 is able to spend just under $7,000 per student, per year.

But in nearby District 125, they have the resources to spend nearly twice as much per pupil, and the school performs among the best in the State. An increase in Impact Aid funding would help to level this playing field, ensuring that the children of our soldiers, sailors, airmen and marines are not at a disadvantage because of their parents' service.

Impact Aid funds are delivered directly to the school district in need, so they do not incur administrative costs at the State level. This makes Impact Aid one of the most efficient—and effective—Federal education programs.

Scott Air Force Base is located in Mascoutah, IL—a community that receives Impact Aid funding. The local school district is able to spend only $6,000 a year on each child, but 90 percent of the students meet or exceed State standards. If these are the results that some students can achieve with only $6,000 per year, imagine how well Mascoutah might perform with even a small increase in available funds.

It is vital that we target Federal assistance to the people who need it most—like the students in North Chicago and Mascoutah. That is why I am proud to be a member of the Senate Impact Aid Coalition, a group of 35 Senators devoted to protecting this important program. And that is why I believe that the $30 million we have set aside for Impact Aid is simply not enough.

It is time to step up our commitment to military families. It is time to make sure all children have access to a quality education, regardless of who they are or where they are from.

So I ask my colleagues to join me in supporting the House version of this appropriations bill, which commits $44 million to the Impact Aid Program. And when the legislation reaches conference committee, I urge Chairman LEVIN to defer to the House mark.

The $14 million difference between the House and Senate versions may not seem significant compared to the size of the Federal budget. It may not seem significant next to the amount we spend to equip and deploy our men and women in uniform. But it will be significant to the students.

Students in North Chicago, and Mascoutah—O'Fallon, and Rockford—and hundreds of communities in Illinois and over 260,000 students in 103 school districts across the United States.

We owe them the same support we continue to show to their parents in uniform. And it is time to step up our efforts to meet that commitment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold that request?

Mr. BURRIS. Yes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I rise today to express my serious concerns about the nomination of Mr. Tom Perez to head the Civil Rights Division of the Department of Justice. First, given his affiliation with CASA de Maryland, an extreme immigrant advocacy organization for which he served as president of the board, I am concerned that he will utilize the Civil Rights Division to undermine immigration enforcement.

Second, Mr. Perez has made statements indicating that he believes health care is a civil right and he has a disturbing view of the responsibilities of health care providers. Third, his views on a Clinton-era executive order requiring health care providers to provide services and documents in languages other than English infringes on the right of States to declare English as the official State language. Finally, though not directly related to Mr. Perez's qualifications, I am deeply troubled by the Department of Justice's failure to respond to legitimate requests for information by the Senate, the House of Representatives, and the U.S. Commission on Civil Rights regarding the Department's decision earlier this year to dismiss the New Black Panthers voter intimidation case.

I know some of my colleagues have more thoroughly discussed Mr. Perez's positions on immigration issues, but I want to briefly mention some of my concerns. Mr. Perez served on the board of CASA Maryland from 1995–2002 and as president of the board from 2001–2002. CASA provides assistance to Latinos and immigrants in Maryland; it also promotes day labor sites, opposes restrictions on immigrants receiving driver's licenses, and supports in-State tuition for immigrants. More concerning, CASA has been criticized for issuing a pamphlet that instructed immigrants targeted by Federal authorities on what to do if they are arrested or detained. The Washington Times ran an article on the brochure, noting that it ''features cartoonlike drawings of armed black and white police officers escorting Hispanic men in handcuffs and shows babies crying because their fathers are behind bars.'' I have concerns about Mr. Perez's lengthy association with an organization that advocates these extreme positions.

I also believe Mr. Perez has a disturbing view of the health care system and particularly of the responsibilities of health care providers. Mr. Perez has made statements indicating that he believes health care is a civil right. He also has said that health care providers receiving Federal funds must provide services in languages other than English or risk forfeiture of those funds due to title VI of the Civil Rights Act and a Clinton-era executive order directing Federal departments and agencies to ensure that those with limited English proficiency, LEP, are given meaningful access to programs and activities conducted by the Federal Government or by recipients of Federal funds. I would note that this executive order was not enforced by the Bush administration. I disagree with Mr. Perez's interpretation of the Civil Rights Act, and in 2006, I offered an amendment to immigration legislation to repeal the executive order. After I offered that amendment, Mr. Perez wrote an article in which he stated that I had a ''distressing disregard for the doctor-patient relationship,'' and that I would ''undermine meaningful communication between doctors and patients—thus relegating those who do not speak English to a lower rung of our health care system.''

After all my years of practicing medicine, I take offense at someone stating that I have a ''distressing disregard'' for the doctor-patient relationship. I have treated numerous patients who do not speak English and found ways to communicate with them. Often these patients have family members who speak some English or they find other ways to communicate. There is no reason to burden health care providers with the expense of having to provide services in languages other than English.

Following the Judiciary Committee vote on his nomination, Senators SESSIONS, CARDIN, and I met privately with Mr. Perez to discuss my concerns about his positions on health care issues, and not only did he not alleviate my concerns, but he also made no effort to apologize for his incendiary comments. I believe Mr. Perez fails to understand how the executive order undermines

patient care, and I fear this lack of understanding will affect similar policies he will implement if he is confirmed to head the Civil Rights Division.

Although Mr. Perez clearly has a passion for limited English—proficiency individuals, I am afraid this passion clouds his judgment as it pertains to health care treatment and costs and will affect his judgment as the head of the Civil Rights Division. As proof, I offer the following example. In 2002, the Office of Management and Budget, OMB, issued a study which stated, ''we anticipate that the cost of LEP assistance, both to government and to the United States economy, could be substantial, particularly if the Executive Order is implemented in a way that does not provide uniform, consistent guidance to the entities it covers . . . provision of language services could be most costly for the healthcare sector.'' In contrast, Mr. Perez has stated that he does ''not believe that Executive Order 13166 has a fiscal impact on State or Federal Governments because it imposes no new requirements on them.'' This lack of judgment is concerning to me.

In addition to my disagreement with Mr. Perez on the treatment of health care as a civil right, his views on the Clinton-era executive order requiring health care providers to provide services and documents in languages other than English infringes on the right of States to declare English as the official State language. Specifically, the current acting assistant attorney general for the Office of Civil Rights sent a preemptive letter to Oklahoma's attorney general, threatening prosecution and retraction of Federal funds if Oklahoma enacted a constitutional amendment pending before the State legislature at that time, which would declare English as the official State language. It is unprecedented for DOJ to send such a preemptive letter. Approximately 30 other States have English-only policies, and, to my knowledge, none of these States has received such a letter. Three of those States have laws similar to the Oklahoma proposal. Thus, this letter to Oklahoma was not directed against its current law, but aimed at preventing such a law from being enacted because DOJ views it as possibly violating civil rights laws. Subsequently, the Oklahoma Legislature passed the amendment, and it will be presented to the people for approval in 2010.

I am disturbed that in written questions for the record, Mr. Perez affirmed the Department's position. I asked Mr. Perez if it would be appropriate for the Office of Civil Rights to send such a preemptive letter, and he stated ''if the Civil Rights Division believes that a state's 'English Only' provisions do not comply with Title VI of the Civil Rights Act of 1964, it would be appropriate for it to issue that sort of letter.'' He also stated that the Clinton-era executive order does not undermine ''the rights of states to declare English as their official language.'' Furthermore, Mr. Perez believes that the executive order ''does not create new obligations for states.'' As a result of the Office of Civil Rights' letter to Oklahoma, all members of the Oklahoma delegation have sent a response letter to Attorney General Holder. The letter asks him to explain why the Office of Civil Rights sent the letter to Oklahoma, whether similar letters have been sent to other States or cities with English-only policies, outline what type of funding would be denied to Oklahoma if the law was enacted, and whether this preemptive letter-writing process is DOJ's policy. To date, the State of Oklahoma has not received a response. Without such explanation, it appears that Oklahoma was specifically targeted in a political maneuver by DOJ since there was no Oklahoma law enacted that violated civil rights laws at the time it sent the letter.

In his writings, Mr. Perez also has advocated for affirmative action in admissions to health care schools because he believes minority applicants are more likely to work in underserved populations. On March 30, 2009, Linda Chavez—former Staff Director of the U.S. Commission on Civil Rights, 1983–1985, and Secretary of Labor nominee—wrote an article critical of Mr. Perez's arguments for race-conscious admissions policies for health professions schools. She notes that in one article, Mr. Perez ''cited a handful of studies that purport to show that minority doctors are more likely to provide medical care to underserved poor minority populations than white physicians are. He then leapt to the conclusion that the best way to improve access to medical care for underserved populations was to insist that medical schools use race or ethnicity in choosing which students to admit.'' She claims that this appears to be an argument in support of ''a form of medical apartheid in which minority patients should be served by minority doctors under the presumption that both groups benefit from this practice.'' She calls this argument ''insulting and dangerous'' and notes that ''doctors who primarily treat patients enrolled in government programs are less likely than those with private insurance to have passed demanding board certification in their specialties and to have access to high-quality specialists in other fields. Under Perez's rationale, it shouldn't matter whether the doctors who serve poor people are less likely to be board-certified so long as they are black or brown.'' She further notes, ''Perez's solution to the problem is to lower standards even further so that more under-qualified minority physicians are admitted to practice medicine. Medical schools already admit black and, to a lesser degree, Hispanic students with lower qualifications than whites or Asians.''

Finally, I am deeply troubled by the Justice Department's failure to respond to legitimate requests for information regarding its decision not to pursue the prosecution of the New Black Panther Party voter case. Earlier this year, House Judiciary Committee Members exchanged a series of letters with the Justice Department requesting an explanation for why the Department decided not to pursue the case against the New Black Panther Party for alleged voter intimidation that occurred in the November 2008 elections in Philadelphia. These Members sought an explanation for the dismissal of the case, which the Bush Justice Department had filed in early January 2009. The Justice Department did not respond to these inquiries until mid-July, and even then they were vague and indicated possible political interference with this case. Following the denial of this request for information, the House Members asked members of the Senate Judiciary Committee to hold Mr. Perez's nomination until the Department provided a more thorough response. Senator SESSIONS also sent a letter to the Justice Department and did not receive an acceptable response. The independent U.S. Commission on Civil Rights also has demanded that the Justice Department explain its dismissal of the lawsuit against members of the Black Panther Party and have not received a satisfactory response from DOJ.

Voter intimidation is unacceptable, and Congress deserves an explanation of the Justice Department's actions. Oversight of the Department is a legitimate function of Congress, and Members deserve an explanation rather than stonewalling. For this reason, I will vote against cloture on Mr. Perez's nomination—as a protest to this lack of cooperation. I will vote against Mr. Perez's nomination based on the aforementioned concerns about his policy positions.

Madam President, I thank Senator CARDIN because he graciously arranged a meeting between myself and Senator SESSIONS and, I believe, Senator KYL several months ago. There is no question that Mr. Perez is a very bright, engaging, and competent individual.

Regretfully, my concerns with his nomination were not allayed by that meeting. I think Senator CARDIN has done a great job shepherding this, and I know the outcome. I still think the American people ought to hear about the concerns I have.

We are in the midst of a lot of difficulty in our country. We are struggling somewhat with our mojo, our confidence, with where we are going and how we are going to get there. A lot of it comes back to how did we ever get to the depth of problems we are having today? I think about this a lot, because I think the answer to it is the solution for how we get out of the problems we are in. Where do we go? How is it that we have an almost $12 trillion debt right now, $100 trillion in unfunded liabilities, and a budget deficit this year that, by the time you count what we stole from Social Security and

all the other trust funds, is about $1.8 trillion, and debt that will double in 5 years and triple in 10—how did we get there?

I think this nomination is a key answer for us. How we got there was building a Federal Government that has forgotten several things, but, most importantly, what the Constitution said about its real role. No. 2, it has allayed the concerns and the benefits of personal responsibility in this country.

I think Mr. Perez is a fine man, but I think his viewpoint is a disaster for the future of this country in terms of what is a civil right and what isn't. It is a civil right, according to Mr. Perez, that I have to, as a physician or a hospital or a grocery store, interpret language for anybody who would come to this country and cannot speak the language.

Our history is that people who have come to our country learned the language so they can succeed. One of the things that has made us great has been the commonality of English. The very statements Mr. Perez would make—that doctors who don't agree and health care providers who don't agree with his perception of a civil right of having somebody speak your language, no matter what it is, that they don't care about their patients and don't care about healing—is a step too far. But those are his statements.

If we are to get out of the problems we are in as a nation, it is going to take us time to relook at what made us successful. I mentioned all these other problems before, because in the Constitution—I read a letter from a constituent this morning about how my obligation for Oklahoma is to represent only Oklahoma's interests. I said, you know, that isn't the oath I took. The oath I took was to uphold the Constitution. So now we have this expansive Federal Government we are choking on, not just in terms of its costs but also in terms of how its tentacles reach into people's lives. We are getting ready to have a health care debate to enhance that by another 25 percent in terms of the reach of the Federal Government into your individual lives, and we have a nominee for the Justice Department who believes that individual responsibility and personal accountability don't fall equally across this country, it falls only on those providing services.

The other issue is the fact that 30 States have English-only language. The Justice Department this past spring and summer sent notification to the State of Oklahoma on a bill that was in the legislature, threatening the State of Oklahoma if they passed that bill. Well, 13 other States have identical bills, or laws, on what was being passed in the legislature in Oklahoma, and it will come to a vote of the people. So the legislature passed it, and it will come to the vote of the people this November. But they sent a threatening letter. They won't answer our letter asking how many other States have you sent that letter to. They didn't. It was about discussing whether an individual has any personal responsibility to be able to communicate.

Finally, we have the Justice Department refusing to answer questions about true voter intimidation and the dropping of a case where that occurred. You cannot be on both sides of the civil rights issue. You can't say it is good over here but not over there. Denying people or manipulating voters has as great an impact on individual civil rights as any other thing.

I come to the floor not to say Mr. Perez is not a fine man. But it is his kind of thinking that expands well beyond what our Founders ever thought was a guaranteed civil right. I readily admit that our Founders were wrong on several of those issues. But when we expand it beyond the case, that goes away from personal responsibility and accountability. There is a balance, and we need to protect everybody's civil rights in this country. We are having a human rights hearing in the Judiciary Committee right now on some of these very issues.

Mr. Perez's extreme views, in fact, are that if States have English-only laws, he will go after that, and if we don't have the same viewpoint he has, rather than what the Constitution says and what the precedent from court hearings says, I think that will not lead to an outcome that will be favorable for our country.

I will finish up by saying our problems are gigantic. They are not simple. There are not simple answers.

The condition in which we find ourselves is from excess—whether it is excess earmarking, excess program, lack of oversight, or the excess of one hardened position over a balanced system that protects human rights but also does not destroy our system. I believe although Mr. Perez is qualified, his foundational biases should eliminate him from this position.

I again thank my colleague from Maryland. He has been very accommodating during this course. I had lifted previously my hold on Mr. Perez, and I think he knows that. But I am concerned with the direction of his leadership and what it will mean in terms of where we go as a country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I thank my friend from Oklahoma for his cooperation as we have moved this nomination to the Senate floor and will have a vote today. I thank him for the manner in which he handled his concerns, his willingness to meet with Mr. Perez, and to talk openly about these issues.

He and I may disagree on one fundamental principle; that is, I think civil rights is a basic responsibility of the Federal Government to enforce. I think every person in this country should have the opportunities that are granted in America. I want to make sure our government actively pursues a civil rights agenda because I think that is important to protect everyone's rights.

Mr. COBURN. Will the Senator yield for a question?

Mr. CARDIN. I am glad to yield.

Mr. COBURN. Through the Chair, I ask the Senator, my problem is not with that; I agree with the Senator on that. My question is as we carry out expansion beyond that in terms of Executive orders that are not in the law but are Executive orders that we have never ruled on, and then we are going to consider that.

Specifically I ask him, does he recognize the estimated $6 billion cost in the health care system if, in fact, Mr. Perez's interpretation of that Executive order was carried to its fullest extent by making translation services available to anybody of any language at any time throughout the whole country? That would be my question. I appreciate his thought.

Mr. CARDIN. Madam President, I thank my colleague for the question. Tom Perez, in our discussions, said he would clearly use a reasonable standard. I might point out that the Executive order to which the Senator is referring was strengthened both under the Clinton administration and Bush administration. President Bush's administration also believed this was an important provision. The Senator is correct.

I also point out in regard to the understanding of English, Tom Perez comes from an immigrant family and believes very strongly that everyone should learn English; that it is an important part of our country. He has expressed that openly. He also has indicated that we should be doing more to help immigrant families be competent in English.

The issue here deals with the receipt of health care. One has to be able to communicate. One has to be able to communicate with the people with whom one comes in contact. We know that is one of the key issues on quality care. It was for that reason that both the Clinton administration and the Bush administration adopted regulations to deal with the ability to communicate when people enter our health care system.

Mr. Perez has indicated in interpreting that regulation that a reasonable test must be complied with, but it is certainly an important issue in dealing with quality care.

Let me, if I may, quote one of the individuals who has recommended to us that we confirm Mr. Perez as the head of the Civil Rights Division and compliments President Obama on his choice; that is, the former Secretary of the Department of Health and Human Services under George Bush. I am referring to Dr. Sullivan. Dr. Sullivan states:

Tom Perez is a nationally recognized civil rights lawyer who enjoys an impeccable reputation as someone who is knowledgeable, inclusive, effective, and even-handed. He is

an ideal nominee for Assistant Attorney General for Civil Rights.

I point out it is unfair to judge Mr. Perez on an Executive order, and I think that Executive order is an important part of our health care in this country. He, as the enforcer of our civil rights, will enforce that Executive order because he knows it is important in protecting the civil rights of the people who are in America. But he also has a reputation for doing that in a fair manner, an effective manner, and an evenhanded manner. That should be the judgment that we use in this body as to whether to support his confirmation.

I think third party validators have made it clear that Tom Perez is a person who will exercise that judgment correctly. I hope my colleagues will support his confirmation on the floor of the Senate.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I wish to address the nomination of Thomas Perez to be Assistant Attorney General for the Civil Rights Division at the Department of Justice.

That is an important position. It requires ability and experience and fairness. I think President Obama, as all Presidents, is entitled to some deference in selecting executive branch nominees such as this one. I have come to the conclusion after some contemplation that I am not able to support this nominee. I do not desire that his nomination be delayed unless there will be some additional matters that need to be looked at of which I am not now aware. So I am prepared to vote up or down. I know we have only one vote, and that is a question of cloture, whether to bring this nomination up for an up-or-down vote.

I guess I am at a point where I don't feel comfortable voting either way on that if we don't have any other votes. I will wrestle with that decision.

The Civil Rights Division of the Department of Justice is charged with protecting the civil rights of all Americans. It is an important division. As such, it is critical that the division be free from partisanship and not be used as a tool to further an agenda of one group or another, one ideology or another.

The President has chosen this nominee, someone who has a record of and a reputation for very strong political activity. That is not disqualifying, but it is a matter I am concerned about because I am concerned about this division.

In reviewing Mr. Perez's past statements and his record, I am concerned whether he is capable of putting aside partisan beliefs and whether he is, therefore, suited to head the Civil Rights Division of the U.S. Department of Justice.

Over the past several months, news reports have raised concerns that decisionmaking at the Department and the Civil Rights Division in particular have been based on politics and not on protecting civil rights. I hate to say that, but real objections have been raised.

In May, the Justice Department voluntarily dismissed a lawsuit that it had won against the New Black Panther Party. During the last election, two of that group's members had dressed in military-style uniforms and intimidated voters outside a Philadelphia voting place.

A long-time civil rights activist who was there and who saw it, Bartle Bull, called it ''an outrageous affront to American democracy and the rights of voters to participate in an election without fear.''

On July 30, the Washington Times reported that a political appointee, Thomas Perrelli, the Associate Attorney General of the Department of Justice, and third in charge of that great Department, approved the decision to suddenly reverse course and drop the complaint. Many people have seen the video of that utterly unacceptable activity by the New Black Panther Party. Mr. Perrelli's decision to allow this voter intimidation to go unprosecuted stands in stark contrast to his statements made during the nomination process when he stated:

> I agree that both civil and criminal laws for governing the conduct of elections should be enforced.

Of course, that is fundamental.

In May, the Members of the House Judiciary Committee sought an explanation from the Department. They had taken a judgment in the case, senior career prosecutors had, against this group. The question was, apparently they began a discussion of giving it away, setting it aside—a judgment they had already taken. Eventually that is what the Department did, through some maneuvers that I do not think are consistent with the normal processes of the Department of Justice. They found one group within the Department whose responsibility did not include making these kinds of decisions, they made a decision that it was okay to set aside the judgment against them, a civil judgment, I think, that they had taken. It was not good.

The House Judiciary Committee, our colleagues, demanded an explanation. The responses of the administration were vague and incomplete. In addition, the independent U.S. Commission on Civil Rights has demanded that the Justice Department explain the dismissal of that lawsuit, but the administration rebuffed the request, claiming that the Department decided to investigate the case internally through its Office of Professional Responsibility. The Department of Justice claims it cannot provide information to anyone on the outside until that internal investigation is complete.

Based on the lack of document production and lack of answers from the Department of Justice, on September 30, the Civil Rights Commission Chairman, Gerald Reynolds, wrote to Attorney General Holder, repeating his request for information on previous voter intimidation investigations so the Commission could determine whether the Department's reversal of course in this case constituted a change in policy and what the implications of this would be.

Chairman Reynolds also pointed out that:

> [M]any aspects of the Commission's inquiry have no connection with the matter, subject to the OPR jurisdiction . . .

And that if the Department were nonresponsive, the Commission would be forced to propound interrogatories and interview requests directly on affected Justice Department personnel.

So even the independent Commission on Civil Rights is concerned about this. If you care about voting rights, how did this happen that we dismiss a case when there is a video of one of the most blatant intimidations you can imagine at a polling place? Serious questions have arisen. Was the dismissal of the case a blatant partisan political move by the Department of Justice? Was this Black Panther group protected because they were on the right side of the election? If so, it implicates serious dangers for voter intimidation prosecutions in the future, I suggest. Before we vote to approve Mr. Perez as head of the Division of Civil Rights, the Senate needs to know how he will conduct the office.

Unfortunately, this kind of issue is only one of the important issues he will be facing. In June, it became apparent that the Justice Department would work against commonsense measures by States to ensure that only citizens would be allowed to vote in elections. The Supreme Court has held that States can pass and enforce voter identification laws to protect the integrity of elections. Yet according to the Associated Press, the Civil Rights Division under Attorney General Holder has:

> . . . rejected Georgia's system of using Social Security numbers and driver's license data to check when prospective voters are citizens.

Rather than working alongside the State of Georgia to ensure that only citizens are allowed to vote, which would be a good goal and role for the Department of Justice, the Department has worked to ensure that the system remains broken. As the Georgia Secretary of State has observed:

> The Department of Justice has thrown open the door for activist organizations such as ACORN to register noncitizens to vote in Georgia elections, and the State has no ability to verify an applicant's citizenship status or whether the individual even exists. The Department of Justice completely disregarded Georgia's obvious and direct interest in preventing noncitizens from voting.

Clearly, politics took priority over common sense and good public policy.

The Georgia Secretary of State said that. That is a serious charge. This is very troubling.

There seems to be a view by some that the more people who vote, the better elections are; that voting in itself is a good thing and we should want more and more people to vote. Of course, we want all eligible people to vote. It seems to be implicit in this argument that it matters little if the people who vote are illegal or the votes cast are fraudulent votes. But I contend, I think without much dispute, it is as damaging to a fair election to allow someone to vote who is not eligible or someone to vote twice, fraudulently, or someone to vote for someone who did not show up on election day and slip into the ballot box and say: I am John Jones and vote for that person—that does as much damage to the integrity of elections as if an individual somehow were wrongfully denied the right to vote in the outcome of an election.

I would be the first to acknowledge that in our past we have, and particularly in the South, had blatant examples, before the Voting Rights Act predominantly, when people were blatantly denied the right to vote. It was a stain on our election process and a stain on the integrity of that process. But this is a time we need to be working together to make sure every vote is honest and fair and not fraudulent.

Another example of apparent politics at play in the Civil Rights Division occurred in Missouri, where the Department has quietly refused to continue an existing ongoing lawsuit that was brought under the National Voter Registration Act. That lawsuit was brought 4 years ago to enforce a provision that required States to clean up their registration lists to prevent voter fraud. According to commentator Hans von Spakovsky:

When the suit was filed in 2005, one-third of the counties had more registered voters than voting-age residents. One county's list was 153 percent of the Census count. And the State had done virtually nothing to clean up its rolls.

Fast forward to March. There remains no evidence that the voter registration rolls in most Missouri counties have been purged of their thousands of nonresidents and decedents. Registration numbers from the November elections show that there are still more than a dozen Missouri counties with more registered voters than voting-age residents.

Yet rather than continuing the case to ensure that Missouri cleans up its voter registration rolls, the Department of Justice refused to pursue the case and dropped it, a distressing sign to me that it does not take the integrity of the voting process seriously—certainly not seriously enough. Is the Department of Justice committed to integrity in the process? Or just allowing anybody who wants to walk in and vote to vote? Of course, these decisions have been made by the Civil Rights Division before Mr. Perez has been confirmed, that is certainly true. He does not have any culpability in these actions. But it just raises concerns of mine about: Is he committed to fixing it? Will he correct these kinds of decisions? Is he committed to fairness, regardless of political impact in an election? There are important rules in voting. Those rules must be followed.

Will he reinstate the case in Philadelphia where there was a clear indication of threats and intimidation against voters? Will he correct the course that the Civil Rights Division has taken in undermining commonsense voter identification laws? Will he reinstitute National Voter Registration Act lawsuits to ensure that States clean up their voter rolls to prevent voter fraud?

The way this happens is you have a large number of names on a voter roll and a voting precinct and that creates a real danger, if you don't have identification, if you don't require the voter to produce any identification, the person walks in there and says: John Jones?

I am John Jones.

OK, you get to vote, and he votes.

He goes to the next voting place, he knows somebody's name is on the list who is not allowed or not in the district or not going to vote that day, and he says: I am Ralph Smith and he signs and votes and goes in again and again and again and people have been known to travel all over multiple precincts casting votes in the names of persons not their own name. It is fraudulent. It demeans the integrity of the entire election process as much as if the person had wrongly been denied the right to vote.

I am concerned where Mr. Perez will be in this. He has been pretty active politically. When he ran for the Montgomery, MD, county council he responded to a question asking ''What would you like the voters to know about you?'' Mr. Perez said: ''I am a progressive Democrat and always was and always will be.''

This is a free country and that is all right. I am just saying, in all fairness, that statement makes me a little nervous.

As a councilman, Mr. Perez expressed disdain for Republicans, at one point, according to the report, giving ''a 5-minute speech about how some conservative Republicans do not care about the poor.''

In an April 3, 2005, Washington Post article, Mr. Perez was described as ''about as liberal as Democrats get.''

I am also concerned Mr. Perez will not be committed to fully enforcing our Nation's immigration laws, some I have worked hard on. We need to create a lawful system of immigration. We cannot continue in this lawless method as we are, and one of the first things you do to reduce illegal immigration is you stop rewarding people who violate our laws to come here. He previously served as the President of the Board of CASA de Maryland, an immigrant advocacy organization that has taken some extreme views and been criticized by a number of people in the media. CASA de Maryland issued a pamphlet instructing immigrants confronted by the police to remain silent. CASA also promotes day labor sites. This is where people, often without lawful status, come and seek work and opposes restrictions on illegal immigrants receiving drivers licenses. He was President of the Board.

Mr. Perez, himself, has spoken in favor of measures that would assist illegal aliens in skirting U.S. immigration laws. For example, as a councilman in 2003, Mr. Perez supported matricula consular ID cards issued by Mexico and Guatemala as a valid form of identification for local residents who worked and used services, without having any U.S.-issued documents to prove their identity.

Of course, after a good bit of examination and public discussion, those matricula cards were shown to be unreliable, and that is an unworkable way to determine the legal status of someone. But he was a defender of the matricula cards, which I think is troubling given the position he will be seeking to assume.

He also supported a bill granting instate tuition rates to illegal immigrants in Maryland and stated:

We have a legal obligation to make the same commitment to hundreds of immigrant high school students who have made Maryland their home.

We don't have a legal obligation to give people who are illegally in the country tuition and certainly not cheaper instate tuition than our out-of-state tuition.

Although Mr. Perez has taken many of these positions while acting in a political capacity—and there is a distinction between that political advocacy and being the head of the Department of Justice's Civil Rights Division—I do think it is reasonable for us to be concerned about whether he will use the Department of Justice's resources to advance his ideas and an agenda that is not consistent with the highest ideals of civil rights.

I don't believe establishing lawful rules of immigration or lawful rules for voting is unfair and contrary to civil rights. Indeed, they are a cornerstone. The law is civil rights in a true sense.

So I am concerned, and we are going to be watching to ensure that the Civil Rights Division not be politicized. It must be above politics. It must work to protect the rights of all Americans regardless of their political party, their race, or background.

Given the very political decisions apparently being made now in the Department of Justice, I think it takes someone committed to rising above this kind of activity and to right the ship.

I have talked with him. I enjoyed that conversation. I certainly have no ill will toward Mr. Perez personally.

But I have to say, I think it is important that we have honesty in voting, I think it is important that we have a legal system that works with regard to immigration, and at this point I am not convinced Mr. Perez has demonstrated he has the will to do those things, and that is what troubles me about the nomination.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. How much time is available on our side?

The PRESIDING OFFICER. Nineteen minutes.

Mr. LEAHY. I was going to speak, but I see the distinguished Senator from Maryland, who has done a superb job in this matter, and I would yield him 5 minutes. If he needs more time, I will yield more time.

Mr. CARDIN. Let me thank the distinguished chairman of the Judiciary Committee for the way he handles the matters that are brought to the floor, the way he handled the nomination of Tom Perez, allowed all sides an opportunity to get all the information they wanted. It was done in a very fair manner, and I compliment him on his leadership on this appointment.

I wish to comment briefly on Senator SESSIONS' points relating to several issues.

First, in regard to voting rights, I am in complete agreement with Senator SESSIONS that I want the Civil Rights Division and its leadership to deal with the concerns we have of voting in this Nation.

I am very disappointed that the previous administration basically didn't bring any cases to allow people who were intimidated to be able to cast their votes. We have had serious problems of groups sending out notices on the wrong date of when the elections take place, targeted to minority communities. We have had episodes where letters were sent to minority communities threatening that if they tried to vote and had outstanding parking tickets, they could be arrested. We have seen intimidation. I have been a victim myself of that type of activity in my campaign for the U.S. Senate where on the day before the election fraudulent literature was handed out trying to mislead minority voters.

So I want the next head of the Civil Rights Division to be actively involved in protecting our right to vote. I would hope my colleague from Alabama would join me in trying to strengthen the laws. We had a bill that then-Senator Obama presented that I joined with Senator SCHUMER and others to give the Department of Justice more power to make sure those types of fraudulent activities can't take place.

I would welcome the support of my friends on the other side of the aisle for this important legislation. Let's work together to make sure every eligible voter has the opportunity to cast their vote and have it counted without intimidation. I know that is certainly going to be a major goal of the Civil Rights Division under the leadership of Tom Perez.

My friend from Alabama mentioned the Black Panther case. Well, let me point this out: The decision in that case was made by a career attorney, not by a political appointee. And that is what I would hope all of us would want from the Civil Rights Division, that we take partisan politics out of that division, as it was so apparent under the previous administration. Tom Perez is committed to allowing career attorneys to make those types of decisions. And quite frankly, there was an injunction to prevent one of the defendants from that activity. So I think we should look at the record and look at what we are trying to achieve. Let's not use labels. Let's look at the issues and not labels. Look at his record.

On the immigrant issue, let me point out that Tom Perez is firmly committed to enforcing the laws in a fair, evenhanded manner. His 10-year record at the Justice Department is the best evidence of that commitment.

Quite frankly, I am going read into the RECORD endorsements because I think third-party validators are a good way for us to know what type of person we have in Tom Perez. The Judiciary Committee received letters of support from a number of former assistant attorneys general to the Civil Rights Division at the Department of Justice, including Bill Lann Lee, John Dunne, Deval Patrick, Stanley Pottinger, Stephan Pollak, James Turner, Ralph Boyd, and Wan Kim. Several were appointed under Republican administrations. This is a quality person who has the confidence of those who know of his professionalism in moving forward the Civil Rights Division under its traditional leadership in this country.

Lastly, I ask unanimous consent to have printed in the RECORD letters we have received from law enforcement officials and organizations, including Colonel Terrance Sheridan, the superintendent of the Maryland State Police; Tom Manger, chief of police from Montgomery County, MD; Raymond Knight, sheriff for Montgomery County, MD; and the State Law Enforcement Officers Labor Alliance of Maryland, and others.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOROUGH OF HALEDON COUNCIL,
Haledon, NJ, April 3, 2009.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: I congratulate President Barack Obama and Attorney General Eric Holder for nominating Thomas Perez for Assistant Attorney General of the Civil Rights Division. There is no doubt that Mr. Perez's qualifications and record are outstanding. Mr. Perez will lead gracefully the division of the Department of Justice responsible for enforcing federal statutes prohibiting discrimination particularly those statutes that protect the voting rights of our diverse populations. As you know, prior to his election to the Montgomery County Council in 2002, Perez served as deputy assistant attorney general for civil rights, and director of the Office for Civil Rights for the Department of Health and Human Services in the Clinton administration.

I am aware that one of Perez's most important tasks will be enforcing the Voting Rights Act, one of the most successful enactments of the U.S. Congress in the previous century. It provided millions of African-Americans with the right to register and vote. It also gave African Americans the power to elect candidates of their choice, in turn providing African Americans with a voice in government and the decision making process. The Voting Rights Act has had a positive, albeit less dramatic effect on the election of Latino public officials. According to the US Census Bureau the estimated Hispanic population of the United States as of July 1, 2003, is 39.9 million, making people of Hispanic origin the nation's largest race or ethnic minority. This number is expected to rise significantly in the near future, and does not include the 3.9 million residents of Puerto Rico. It is imperative that the Latino population be better represented in government, and in the electoral process.

I strongly support Mr. Perez for Assistant Attorney General, and I am confident that he will work with Congress and administration officials to fortify the federal voter registration and election reform laws. With his experience, commitment, and knowledge, Thomas Perez will help to eliminate inequitable barriers in the electoral process; and make certain the Civil Rights Division carefully scrutinizes state redistricting efforts following the 2010 Census.

Sincerely,

REYNALDO R. MARTINEZ,
Councilman.

MARYLAND STATE POLICE,
Pikesville, Maryland, April 23, 2009.

Hon. PATRICK J. LEAHY,
U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I am writing to provide you with a favorable recommendation for Mr. Tom Perez for the position of Assistant Attorney General, Civil Rights Division, Department of Justice. I have had the privilege and pleasure of working with Tom Perez for the past two years in his capacity as the Secretary of the Maryland Department of Labor, Licensing and Regulation (D.L.L.R.). During this time, Tom was instrumental in assisting the Maryland law enforcement community in its seven year endeavor to enactment regulatory legislation which requires secondhand precious metal dealers and pawn brokers to report transactions electronically. Tom's stewardship of this legislation through the General Assembly was key to its passage during the 2009 Legislative Session,

Under Tom's leadership, his D.L.L.R.. staff has collaborated with various Maryland law enforcement entities to provide training on the regulatory laws controlling scrap metal, pawn, secondhand precious metal, jewelry and traveling gold shows, Additional educational initiatives directed by Tom toward the industries regulated by his agency have resulted in the affected businesses to become more compliant with the state's regulations and to work more closely with law enforcement. As such, D.L.L.R. and law enforcement have become good partners in enforcing the regulations and laws controlling these industries.

Tom Perez has also been most helpful to the Maryland Department of State Police and the citizens of this state by working closely with businesses who were facing layoffs and downsizing by providing information

on recruiting by Maryland Department of the State Police. During these economic times, Tom has shown care and compassion toward those in need of his assistance.

Tom truly is an honorable man. I would add that Tom has always been fair and honest in our conservations. If he disagreed with a position, he would foster open discussion and listen to opposing viewpoints. In the end, Tom would never allow policy differences interfere or influence a relationship. I believe Tom Perez is an excellent choice for the position of Assistant Attorney General, Civil Rights Division, Department of Justice. He is a proven leader who can make a difference and has a long history of ensuring the rights of Americans are protected. Thank you again for allowing me the opportunity to provide you with my recommendation of Tom Perez for this most important position.

Sincerely,

TERRENCE B. SHERIDAN,
Superintendent.

DEPARTMENT OF POLICE,
MONTGOMERY COUNTY, MD,
Rockville, MD, April 23, 2009.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.
Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS SPECTER AND LEAHY: I am writing to wholeheartedly support the nomination of Thomas Perez for the position of Assistant Attorney General for Civil Rights. During Mr. Perez's tenure as a Montgomery County (Maryland) Councilman, I was impressed by his integrity, intellect and work ethic. He was a public servant in the truest sense of the word. Mr. Perez brings an ability to tackle complex problems and issues with consensus and common sense.

Mr. Perez is a public-safety advocate and brought his experience as a civil-rights attorney to benefit the Montgomery County Police Department. His assistance in training our senior police officials was very well received.

The Civil Rights Division of the Department of Justice requires someone with high ethical standards and a strong legal mind. Mr. Perez superbly fits the bill. I urge you to support his appointment.

Sincerely,

J. THOMAS MANGER,
Chief of Police.

OFFICE OF THE SHERIFF,
MONTGOMERY COUNTY, MD,
Rockville, MD, April 21, 2009.

Re recommendation for Thomas E. Perez.

Hon. PATRICK J. LEAHY,
U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I first met Tom Perez following his election to the Montgomery County (Md.) Council in 2002. At that time I was not familiar with his distinguished career as a federal prosecutor, Deputy Assistant Attorney General for Civil Rights, and law school professor. But between 2002 and 2006, as Montgomery County Sheriff, I was fortunate to be able to work with Tom on numerous public safety and fiscal matters affecting the operation of the Sheriff's Office.

I became impressed with Tom's ability to quickly assess the nuances of complex law enforcement, budgetary and employment law issues. He addressed public policy issues with fairness, and in a manner that recognized and balanced the diverse positions involved in governmental decision making.

Tom's appointment as Secretary of the Maryland Department of Labor, Licensing and Regulation gave him an opportunity to use his expertise to confront problems generated by the current housing foreclosure crisis. Again he was able to craft legislative solutions that recognized and successfully addressed the respective concerns of consumers and commercial interests.

Speaking as a lifelong law enforcement officer and official, I would be delighted to witness Tom's confirmation and swearing in as the Assistant Attorney General, Civil Rights Division, Department of Justice.

Please accept my appreciation for your consideration of my views on this matter.

Sincerely,

RAYMOND M. KIGHT,
Montgomery County Sheriff.

STATE LAW ENFORCEMENT
OFFICERS LABOR ALLIANCE,
Annapolis, MD.

On behalf of State Law Enforcement Officers Labor Alliance (SLEOLA), I am writing to express support for Tom Perez to become the next Assistant Attorney General for Civil Rights in the Department of Justice. Having seen his work ethic and fair mindedness at work at Maryland's Department of Labor, Licensing and Regulation (DLLR), we would like to see him bring that same approach to this vitally important Justice Department position.

The SLEOLA's primary purpose is to unite into one labor organization all eligible organizations whose members are employed with the Maryland State Police, the Natural Resources Police, the State Forest and Park Service, the Maryland Department of General Services and the Maryland State Fire Marshal. One of our constituent groups is the Department of Labor, Licensing and Regulation Police Force. This is a small contingent of sworn officers responsible for security at DLLR in Baltimore.

Our officers who work with Secretary Perez see firsthand the dedication he has to the mission of DLLR and the people of Maryland. DLLR is experiencing a renaissance, and it is easily attributed to Secretary Perez's tenure. He displays the character and integrity that make us confident he will bring the kind of rejuvenation we saw at DLLR to the Department of Justice.

We believe Tom Perez will make an excellent Assistant Attorney General for Civil Rights, and urge you to confirm his nomination.

Sincerely,

JIMMY DULAY,
President.

Mr. CARDIN. We have a quality person who will return the Department of Justice Civil Rights Division to its historic role, increasing the morale and professionalism in that Department. I am proud to support him and urge my colleagues to do the same.

I thank the chairman of the committee for yielding me time.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I applaud the distinguished Senator from Maryland. He has been a star in the Senate Judiciary Committee, and his support of Tom Perez is one of the reasons Mr. Perez went through our committee with an overwhelming vote.

Incidentally, we do have letters of support. One I have which is very meaningful—and I think the Senator from Maryland would agree—is the letter we received from Senator Kennedy, the late Senator Kennedy. While this matter is pending, I ask unanimous consent to have the letter from the late Senator Kennedy printed in the RECORD, as well as letters of support from numerous attorneys general, including the attorney general of Vermont.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 16, 2009.

Hon. PATRICK LEAHY,
Chairman, Senate Committee on the Judiciary, Washington, DC.
Hon. ARLEN SPECTER,
Ranking Member, Senate Committee on the Judiciary, Washington, DC.

DEAR PAT, ARLEN AND MEMBERS OF THE COMMITTEE: I write to enthusiastically endorse Tom Perez's nomination to be Assistant Attorney General for Civil Rights in the Department of Justice. As you know, Tom did an excellent job for me from 1995 to 1998, on my Judiciary Committee staff when I was a member of the Committee. I believe he's an exceptional choice for Assistant Attorney General, and I urge his prompt confirmation.

During Tom's impressive service on my staff, he worked hard and well on civil rights, hate crimes, and a variety of immigration, criminal and constitutional issues. Work on civil rights has been at the core of Tom's career, which began as a prosecutor in the Criminal Section of the Civil Rights Division, where he helped bring to justice the perpetrators of hate crimes, including racially-motivated shootings. He also prosecuted law enforcement officials involved in violent and corrupt practices, and his work as a career prosecutor earned him promotion to deputy chief of the Criminal Section.

After serving on my staff, Tom returned to the Civil Rights Division as a Deputy Assistant Attorney General, supervising the Division's criminal prosecutions, and its litigation in the areas of education and employment discrimination. He had a key role in establishing the interagency Worker Exploitation Task Force, which coordinated enforcement of laws against involuntary servitude and trafficking in persons.

In 1999, Torn became Director of the Office for Civil Rights at the Department of Health and Human Services, where he led a staff of 230 people in ensuring that health and human services providers complied with civil rights laws.

Upon leaving the federal government in 2001, Tom became a professor of law at the University of Maryland School of Law. Motivated by his strong desire to make a difference in peoples' lives, Tom also was elected to the Montgomery County Council in Maryland, and became a leader in promoting affordable housing and affordable health care, as well as improvements in education. Finally, for the past two years, Tom has served as Secretary of Maryland's Department of Labor, Licensing and Regulation.

A main unifying theme of Tom's career is his desire to help people, by ensuring that their rights are protected and that they receive the services they need. His commitment to public service and his ability to be effective in both executive and legislative positions is impressive. He has been energetic in seeking change, and working cooperatively with others to achieve it.

A second main theme of Tom's career has been his exceptional performance as a lawyer. He's been highly successful as a prosecutor, as a lawyer serving this Committee, as a Deputy Assistant Attorney General and

as a law professor. Importantly, Tom understands the role of a government lawyer. Having been a career attorney in the Department of Justice, he knows the importance of developing effective working relationships with career employees and making sure that law enforcement decisions are made on the basis of the facts and the law, without favoritism based on partisanship or ideology. In light of the challenges that the Department of Justice, and especially the Civil Rights Division, have faced in recent years, these are indispensible qualities in an Assistant Attorney General for Civil Rights.

Tom's outstanding legal skills, his years of impressive experience as a prosecutor, his career-long commitment to enforcing civil rights, and his thorough familiarity with the legal and policy issues in the Civil Rights Division make him uniquely well qualified to lead the Division now. I strongly urge the Committee to report his nomination favorably.

Sincerely,

EDWARD M. KENNEDY.

STATE OF NEW JERSEY, OFFICE OF THE ATTORNEY GENERAL, DEPARTMENT OF LAW AND PUBLIC SAFETY,
Trenton NJ, April 23, 2009.

Hon. PATRICK J. LEAHY,
Chair, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.
Hon. ARLEN SPECTER,
Ranking Member, U.S. Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: I am writing to express my support for the nomination of Thomas E. Perez for Assistant Attorney General for the Civil Rights Division of the United States Department of Justice. Mr. Perez is exceptionally qualified to lead the Division, possessing demonstrated and impeccable legal, management, and leadership skills.

I served in the Department of Justice's Civil Rights Division, Criminal Section, from 2001 to 2005, and I remain engaged with the Department through participation in the Executive Working Group. Currently, as Attorney General for the State of New Jersey, I am the chief law enforcement officer in the State, with a mandate to enforce the State's civil rights and criminal laws. I know Mr. Perez to be a committed, dedicated, and highly effective advocate and prosecutor. I look forward to working with Mr. Perez in addressing shared federal and state civil rights priorities.

Mr. Perez will bring a breadth of advocacy, policy, and leadership experience to the Division. He has had a distinguished career in the Department of Justice, serving in several roles in the Division. He has prosecuted civil rights cases in the Criminal Section and, as the Deputy Assistant Attorney General for Civil Rights, oversaw the Division's complex criminal, education, and employment litigation. Since leaving the Department, Mr, Perez has continued his commitment to public service as a faculty member at the University of Maryland School of Law and a member of the Montgomery County Council. In his current capacity as Secretary of the Department of Labor, Licensing and Regulation in Maryland, Mr, Perez bas gained valuable experience and insights into the priorities and workings of state government, which complements his considerable federal and local leadership experience.

For these reasons, I am pleased to recommend Mr. Perez to the Committee. Please feel free to contact me if you have any questions.

Sincerely yours,

ANNE MILGRAM,
Attorney General.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.
Hon. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Dirksen Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: As the chief law enforcement officers of our respective states, we write to express our strong support for the nomination of Thomas Perez for Assistant Attorney General for the Civil Rights Division of the United States Department of Justice. We urge his confirmation.

Secretary Perez's qualifications and credentials are exceptional. He is a nationally recognized civil rights lawyer whose breadth and depth of experience make him an ideal choice to lead the Civil Rights Division. He knows the Division well, having worked there for almost a decade in a variety of critical positions. As a prosecutor in the Division, he was lead attorney in some of the Department's most high profile and complex civil rights cases. As Deputy Assistant Attorney General for Civil Rights, he oversaw complex litigation in the employment and education areas.

In Maryland, Secretary Perez, in his current capacity as Secretary of Maryland's Department of Labor, Licensing and Regulation, has played a key role in the state's response to the ongoing mortgage crisis. He negotiated agreements with six major mortgage servicing companies to provide relief to Maryland homeowners in danger of foreclosure. One of the largest ongoing mortgage fraud prosecutions in the nation originated in Secretary Perez's office. With housing at the top of the Department of Justice's agenda, Secretary Perez will be well-situated to play a major role.

He has held leadership positions in federal, state and local government, and has worked in all three branches of the federal government. As such, he has an acute understanding of the need for the federal government to work in partnership with state and local governments to safeguard the civil rights of all Americans.

Heading the Civil Rights Division, like running an Attorney General's office, requires extensive legal, management and leadership skills, as well as extensive experience in building coalitions. Secretary Perez has led important agencies. He currently heads a Department of about 1600 employees, and has held other senior positions in the federal government. He has a well-earned reputation as someone who listens, learns quickly, builds consensus, and leads effectively.

Mr. Perez's distinguished career demonstrates his leadership abilities, integrity and commitment to public service. We are confident that Mr. Perez would be an exceptional Assistant Attorney General for the Civil Rights Division and urge you to confirm his nomination.

Sincerely,

TERRY GODDARD,
Attorney General of Arizona.
TOM MILLER,
Attorney General of Iowa.
MARTHA COAKLEY,
Attorney General of Massachusetts.
JON BRUNING,
Attorney General of Nebraska.
MARK SHURTLEFF,
Attorney General of Utah.
ROB MCKENNA,
Attorney General of Washington.
WILLIAM H. SORRELL,
Attorney General of Vermont.

APRIL 29, 2009.

Hon. PATRICK LEAHY,
Chairman,
Committee on the Judiciary.
Hon. ARLEN SPECTER,
Ranking Member,
Committee on the Judiciary.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: As the chief law enforcement officers of our respective states, we write to express our support for the nomination of Thomas Perez for Assistant Attorney General for the Civil Rights Division of the United States Department of Justice. We believe that Mr. Perez has the experience, knowledge, and abilities to lead this important Division.

Secretary Perez would bring exemplary advocacy, leadership, and prosecutorial experience and qualifications to the Civil Rights Division. He is an experienced and nationally recognized civil rights lawyer who knows the Division well, having worked in it for almost a decade in a variety of critical positions. As a prosecutor in the Division, he was lead attorney in some of the Department's most high profile and complex civil rights cases. As Deputy Assistant Attorney General for Civil Rights, he oversaw complex litigation in the employment and education areas.

In Maryland, Secretary Perez has demonstrated a keen understanding of State government in his current position as Secretary of the Department of Labor, Licensing and Regulation. In this capacity, he has played a key role in the state's response to the ongoing mortgage crisis. He negotiated agreements with six major mortgage servicing companies to provide relief to Maryland homeowners in danger of foreclosure. One of the largest ongoing mortgage fraud prosecutions in the nation originated in Secretary Perez's office. With housing at the top of the Department of Justice's agenda, Secretary Perez will be well-situated to play a major role and to foster partnership with state and local governments to safeguard the civil rights of all Americans.

Heading the Civil Rights Division, like running an Attorney General's office, requires extensive legal, management, and leadership skills, as well as extensive experience in building coalitions. Secretary Perez has led important agencies. He currently heads a Department of about 1600 employees, and has held other senior positions in the federal government. He has a well-earned reputation as someone who listens, learns quickly, builds consensus, and leads effectively.

Mr. Perez's distinguished career demonstrates his leadership abilities, integrity and commitment to public service. We are confident that Mr, Perez would be an exceptional Assistant Attorney general for the Civil Rights Division and urge you to confirm his nomination.

Sincerely,

Patrick Lynch, Rhode Island Attorney General; Richard Blumenthal, Connecticut Attorney General; Alicia G. Limtiaco, Guam Attorney General; Mark J. Bennett, Hawaii Attorney General; Tom Miller, Iowa Attorney General; James D. ''Buddy'' Caldwell, Louisiana Attorney General; Jim Hood, Mississippi Attorney General; Gary King, New Mexico Attorney General; Richard Cordray, Ohio Attorney General.

Mr. LEAHY. It is interesting that finally we are getting to this nomination. What is troubling to me, as someone who has been here for 35 years, is

to see what is happening this year that is really unprecedented: having to overcome a Republican filibuster of a nomination that was voted out of committee 17 to 2. All but two Republicans voted for it. That was 4 months ago.

There are no questions about the qualifications of Tom Perez. He is a former special counsel to Senator Kennedy. He has been nominated to run the division where he previously served with distinction, spending 10 years as a trial attorney in the Criminal Section of the Civil Rights Division, rising to Deputy Chief of the section.

There is no question about the critical need for leadership in the Civil Rights Division, the division charged with enforcing our landmark civil rights laws and protecting all Americans from discrimination. Our delays in considering this nomination have hindered the work of restoring the division's independence and the tradition of vigorous civil rights enforcement, especially after the Bush administration compiled one of the worst civil rights records in modern American history and injected partisan politics into the division's hiring and law enforcement decisions.

We need real leadership to restore the traditional sense of purpose that has guided the Civil Rights Division, a division that has acted in a totally nonpartisan way to uphold the civil rights of all Americans no matter what their political background, as is the priority of Attorney General Holder.

It is a shame this filibuster has held up Mr. Perez for 4 months. The President designated Mr. Perez on March 13 and formally nominated him 2 weeks later. We held his confirmation hearing April 29, over 5 months ago. I thank Senator CARDIN, who chaired that hearing and did a very able job of it. And then after accommodating the request of the senior Republican and other Republicans of the Judiciary Committee, we did not move immediately to it; we held it over until after the Memorial Day recess so they could ask other questions. Mr. Perez's nomination was reported by the Judiciary Committee on June 4. Senator HATCH voted for him; Senator GRASSLEY voted for him; Senator KYL, the deputy Republican leader, voted for him; Senator GRAHAM and Senator CORNYN voted for him.

The ranking member, Senator SESSIONS, and Senator COBURN asked to meet the nominee before consideration by the Senate. That meeting took place almost immediately after the request. It reportedly went well. Unfortunately, despite these efforts, it has taken 4 months to schedule Senate consideration of this well-qualified nominee. That makes a mockery of the kind of way we should treat the Department of Justice, which is the Department of Justice of America for all Americans. It is not a partisan place, it is there for all of us.

In fact, if the Senate Republican minority applied the same standard to the consideration of President Obama's nomination of Tom Perez as Democrats and Republicans used in considering President Bush's first nomination to serve the Civil Rights Division, Ralph Boyd, Mr. Perez would have been confirmed many months ago.

I remember the Boyd nomination well. I chaired the Judiciary Committee at the time he was confirmed. We held Mr. Boyd's hearing just a little over 3 weeks after his nomination. Compare that with the delays here. He was reported by the Judiciary Committee with every single Democrat voting for him. Did he have to wait 4 months after that? No. He was confirmed 1 day later by a voice vote in the Senate. No shenanigans. No partisanship. No posturing for narrow special interests. I want to be sure that was heard: no posturing for narrow special interests.

By comparison, it has now been 188 days since Mr. Perez was nominated to the same post, even longer since he was designated. It should not have taken more than twice as long to consider President Obama's first nomination to this post as it took for President Bush's.

Then President Bush had a second nomination to head the Civil Rights Division, Alex Acosta. We moved even more quickly. At that point, the Democrats were in the minority. We did not filibuster. We did not obstruct. We did not delay. We knew how important it was. We cooperated. We agreed to a hearing less than 4 weeks after he was nominated. He was reported from the Judiciary Committee by a unanimous vote. He was confirmed by a Senate voice vote. It took just 36 days. Republicans have dragged the process out on the Perez nomination to extend more than five times that long. Democrats didn't do that to President Bush. No shenanigans, no partisanship, no posturing for narrow special interests.

President Bush's third nomination to the civil rights division, Wan Kim, was also considered and confirmed much more quickly than Mr. Perez. He was confirmed in the Senate by a voice vote. There was no filibuster. There were no shenanigans. There was no partisanship. There was no posturing for special interests. Then Mr. Kim had to resign along with Attorney General Gonzales and the entire senior leadership of the Bush-Cheney Justice Department in the wake of the U.S. Attorney firing scandal and revelations of political hiring and decisionmaking that threatened the morale and independence of the Civil Rights Division and the Department.

Indeed, it was that scandal that prevented us from considering President Bush's fourth nomination to head the Civil Rights Division. Grace Chung Becker refused to answer many questions at her confirmation hearing about whether she was involved in politicized hiring and decision-making, repeatedly citing the then-ongoing internal investigation by the Department as a reason not to answer. In light of Ms. Becker's repeated invocation of the investigation in response to questions, we had to await its conclusion before moving forward on her nomination. Unfortunately, the report from the Department's Inspector General and Office of Professional Responsibility was not completed until it was too late to consider Ms. Becker's nomination. There is no similar cause to delay the consideration of Mr. Perez's nomination. We should instead have treated his nomination as we did that of Mr. Boyd, Mr. Acosta, and Mr. Kim.

I say this because the filibuster of Mr. Perez's nomination is indicative of the double standard that Republican Senators seem intent to apply with a Democratic President. It is wrong. I am not saying that Republican Senators don't have the power under Senate rules to do it or that it is even unconstitutional. What I am saying is, it is not in the interest of the American people. It is bad judgment. It is misspent time. It is something we can ill afford. The Civil Rights Division, following the scandals of the last administration, needs to be restored to the level of prestige it held under both Republican and Democratic presidents in the past.

Ten months into President's Obama's first term, President Obama having won overwhelmingly, we find that 16 nominations reported by the Judiciary Committee, many of them unanimously, remain pending on the Senate's executive calendar. Seven of them were before the last recess, including the nomination of Mr. Perez. Five of these nominations are for appointments to be assistant attorneys general at the Department of Justice. The Department of Justice, which during the Gonzales days reached probably its low point, certainly since I have been old enough to practice law, we saw was demoralized. We saw the scandals. Now we are trying to build it back up.

So what has happened? Because of Republican foot dragging and shenanigans and appealing to special interests, we find five out of a total of 11 divisions at the Department do not have a confirmed and appointed head. The Office of Legal Counsel, as well as the Civil Rights Division, the Tax Division, the Office of Legal Policy, and the Environment and Natural Resources Division remain without Senate-confirmed Presidential appointees to guide them.

President Obama won the election. President Obama inherited a Justice Department that had been wracked by scandal. He ought to be commended for trying to put it back. But look what has happened with some of these delays. Even his attorney general was delayed for weeks and weeks. And when they finally allowed him to have a vote, he got a greater vote than any of the last four attorneys general. Is this delay for the sake of delay? Is there such resentment that President Obama won the election? Then talk to those who voted, but don't hold up the Department of Justice. The Department

is there for Republicans and Democrats and Independents, for all of us. We have to do a better job of confirming the leadership team of the Justice Department to ensure that the Nation's top law enforcement agency is fully equipped to do its job. I hope that all Senators who delayed law enforcement in this country will be reminded of that when they go home and speak about being in favor of law enforcement.

I was privileged to spend 8 years of my public life in law enforcement. I still breathe deeply the sense of being in law enforcement. Every one of us favors good law enforcement. But you are damaging law enforcement by holding up these people. I hope now, despite this unnecessary filibuster, Republicans and Democrats who joined together in the past to help law enforcement will join together to confirm this well-qualified nominee.

Mr. Perez has been nominated to lead the Civil Rights Division, which for 50 years has stood at the forefront of America's march toward equality. It has a long tradition of independent law enforcement that has helped transform the legal landscape of our country and brought us closer to the ideal of a ''more perfect union.'' A strong and independent Civil Rights Division is crucial to the enforcement of our precious civil rights laws.

During his confirmation hearing, Mr. Perez made clear his commitment that the Justice Department would enforce the law. In the arena of civil rights, living up to those assurances is particularly important, because the nation's civil rights laws ensure that the system works for all Americans—no matter the color of their skin, their gender, their religious affiliation or their sexual orientation. The civil rights laws are the foundation of our Nation's aspiration toward a just and fair society.

That is why so many people were concerned during the last administration when we witnessed an abandonment of the Division's finest traditions of independence and a rollback of the priorities upon which it was founded. The report released nine months ago by the Justice Department's Inspector General and Office of Professional Responsibility confirmed some of our worst fears about the last administration's political corruption of the Civil Rights Division.

The report confirmed our oversight findings that political appointees in the Division marginalized and forced out career lawyers because of ideology, and injected a political litmus test into the Division's hiring process for career positions. It should come as no surprise that the result and the intent of this political makeover of the Civil Rights Division led to a dismal civil rights enforcement record. This report was just one of the final chapters in the regrettable legacy of damage that the Bush administration inflicted on the Justice Department, our civil rights, and our fundamental values. It also reinforced the need for new leadership.

Given that Tom Perez has a distinguished record of public service and a long career advancing civil rights, I have full confidence that he is the right person to restore the Civil Rights Division to its finest traditions of independent law enforcement. He is the first person nominated to head the Civil Rights Division in over 35 years who has experience as a career attorney in the Division.

In addition, he has worked on civil rights at various levels of Federal, state and local government, serving as Special Counsel to Senator Kennedy, Deputy Assistant Attorney General for Civil Rights, Director of the Office of Civil Rights at the Department of Health and Human Services, and currently as Maryland's Secretary of Labor, Licensing, and Regulations. His impressive credentials also include graduating from Brown University, Harvard Law School, and the Kennedy School of Government. By confirming this highly qualified nominee today, we will take a significant step forward.

Numerous major civil rights and law enforcement organizations have written to endorse Mr. Perez's nomination, including the Leadership Conference for Civil Rights, the National Women's Law Center, and the chief law enforcement officers of the States of Arizona, Iowa, Massachusetts, Nebraska, Utah, Washington, and Vermont. Those chief law enforcement officers wrote: ''Secretary Perez's qualifications and credentials are exceptional'' and ''[h]e is a nationally recognized civil rights lawyer whose breadth and depth of experience make him an ideal choice to lead the Civil Rights Division.'' The Leadership Conference of Civil Rights wrote: ''It will take strong and reliable leadership combined with extensive experience at the Division to restore the Division to its previous prominence in the enforcement of civil rights laws. Tom Perez is the right person to take on that challenge.''

Mr. Perez's nomination has also earned support from both sides of the aisle. Former Republican staff members of the Senate Judiciary Committee have described him as ''a public official of the highest integrity . . . whom the Committee and the nation can be proud.'' These Republican staffers who worked with Mr. Perez describe him as a person ''more interested in 'moving the ball forward' for the common good than in scoring political points at the expense of his adversaries.'' Congressman ELIJAH CUMMINGS of Maryland, who worked with the nominee when he served as Maryland's Secretary of Labor, Licensing, and Regulation, wrote that Tom Perez is committed to ''serving the public good.'' He also wrote ''it is hard to imagine how President Obama and Attorney General Holder could have made a better choice.'' Senator MIKULSKI of Maryland said, ''I am confident Tom Perez will get the Civil Rights Division back on track'' and he ''will restore our reputation . . . of tolerance and equal rights and protection for all.''

Mr. Perez intends to make restoration of the Civil Rights Division and its mission a priority. He has pledged to follow in the footsteps of his mentor, his former boss, Senator Kennedy, and rekindle the bipartisanship that has characterized the fight for civil rights throughout our Nation's history by returning the division to its law enforcement roots. Let us not go back to an era in the Senate when we were opposed to civil rights enforcement. Let's support this well-qualified nominee. Let's go back to enforcing the civil rights laws.

Does the Senator from Vermont have any time remaining?

The PRESIDING OFFICER. Less than 1 minute.

Mr. LEAHY. I yield the floor.

Ms. MIKULSKI. Madam President, I am so proud the Senate will confirm Maryland's own Thomas Perez to be Assistant Attorney General for the Civil Rights Division at the Department of Justice. I commend the Senate for its action. The Civil Rights Division has gone far too long without leadership that achieves its goals.

Secretary Perez is well suited for this crucial position. As Maryland's secretary of labor, Mr. Perez inherited a department that had been neglected and minimized. He quickly took control by reenergizing and reinvigorating the Department and I have no doubt that he will do the same for the Civil Rights Division.

The Civil Rights Division was created in 1957 and was a key force in desegregation. The division was charged with protecting minority rights including the right to vote. However, a division that was once a source of pride at the Department of Justice was decimated and caught up in political hiring under the previous administration. Civil rights enforcement was put on the back bench and productivity plummeted. Now more than ever the Department of Justice needs someone to restore morale to hardworking career employees and public confidence in Department. Thomas Perez is the right man for the job.

Thomas Perez meets my criteria for nominees: competence, commitment to the mission of the agency, and integrity. His competence to serve in this position is unquestionable. Mr. Perez graduated cum laude from Harvard Law School, and has amassed extensive experience in civil rights laws as a chief of the Civil Rights Division and Director of Civil Rights Office for Health and Human Services. His commitment to the agency was demonstrated by his work as a civil rights attorney at the Department, where he secured convictions in a high profile race-motivated hate crime in Lubbock, TX, involving defendants who went on a killing spree directed at African Americans. Lastly, his integrity stems from his upbringing in a hard-working

immigrant family. It was demonstrated as he prosecuted public officials for corruption and violators of our Nation's laws.

I am confident that Mr. Perez will get the Civil Rights Division back on track with enforcing this country's civil rights laws. I have no doubt that he will combat discrimination, protect minorities, and hold violators accountable. Today we restored our reputation of embodying this country's values of tolerance and equal rights and protection for all. I thank my colleagues for their strong support of his confirmation.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

Mr. LEAHY. If I have any remaining time, I yield it back.

The PRESIDING OFFICER. The time of the Senator from Vermont is yielded back.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TANKER PRICING

Mr. SESSIONS. Madam President, I would like to discuss a matter that is unrelated to the pending nomination. I have been concerned about the competition for the Air Force's No. 1 acquisition priority, the KC–X replacement aerial refueling tanker. This competition was opened for a second time on September 25 with the release of the RFP to the two bidders. We know this has been a troubled acquisition program. People actually went to jail early on in the process for attempting to create a sole source lease agreement. That breach of the public trust caused the Senate and Congress to mandate that a full and open competition be held to replace the Air Force's aging tankers. Full and open competition language was included in the 2005 Defense Authorization Act explicitly to prevent one competitor from having an unfair advantage over the other.

A troubling fact has come to my attention regarding the second round of tanker competition. The Air Force released Northrop Grumman's proposed pricing for the KC–X tanker to Boeing, the other competitor, at the end of the first competition, a competition that resulted in Northrop Grumman being declared the winner. I am told that such a release of pricing data was within acquisition regulations and that it is customary that the pricing data for the winning proposal, in this instance the Northrop Grumman proposal, be shared with the other competitors. The Department of Defense has stated that the Air Force did disclose the winner's pricing information to the losing competitor after last year's source selection. The Department of Defense further stated:

> . . . this disclosure was in accordance with regulation and more importantly that it created no competitive disadvantage because the data in question are inaccurate, outdated, and not germane to this source selection.

That statement might sound reasonable if it were not your pricing data that had been given to your competitor, but it certainly flies in the face of even the simplest definition of fairness. Let's be clear. This round of the KC–X competition is based on the same capabilities development document, the CDD, as the last, and the winner of the last competition is going to be bidding using the same aircraft they won with last time. How is their pricing data not germane to this round of competition? If is it not relevant, why won't the Department give both competitors the same insight to each team's pricing from the last competition?

Earlier this year we passed the Weapons System Acquisition Reform Act of 2009 and dedicated an entire section of that act to the need for fair competition. A basic tenet of effective competition is transparency to all bidders. In both versions of the 2010 authorization bills currently pending in this session, there is language that directs a fair and open competition, as has been true in previous years as we considered this acquisition project. It is a big one. It is important. It is the Air Force's No. 1 acquisition priority.

I stand behind the Air Force in their recognition of the need to reestablish their credibility. It had been lost somewhat in the improprieties that turned up several years ago. But I am disheartened by the fact that they don't seem to understand this issue of not sharing the same pricing data between the two bidders undermines their credibility and fairness. The Air Force certainly can't take the Northrop team's pricing data back. It has already been given to Boeing. It is too late for that. There is a simple fix to this problem. Both competitors should have the pricing data from the last competition. That is the only practical way to level the playing field. It is the right way to go forward with replacing an aging tanker fleet, some of which are over 50 years old. By the time the new tankers are in place, some existing tankers will be 80 years old. Releasing this data is what a fair competition requires and what the Air Force should do.

I understand that the bill managers have selected a certain number of amendments to consider and this amendment will not be selected for a vote. I have some amendments that have been selected. I understand the managers' constraints, but I believe the Air Force should consider this simple step toward fairness and should be committed to making sure one side does not have an unfair advantage over the other.

I have talked with Senators COBURN and VITTER who have an interest in this nomination. They have agreed to vitiate the cloture vote and proceed to an up-or-down vote on the nominee.

Mr. LEAHY. Madam President, I ask unanimous consent that the cloture vote on this matter be vitiated and that it be in order to request the yeas and nays for a vote up or down at 12:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas E. Perez, of Maryland, to be an Assistant Attorney General?

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. SANDERS), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from North Carolina (Mr. BURR).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 22, as follows:

[Rollcall Vote No. 306 Ex.]

YEAS—72

Akaka	Franken	Lugar
Alexander	Gillibrand	McCaskill
Baucus	Graham	Menendez
Bayh	Grassley	Merkley
Begich	Gregg	Mikulski
Bennet	Hagan	Murkowski
Bingaman	Harkin	Murray
Bond	Hatch	Nelson (NE)
Boxer	Hutchison	Nelson (FL)
Brown	Inouye	Pryor
Burris	Johanns	Reed
Cantwell	Johnson	Reid
Cardin	Kaufman	Rockefeller
Carper	Kerry	Schumer
Casey	Kirk	Shaheen
Collins	Klobuchar	Snowe
Conrad	Kohl	Stabenow
Corker	Kyl	Tester
Cornyn	Landrieu	Udall (NM)
Dodd	Lautenberg	Voinovich
Dorgan	LeMieux	Warner
Durbin	Leahy	Webb
Feingold	Levin	Whitehouse
Feinstein	Lincoln	Wyden

NAYS—22

Barrasso	DeMint	Roberts
Bennett	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Inhofe	Thune
Chambliss	Isakson	Vitter
Coburn	McCain	Wicker
Cochran	McConnell	
Crapo	Risch	

NOT VOTING—6

Burr	Lieberman	Specter
Byrd	Sanders	Udall (CO)

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

Under the previous order, the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business until 3:15 p.m., 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.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, would the Chair let me know when 9 minutes has expired?

The PRESIDING OFFICER. The Chair is happy to do that.

HEALTH CARE

Mr. ALEXANDER. Mr. President, a lot of what we say in Washington, DC, doesn't make its way through to the people out across the country who hire us. It is called, in different words, Washington-speak or gobbledygook by some people. Sometimes we have a hard time understanding ourselves. But one thing has gotten through to the American people: the idea that we should, No. 1, read the bills that come before us and, No. 2, we should know what they cost before we vote on them.

I think the reason for that is because, over the last several months, we have suddenly seen a whole series of Washington takeovers and 1,000-page bills and the people in this country are getting worried about a runaway Federal Government, thinking we may be overreaching here. We had a 1,200-page bill in the House of Representatives on energy and global warming. It was available for 15 hours before the vote. We had a stimulus bill—that was $800 billion, not counting interest—that was 1,100 pages and was available online for 13 hours. We had a $700 billion bailout, called the financial sector rescue package, which was available for 29 hours. The other day in the Finance Committee, Republicans said let's put the bill online for 72 hours. That was voted down by the Democratic members of the committee.

What we Republicans would like to say is this: We want health care reform. We have our ideas and suggestions that we have made. We think we should focus on reducing costs, that we should go step by step in that direction, starting, for example, with allowing all small businesses to pool together so they can offer health insurance to their employees at a reasonable cost. The estimates are that millions more Americans would be able to get health insurance from small businesses.

We have other suggestions for reducing costs. But the first thing we would say is, as this bill comes to the Finance Committee—and I see the Senator from Delaware and the Senator from Texas, who are both members of that Finance Committee—we want to be able to read the bill and know what it costs. Over the next 3 weeks, we hope, on the Republican side, to help the American people understand what this health care bill means for them. You hear lots of competing claims about it—it does this or that, and we are scaring you or they are scaring you. Let's take it one by one.

If we have time to read the bill, and we know what it costs—the President said this bill cannot have a deficit. If we don't know what it costs, how can we do what the President wants us to do? I hope we take a sufficient amount of time. The bill is in concept form now, and then the majority leader will take it into his office and merge the Finance Committee bill with the bill that we on the HELP Committee worked on in July, and out of that will come another bill. We will need the CBO to look that bill over, which I am sure will be well over 1,000 pages. It will take a couple weeks to see what it costs. Then we can work on it.

Why is it so important that we actually have the text of the bill and know what it costs? Because the bill has $½ trillion in Medicare cuts in it. On the other side, they say: Don't say that; you are scaring people. Well, it either has it or not. We say it has it. The President said there will be Medicare savings. The truth is, it is worse than that. What it appears to be is we are going to cut Grandma's Medicare and spend it on somebody else. There may be savings in Grandma's Medicare, but, if anything, we ought to spend any savings on making Medicare solvent because the trustees of Medicare have told us it will go broke in 2015 to 2017. So the people have a right to know will there be cuts to hospitals, hospices, home health, to Medicare Advantage. One-fourth of seniors on Medicare have Medicare Advantage, and it is going to be cut.

We need ample time to say: What do those cuts in Medicare mean to you? Will the bill raise your taxes? We say it will; some say it will not. But from our reading of the bill, it looks like there will be at least a $1,500 tax per family, if you don't buy certain government-approved insurance. There is the employer mandate requiring you to provide insurance. That is a tax. There are $838 billion of new taxes on insurance companies, medical device companies, which will be passed on to consumers. That is a tax.

The Presiding Officer was a Governor, as I was. He was chairman of the National Governors, and many Governors are very upset because we are expanding Medicaid in their States and sending a large part of the bill to them. So that could be more State taxes.

Now we hear from the Governors. There was an article in the Washington Post yesterday, and I ask unanimous consent that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. The article says: ''States Resist Medicaid Growth. Governors Fear For Their Budgets.''

The Tennessee Governor—a Democrat—said:

> I can't think of a worse time for this bill to be coming. I'd love to see it happen. But nobody's going to put their state into bankruptcy or their education system in the tank for it.

The Governor of South Dakota said:

> That's a heck of an increase, and I don't know how I'm going to pay for it.

The Governor from Ohio said:

> I have indicated that I think the States, with our financial challenges right now, are not in a position to accept additional Medicaid responsibilities. Governor Schwarzenegger of California said it will add up to $8 billion to California, and California is nearly going broke anyway. Senator FEINSTEIN said she cannot support a bill that puts that kind of additional tax on States.

Basically, it is the old trick of we in Washington saying here is a great idea, we will pass it, and send part of the bill to the States. What will the States have to do? They will have to cut the money that goes to the University of Texas or Delaware or Tennessee. They have to raise taxes, or they cannot cut benefits because cutting benefits is against the law.

So how much will these Medicaid mandates cause taxes to be raised in your State?

There are other questions we would like to ask. Will this bill raise your insurance premiums? The whole point of this exercise, we think—and a lot of the American people think—is we want to reduce costs—costs to you when you buy your health insurance and costs to your government. Your Federal Government is going broke if we don't do something about rising health care costs, just as you might.

You would think this bill would reduce your costs—to you for premiums and to you for your government. But that is not what the CBO says. It says that, in some cases, premiums for exchanged plans would include the effect of these new taxes and the premiums would increase. Then there will be more government-approved insurance plans, which may turn out to be more expensive for you to buy. In other words, you would not be able to buy the plan you now have. You will have to buy a new government-approved plan that will cost more.

There will be higher premiums for young Americans under this bill. Almost everybody thinks that. So we

need to have a full discussion over the next 2, 3 or 4 weeks. Is this going to raise your health care premiums? If so, why are we doing that? Then, is it going to raise the Federal debt? Well, everybody is saying no, no, no, this will be deficit neutral. The President says: Don't send me a bill without it. Except this bill, as we understand it, doesn't include what we elegantly call the doc fix. Every year, we have to approve, or overturn, provisions in the law for that.

The PRESIDING OFFICER. The Senator has used 9 minutes.

Mr. ALEXANDER. I thank the Chair. Those are provisions that set the payment rates for physicians. We always do that. We know we are going to do it. We do it every year. Yet this bill assumes we are not going to do that. If we do include the doc fix, that adds $285 billion to the debt.

We are going to be asking these questions. Please give us the text so we can read the bill. We are going to ask the CBO: Exactly what does it cost? Then we will be coming to the floor and going to town meetings at home and we are talking to the American people about how this affects them. Does it cut your Medicare? If so, how? Does it raise your taxes? If so, how? Will it bankrupt your State or hurt education in your State? If so, how? Does it increase or reduce your health care premiums or add to the Federal debt of your government?

These are the questions we need answers to, and we are looking forward to the debate; and then we are looking forward to passing health care reform that, step by step, begins to reduce the cost of health care to you and your government.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Oct. 5, 2009]

STATES RESIST MEDICAID GROWTH

(By Shailagh Murray)

The nation's governors are emerging as a formidable lobbying force as health-care reform moves through Congress and states overburdened by the recession brace for the daunting prospect of providing coverage to millions of low-income residents.

The legislation the Senate Finance Committee is expected to approve this week calls for the biggest expansion of Medicaid since its creation in 1965. Under the Senate bill and a similar House proposal, a patchwork state-federal insurance program targeted mainly at children, pregnant women and disabled people would effectively become a Medicare for the poor, a health-care safety net for all people with an annual income below $14,404.

Whether Medicaid can absorb a huge influx of beneficiaries is a matter of grave concern to many governors, who have cut low-income health benefits—along with school funding, prison construction, state jobs and just about everything else—to cope with the most severe economic downturn in decades.

''I can't think of a worse time for this bill to be coming,'' said Tennessee Gov. Phil Bredesen (D), a member of the National Governors Association's health-care task force. ''I'd love to see it happen. But nobody's going to put their state into bankruptcy or their education system in the tank for it.''

These fears are resonating with members of Congress and have already yielded some important legislative changes, including alterations to the Senate Finance bill, which includes billions of dollars in additional funding, added after governors raised a fury about the original, lower sum. But House and Senate negotiators are reluctant to make further concessions, and in recent days, House Democrats have debated whether to trim Medicaid funding in their bill to make room for other priorities.

Yet lawmakers are wary about imposing a huge new burden on an imperfect program that serves one of the most challenging segments of the population, through a fragmented network of state-run systems.

Among the 11 million people the nonpartisan Congressional Budget Office estimates will sign up for Medicaid under the new rules, many are single adults and parents who have gone for years without health coverage. Many of these individuals also live in communities that lack the services to treat them.

''States are already at a breaking point, and so they should be thankful that this bill is only going to cost them an additional $30 billion,'' Sen. Charles E. Grassley (Iowa), the ranking Republican on the Finance Committee, told colleagues during the panel's two-week-long debate on reform. But Grassley added: ''We are deluding ourselves, though, if we think that we are going to do anything in this bill to make Medicaid a better program for the people it serves.''

The response from Democratic governors to the new burdens that may be imposed on them has ranged from enthusiastic to restrained. On Thursday, the Democratic Governors Association delivered a letter to House and Senate leaders signed by 22 of its members. It was silent on Medicaid but lauded the broader reform effort as essential. ''We recognize that health reform is a shared responsibility and everyone, including state governments, needs to partner to reform our broken health care system,'' the letter noted.

Yet congressional Democrats are sufficiently alarmed about the potential impact that they already are seeking special protections for their states. Even Senate Majority Leader Harry M. Reid cut a deal with Senate Finance Committee Chairman Max Baucus (Mont.) to ensure that the federal government would pay the full cost of expanding Medicaid in Reid's state, Nevada.

Reid, who faces a potentially difficult 2010 reelection bid, responded to a Republican outcry over his stealth move by pointing to Nevada's crippling foreclosure crisis. ''I make no apologies, none, for helping people in my state and our nation who are hurting the most,'' Reid said on the Senate floor.

Among the most vocal opponents of Medicaid expansion are Republican governors from Southern and rural Western states that offer minimal coverage under current law and are less equipped to handle an influx of new beneficiaries, compared with more urban states with better-established social-services infrastructures. The list includes Mississippi, governed by Haley Barbour, chairman of the Republican Governors Association. Barbour denounced the proposed Medicaid expansion at a news conference last month as a ''huge unfunded mandate'' likely to result in state tax increases.

The wake-up call for the nonpartisan National Governors Association came early in the summer, when Baucus and Grassley announced that they were considering only a temporary increase in federal funding to pay for new Medicaid enrollees. NGA leaders mobilized through their health-care task force, and after a round of conference calls with committee negotiators and bilateral talks between individual governors and senators, the temporary increase was made permanent.

Governors still worry that the boost is not enough to fully close the funding gap. Recession victims already are flocking to Medicaid, and enrollment is expected to rise through fiscal 2010, according to the Kaiser Family Foundation's Commission on Medicaid and the Uninsured. The pace of increase is expected to ease after fiscal 2010, leaving states with a short window before an anticipated onslaught in 2014, when the proposed Medicaid expansion would take effect.

South Dakota Gov. Mike Rounds (R) saw Medicaid enrollment in his state climb to 104,000 residents this year, costing the state $265 million out of a budget of $1.2 billion. But he expects a $50 million increase next year, and, even taking into account federal aid from the economic stimulus bill, South Dakota faces a $100 million shortfall. ''That's a heck of an increase, and I don't know how I'm going to pay for it,'' Rounds said.

Bredesen said Tennessee could face $1 billion in extra Medicaid costs for the first five years of the expansion. ''I have no idea how we're going to afford it,'' he said.

Nor can governors say for certain how many people will show up to claim the new benefits. Because low-income people are harder to track—they tend to move more frequently, and they often don't file tax returns—state officials don't know precisely how many will be eligible. Rounds estimates an enrollment increase of about 75,000 people but concedes that the number could be much higher.

Another mystery is how many people who qualify for Medicaid under current rules—a sizable portion of the uninsured population—will decide to finally sign up. This is the ''woodwork effect'' that unnerves state officials around the country because it could lead to much higher costs.

''That's part of the problem we're having, is getting hard numbers,'' Rounds said. ''We just don't know.''

In South Dakota and many other states, communities lack doctors and other healthcare providers who are willing to treat Medicaid patients, either because the providers aren't available or because Medicaid payment rates are so low. The House reform bill would increase Medicaid payment rates to the same level as Medicare rates, at a 10-year cost of $80 billion. In some states, Medicaid rates are as low as 40 percent of Medicare rates. But the finance panel rejected a Grassley amendment that would have increased provider rates in the Senate bill.

Despite Medicaid's drawbacks, including rigid rules and a complex bureaucracy, many health-care experts still view it as the most practical way to insure the poorest Americans. Low-income adults account for about half of the uninsured population, and in states that provide minimum Medicaid coverage, few parents and no childless adults are covered unless they meet other eligibility criteria.

''If you're trying to expand coverage, at least Medicaid is already up and operational in every state,'' said Diane Rowland, executive director of the Kaiser Commission on Medicaid and the Uninsured. ''You're not creating something new with start-up glitches. For any of its flaws, it has been operating, it is paying bills, it is contracting with managed care, it has an eligibility system already in place.''

As the reform debate unfolds on the House and Senate floors, health-care negotiators are prepared for a flood of pleadings like the one Reid made that could add up to many billions, forcing reductions to other portions of the bill. California Gov. Arnold Schwarzenegger (R), for one, estimated that

the Medicaid expansion could cost his state $8 billion a year. Sen. Dianne Feinstein (D-Calif.) underscored those concerns with her own pledge: ''I could not support a bill that pushes additional costs on California state government or its counties.''

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I join my colleague from Tennessee in discussing health care, which, as the Presiding Officer knows, has been the subject for several weeks now in the Finance Committee and across the entire country for the last few months.

Currently, we are waiting for the CBO to come back to the Finance Committee and tell us what the preliminary cost estimate is of the Finance Committee bill, as voted with amendments that were passed in the Finance Committee. Soon, if we can believe the reports, the majority leader will bring to the floor a so-called merged bill from the two Senate committees—the HELP Committee and the Finance Committee—and then we will be asked to offer amendments and vote on that bill.

While we are waiting for the process to unfold, I think it is very important to carefully ask the questions that the American people—including my constituents in Texas—are asking me, questions I believe Senators should ask themselves as we debate health care reform on the Senate floor.

The first question I would like to propose is: Will we have a transparent debate? The American people want transparency. I cannot tell you how many of them have contacted me from my State and elsewhere and have said: We want to read the bill language. Amazingly enough, many have cited back to me pages—references either from the House bills or the HELP Committee bill or otherwise—and said: What does this mean? I have concerns about that.

The second question is: Will Congress actually listen to the concerns of our constituents once they learn more about what is in these bills? In other words, ultimately, the question is: Will we know what is in the bill before we are required to vote on it? Will we know how much it is going to cost before we vote on it, both in committee and on the floor of the Senate?

If you will remember, way back in August of 2008—that seems like a long time ago, but it is almost yesterday—President Obama pledged that our debates on health care reform would be transparent. I applauded him for that at that time. He said negotiations should take place on C–SPAN, so anybody and everybody who cared about it could see it. I remember, on January 20 of this year, sitting up there near the dais when our President spoke, and he said things I agreed with, such as: ''We need greater transparency in government.'' He said: ''Transparency promotes accountability and it promotes public confidence in what we do here.''

Well, the converse is also true; secrecy breeds suspicion and ultimately promotes cynicism about what we do here. That is why this is such an important issue. Unfortunately, those Americans who have been counting on a transparent process in Washington have been disappointed so far. We have seen special deals negotiated by the White House with lobbyists which have not been disclosed to the American people, some which we have learned about and some which we may not yet know about. One is the deal with the pharmaceutical industry—holding their exposure to $80 billion under this legislation. That deal was reinforced last week by a vote in the Finance Committee.

I wasn't a party to that deal. I am sure the Presiding Officer was not. I wonder how many other deals have been cut between the White House and various interest groups that we don't know about. We also learned about a deal cut with some hospitals—some but not all. A CBO score on an amendment last week had to be redone because it was $11 billion off because the CBO, the nonpartisan office charged with telling us how much this bill will cost, didn't know about this hold harmless agreement with the hospital association.

We need to know of these deals because they will not necessarily be reflected in the bill language, and only the White House, presumably, and the special interest groups that cut these deals know about them. But I think it is important the American people know about them so they can evaluate whether we are appropriately doing our job.

I have heard it time and time again, particularly since the passage of the stimulus bill that we got roughly at 11 o'clock on a Thursday night and were required to vote on in less than 24 hours—my constituents are saying: Is it asking too much to have you read the bill before you vote on it? I voted no on that bill for a lot of reasons, but I didn't have the time, nor I suspect did many Members of Congress have the time, to read it before we were required to vote on it.

We don't set the voting schedule; the majority leader does. I think that is another reason they want us to slow down. Let's find out what is in the bill. Let's let the American people read what is in the bill. Tell us what it is going to cost, and let's have a good, old-fashioned debate about what is in the best interests of the American people.

The third special deal that was disclosed had to do with Medicaid. You remember the majority leader from Nevada said: The unfunded mandate for Medicaid expansion is too much for my State to absorb. Lo and behold, a new deal was cut with new language that would give four States a better deal than they would have had in the original proposal by the chairman of the Finance Committee, Senator BAUCUS. One of those four States, lo and behold, happens to be the State represented by our distinguished majority leader. I think these examples reveal why transparency is so important.

As the distinguished Senator from Tennessee pointed out, we are going to have this mysterious merger of the Finance Committee proposals with the Health, Education, Labor, and Pensions Committee bill behind closed doors, presumably—I heard reports it is occurring now, maybe even as we speak, in the conference room of the majority leader without any of us being present. I think it is a perilous, indeed, a dangerous way for us to do business.

As the distinguished Presiding Officer knows, the first amendment offered by our side of the aisle last week in the Finance Committee was offered by the Senator from Kentucky, Mr. BUNNING. His amendment would have required a 72-hour waiting period before we would vote on the Finance Committee bill. During those 72 hours, we would, hopefully, have had actual legislative text not just conceptual language available to us and available to the American people so they could read it. We would also insist, under his amendment, on a score; that is, a cost of the Congressional Budget Office telling us how much Medicare was going to be cut, how much taxes would be raised, and how the bill would be paid for. That seemed like an eminently reasonable amendment to me. But, unfortunately, a majority did not carry the day in the committee, and it failed.

I hope we have another chance to come back to that issue, perhaps even as one of the first amendments as we take up this bill on the floor because I think it is incredibly important to public confidence, to accountability, to try to do something about the cynicism that has crept into the public's perception of what we are doing. That is reflected in 16 percent of respondents in a recent Rasmussen poll saying they rate Congress as either good or excellent—16 percent. We need to do better than that. We need to restore confidence in what we are doing, and I think transparency will help; otherwise, what are we left with? We are left with people wondering whether there is some reason we don't want the public to read the bill. Maybe there is a reason that they don't think the public should read the language because maybe they don't intend to read the language before they vote on it.

Some have said the language is just simply too complicated; that an average person cannot understand it if they read it, and that even some Senators would not be able to understand it if they read it before they voted on it.

I ask us all to take a deep breath and one step back and think about the consequences. If some staffer is the one writing the language, and Members of Congress, members of committees, Members of the Senate do not read it and it perhaps is not written in understandable language so we know what the impact will be, how does that promote public confidence? It is something that ought to give us pause, and

we ought to reconsider as we reflect on what the message sends.

Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask, in conclusion, for my colleagues to think about what we are doing. One-sixth of the economy is going to be affected by our decision on these health care proposals. What we do in these bills will literally affect the life of every man, woman, and child in the United States of America—all 300 million of us. I don't think it is too much to ask that we slow this down, that we get the text, the actual bill language, that we know how much it is going to cost, and we post it online so the American people can read it and give us their reaction.

We are called representatives for a reason. We represent constituents. I am proud to represent 24 million Texans. I guarantee, they want to know what is in this bill and how it is going to impact them and their families. It is very important that we answer this question in the affirmative.

That question again is: Will this be a transparent debate? That is the first question I have but not the last that I will be appearing back on the Senate floor in the coming days to ask. These are the kinds of questions that deserve a candid answer. I hope, in the interest of bipartisan good faith, we will somehow find a way to come together and help make this a more transparent process.

Mr. President, I ask unanimous consent that the quorum call be reflected equally, taken from both times on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota is recognized.

Mr. THUNE. Mr. President, a number of my colleagues have been down on the Senate floor today talking about probably the biggest issue the Congress will deal with this year, and arguably for many years, either in the past or in the future, and that is the issue of health care reform. We know that issue is now staring us squarely in the face. The various committees that have jurisdiction over that issue in the Congress have acted: three in the House, now two in the Senate. It is expected the Senate Finance Committee will produce a bill sometime later this week.

It is a critical debate for the Senate, for the American people, because it does represent literally one-sixth of the American economy. One-sixth of our entire GDP today consists of spending on health care—government heath care, privately delivered health care, but health care nonetheless.

The question before the Senate in the next week or two when this eventually reaches the floor is, what are we going to do to try to address the fundamental problem I think most people perceive with our health care system today, which is it costs too much? Arguably there are lots of Americans who do not have access to health insurance. All of us want to see that issue addressed and that those Americans who currently do not have health insurance have a way of being able to access that health care coverage.

Many today use emergency services. It is not that people are going without health care, but they do not have coverage. We need the people in this country to have the assurance and the confidence they are going to have some sort of insurance that will protect them against those types of life-threatening illnesses, just the day-to-day illnesses that afflict people across this country. Yet I think the big issue for most Americans is the issue of cost.

As I said before, when you look at double-digit increases for small businesses, for families, that really does affect all Americans in one form or another. It is a very personal issue. Health care is personal to people for obvious reasons, but it is an issue that affects their pocketbooks in a real, tangible way, and that is why I think there is so much attention and concern focused on the direction in which Congress intends to proceed.

One of the issues that bears heavily upon that debate is the whole fiscal situation in which we find ourselves. If we were having this debate at another time, perhaps the circumstances being somewhat different, you might come to different conclusions. But one thing we all have to keep in mind as we look at how do we address this issue of health care in this country is doing it in a way that is fiscally responsible. The reason for that is we see deficits, huge deficits as far as the eye can see. For the fiscal year we just concluded on September 30, $1.6 trillion annual deficit; next year it is expected to be $1.5 trillion—trillions and trillions of new spending each and every year.

This last fiscal year I mentioned, the deficit being $1.6 trillion, that literally represents 43 cents out of every dollar the Federal Government spent. Forty-three cents out of every single dollar the Federal Government spent this last year was borrowed. It is all debt.

The PRESIDING OFFICER. The time on the Republican side has expired.

Mr. THUNE. I ask unanimous consent to proceed until such time as the other side comes and claims their time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. THUNE. The point I want to make simply is this: To put that into perspective for an average American family, if you are an average American family and your annual income is $62,000—from all your hard work and labor over the course of the year you generate $62,000 for your household—that would be the equivalent of spending $108,000. What the Federal Government is doing by borrowing 43 cents out of every dollar it spends is the equivalent to a family, a household in this country making $62,000, of spending $108,000. What family in America can do that? What small business in America can do that, can continue to borrow like that? They cannot. It is fundamental; you cannot do that.

The Federal Government does it. We continue to borrow from the Chinese, and we say we will pay the bills at a later date. But one thing most Americans understand is, No. 1, you can't spend money you don't have; and, No. 2, when you borrow money, it does have to be paid back. What we are looking at right now is deficits and debt mounting to the point that 10 years from today the amount that every household will owe in this country is $188,000.

How would you like to be a young couple just getting married, you just exchanged your marriage vows, and knowing when you start out your life as a family you are going to get a wedding gift from the Federal Government to the tune of a $188,000 IOU? That is in effect what we are doing to the next generation of Americans.

That is the backdrop against which this whole health care debate gets underway. We have deficits and debt that is piling up to the tune of $188,000 per household at the end of the year 2019. So we ought to be looking at how we, No. 1, solve the health care crisis in a fiscally responsible way that does not spend trillions of more dollars and raise taxes and borrow more and more money.

Those are all issues I think need to be very carefully considered by all Members of the Senate as we make these important votes.

The other point I will make is this: There are, in the proposals that have been put forward—in all of them—tax increases to pay for this. The most recent version, the Finance Committee bill, is a $1.7 trillion cost over a 10-year period. That is the least expensive, I might add, of all the bills that have been produced so far. There are five bills that have been produced by the Congress. The Finance Committee bill, to their credit, is at least the least costly of those, $1.7 trillion over 10 years. That is still $1.7 trillion in new spending.

Bear in mind that we already have a Medicare system which is destined for bankruptcy in the year 2017. We have all kinds of other long-term liabilities and Social Security and Medicaid and entitlement programs that pile up. We are going to have to do something about those at some point. Yet here we are talking about adding an almost $2

trillion new entitlement on top of that crumbling foundation. I think most Americans would take issue with elected leaders who would do that, would take a program that literally is on the verge of bankruptcy and try to add another $2 trillion program on top of it.

There is the overall cost of it to the taxpayers, but it is also how it is paid for. Obviously, it has to be paid for somehow or we deal with this issue of borrowing, which I mentioned earlier, so what is being proposed is a series of tax increases and a series of reductions—cuts in Medicare programs.

The Medicare cuts are going to be bad enough. Medicare Advantage takes a big whack, which is going to affect a lot of seniors around the country. The providers take a whack; hospitals, home health agencies, hospices, all those things will take a big whack. But you also have about $400 billion of tax increases embedded into the latest version of the proposal—much higher than that in some of the other bills moving through the House—but nevertheless the American public is going to be handed the bill for this which will inevitably lead to higher taxes. So much so that the Joint Committee on Taxation, the Congressional Budget Office have estimated that 71 percent of the penalty will hit people earning less than $250,000 a year. That conflicts and contradicts directly the commitment the President made of not raising taxes on people making less than $250,000 a year.

They have also gone so far as to say the taxes that would be imposed, and there are a series of taxes as I said—insurance companies will be hit with taxes—the Congressional Budget Office said those taxes will be passed on, dollar for dollar, to people across this country. So the insurance companies, yes, they may remit the taxes, but they are going to pass on the cost. So you are going to see not only higher taxes on the insurance companies that get passed on in the form of higher premiums to individuals in this country—in other words, you are going to have higher insurance costs—but you also have taxes put in here that hit people who do not have health insurance. Those taxes get up to be about $1,500 per year for people who do not have insurance. So people would be penalized, and that would apply, again, across all spectrums of earners, wage earners in this country.

But the CBO, as I said earlier, estimated 71 percent of that penalty is going to fall on people who earn less than $250,000 a year. If you project on further—this, again, is the Congressional Budget Office and the Joint Committee on Taxation—they have said by the year 2019 89 percent of the taxes will be paid by taxpayers earning less than $200,000 a year. So that huge tax burden, that $400 billion initially that will grow when the bill is fully implemented, will fall disproportionately on people making less than $250,000 a year; 89 percent of those taxes paid by taxpayers earning less than $250,000 a year.

So the enormous amounts of taxation that are contemplated in this bill—in addition to the Medicare cuts that are proposed to pay for and finance these changes in health care—are being passed off as health care reform.

My view on this is, No. 1, we, the American people, need to know these facts. I think what that would suggest is there ought to be an ample amount of time when we finally do have a bill. I know the Finance Committee is marking up their version of it. They expect to report it out later this week. But what we are going to see reported out is concepts, generalities. We do not have a bill with legislative language to react to yet. That is going to be put together with the bill produced by the Health, Education, Labor and Pensions Committee earlier. Those will be merged. At some point, that will be reduced to legislative language. When it is, we expect it will be in excess of 1,000 pages.

We now are talking conservatively about having a bill on the Senate floor, not next week but the week after, which will be fully longer than 1,000 pages, none of which any Member of the Senate has yet seen. The American people, the people who are going to be most impacted, will not have had an opportunity to be engaged in this debate or have their voices heard. So we need to make sure, at a minimum, we slow this process down so we take it step by step so we are not rushing to do something very quickly and hurriedly that would be a big mistake for the American people.

I suggest at a minimum we ought to have a very transparent, open process. When we have a bill, if it is in excess of 1,000 pages, that we have plenty of time not only for Members of the Senate to review it and read it and understand it but also for the American people to have that same opportunity.

There were amendments offered in the Senate Finance Committee that would allow a 72-hour period. That seems to be reasonable. That is 3 days, 3 days to look at something in excess of 1,000 pages. Yet that was voted down. My Republican colleagues on the committee offered that amendment, and it was voted down by the Democratic majority on the committee. But 72 hours at a minimum—I can't imagine that you could contemplate and fully grasp and understand that amount, that volume of information, and that kind of a bill in 72 hours, to start with. But at a minimum that should have been passed. That amendment was defeated at the Senate Finance Committee as were a number of other amendments that were offered by my colleagues on the Republican side.

Having said that, first off I think we ought to have an ample amount of time to review this bill. Second, I argue in terms of the process itself that rather than throwing overboard, throwing away what is a very—it is flawed. We have a flawed health care system in this country. It is not perfect. OK? It has its problems. We all acknowledge that. We can fix those problems. But we should not throw everything good about it overboard. This will create all kinds of new government involvement and intervention in the decisions pertaining to health care. Now government is going to dictate what kinds of insurance plans or what should be in an insurance plan that, in order to be in compliance with this bill, you would have to be able to put forward. So people are going to have less and less choice, less and less freedom. Government is going to have more and more say, more control, more decision-making.

I think most people across this country find that to be very threatening. I think they are genuinely, honestly concerned about having the government have more and more influence on one-sixth of the economy on an issue that is as personal to them as their health care.

At a minimum, they ought to have an opportunity to review the bill. Second, we ought to take this thing and do it step by step and not throw it all overboard, not take what is good about the American health care system and throw it in the ditch simply because it has some flaws that need to be fixed. Those issues can be addressed.

We need to cover those who don't have coverage. We need to try to address the issue of cost. But these bills do not do that. We have not seen a bill yet, of the five that are being worked on in Congress, that, No. 1, reduces health care costs.

They all bend the cost curve up. You ask the Congressional Budget Office, and in every circumstance they will tell you: This does not reduce or drive down health care costs; it actually increases health care costs for most Americans.

Secondly, we have not had a bill yet that is actually what I would not characterize as a budget buster. All of these bills are several trillion dollars, as I said earlier, on top of programs that are destined for bankruptcy in the very near future.

Let's start slow. Let's take this step by step. Let's do this in a way that allows the American people to be engaged in this debate. It does affect them and their livelihoods in a very personal way. It does affect their pocketbooks. It will raise their taxes. And it will also—again, not my words; the Congressional Budget Office's—''lead to higher health care costs, not lower health care costs,'' which, at the end of day, was that not the whole purpose of this exercise in the first place?

So we are going to do everything we can on our side to open this and allow the American people to see it, to give ample time for them to be engaged and, secondly, to make sure that when health care reform is done by Congress, it is done in a way that is consistent with what I think most Americans believe should be done; that is, reducing

and driving down health care costs, not increasing premiums as these bills do, not spending trillions of dollars of their tax dollars in piling on additional entitlement programs on programs that are already going out of business here in the next few years. But we should do it in a way that is fiscally responsible. I think that is the least the American people expect of us. I think we ought to deliver on that. We ought to deliver on health care reform but reform that truly accomplishes those important goals.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. It is my understanding that we have someone coming down wanting to speak, but there are a couple of things I wanted to mention.

First of all, when the Senator from South Dakota talks about health care reform, there are some things we can do for health care reform that we have promoted for quite some time. Certainly, medical malpractice is very significant. It is a huge cost. Defensive costs are a very large part of our health care costs. HSAs came into being a few years ago, and we have pilot programs where they—let's keep in mind, health care is the only product or service in America that I know of where there is no encouragement to shop around. Well, if you have HSAs, this is encouragement because if you spend less, you can enjoy the benefits of that; that is, put that into other programs. So I think there are some things we can do.

The second thing I would say about the subject that was covered very well by the Senator from South Dakota is that we don't know for sure what is going to be in the bill that comes out, but we do know this: Speaker PELOSI, over on the House side, has said that any bill that comes out of conference is going to have a government option. So they can masquerade it, they can talk about co-ops, they can talk about all of these things; we are going to eventually get something that comes out of conference and it is going to have a government option. That is, some people would say, socialized medicine. You can't compete with the government and have a system that has delivered the benefits our system has.

CAP AND TRADE

Secondly, the Senator from South Dakota could just as well be talking about another piece of legislation that is up right now; that is, the cap-and-trade bill. It is another one that has the same thing where you do not know the blanks.

Last Wednesday, there was a news conference by the Senator from Massachusetts, Mr. KERRY, and the Senator from California, Mrs. BOXER, and they gave this program—they talked about this new kind of cap and trade, but they did not give any specifics. Nothing that was in there was specific in terms of where is the cap, how does the trading take place, how does the rationing take place.

The bottom line is this, though: Anything that has to do with any kind of cap and trade is going to be at least—at least—a $300 billion annual tax increase. That was true back as long ago as the late 1990s when the Kyoto bill was up. We had the Kyoto bill; they did a study on this thing; it was done by the Wharton School of Economics. They said that the cost of this, if we were to comply with the restrictions of that treaty, would be somewhere between $300 and $330 billion a year. To put that into perspective, because sometimes it is confusing when you are talking about billion dollars and trillions of dollars, I remember the largest tax increase that was a general tax increase was back in 1993 in the Clinton-Gore White House, and it was $32 billion. So this would be 10 times that amount.

So we have had several bills in the Senate since that time, and I would only say this: This is a different debate. It is going to come up and we are going to have a chance to talk about it. But the bottom line is that the Administrator of the EPA, Lisa Jackson, a very fine person, a person who was appointed by President Obama, made the statement that if we were to pass the Waxman-Markey bill, something like that, sign it into law, it wouldn't have the effect of reducing CO_2 at all. The reason is very obvious: We would only be doing that here in the United States.

AMENDMENT NO. 2566 TO H.R. 3326

Lastly, I did want to make one comment about a couple of votes that are going to come up, or at least one vote that is coming up at 3:45 today. My junior Senator from Oklahoma, Mr. COBURN, has an amendment. It is an excellent amendment. It is one I will support, although I have to say that I was tempted not to because I would only like to start the ball rolling, that if this body is willing to redefine what an earmark is, we could be unanimous on this side. An earmark should be an appropriation without authorization. This has been a 200-year fight between authorizers and appropriators, and if we will get to the point where we will accept the fact that if something has gone through the scrutiny of an authorization—the highway bill is a good example of this. We have 30 criteria in that authorization bill. We come up with criteria to determine how much should be spent in different categories. And on the floor, there are always things coming up that did not go through the authorization process, and therefore I would call those earmarks.

So I would only say this: In the amendment Senator COBURN has, it is going to address some 55 that are called earmarks, of which 6 were authorized. I would like to be able to take those six out. I don't know whether we can do that. It would be very difficult to do prior to the vote.

But nonetheless, for future reference, if we are going to talk about earmarks, I think we need to define what an earmark is. It is an appropriation that has not been authorized. That is the thing we need to get after, and that will be one of my new wars I am starting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 2601 TO H.R. 3326

Mr. SANDERS. Mr. President, I want to use this opportunity to say a few words about an amendment that will be voted on later this afternoon, and it is the Sanders-Dorgan Yellow Ribbon outreach amendment, No. 2601.

Every Member of the Senate knows that we have seen many thousands of soldiers coming home from Iraq and Afghanistan and they have come home with post-traumatic stress disorder in very large numbers. They have come home with traumatic brain injury, TBI, also at frightening numbers. The government, in a number of ways, has developed many programs to try to provide help and medical care for these brave soldiers and for their families.

In Vermont, a couple of years ago, we helped establish what I think is an excellent program that many other States around the country are beginning to look at, and the basic premise of the program we have established in Vermont is that while it is enormously important to make sure those who come home from Iraq and Afghanistan get the best services possible, we establish those health care services, those services don't mean anything unless the soldiers are able to take advantage of the services.

Given the nature of PTSD and TBI, that is sometimes, especially for the members of the Reserve and National Guard, very difficult. So you will have instances, especially in rural America, where people will come home from Iraq, they are going to be in emotional trouble, and there are going to be strains and stresses on their families, with their kids. They may be suffering from PTSD, but one of the symptoms of PTSD is you do not stand up and say: You know what, I have troubles and I need help. That is not what you do.

What we established in Vermont was an outreach program which was largely filled with the veterans from Iraq who would go out to the communities and drop in and sit down with soldiers and their wives face to face and just get a sense of how they are doing and through that personal visitation suggest to them that if there is a problem, they might want to take advantage of the services the VA is providing, which in my State are quite good, and to make them aware that it is not unusual, that they are not the only people who are dealing with PTSD or TBI. In truth, this outreach program has been quite successful.

Some years ago, the Congress established a Yellow Ribbon Program which is doing a good job, and the goal of that program is to educate people who come home from Iraq and Afghanistan about the services available to them. But we have not yet funded the kind of strong outreach effort that I believe we need where we are literally sending people out to National Guard families, especially maybe in rural areas, and making them understand that their problems are not unique, that there are services available to help them.

So outreach is the word here. We do it in Vermont in a very informal way, just person to person.

This amendment is $20 million, and the offset comes from the $126 billion in funds in title IX of the bill. It does not cut any one particular account. This $20 million represents a fraction of 1 percent of the entire title.

So the issue here is that we have a serious problem with PTSD and TBI. I think it is terribly important that we do everything we can on a personal level to reach out to the families to get them the services they need. But, once again, you can have the greatest service in the world—I know we are trying. The Department of Defense is trying its best—but those services don't mean anything if veterans don't access them. So the goal is to get people into the services.

I would very much appreciate support for the Sanders-Dorgan amendment which will be coming up in a while.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2583 TO H.R. 3326

Mr. TESTER. Mr. President, later today the Senate will vote on the McCain amendment No. 2583. This amendment would terminate funding for research and development of the Army's full-scale hypersonic test facility known as the MARIAH hypersonic wind tunnel.

The MARIAH Hypersonic Wind Tunnel Program is under development in Butte, MT. It is the Nation's only program to develop the wind tunnel technology required to test and evaluate new hypersonic missiles, space access vehicles, and other advanced propulsion technology, technology the Air Force says we will need.

MARIAH will be the first true air hypersonic wind tunnel program. The program has met its technical milestones and has not encountered significant setbacks. In fact, the Army Aviation Missile Command has given this project high marks. Here is what the Army has said:

> This research has shown great potential to be used in a missile test facility and is the only technology shown to have any possibility of meeting the requirement for a Missile Scale Hypersonic Wind Tunnel.

The Army has asked the MARIAH Program to provide testing capabilities at speeds of up to Mach 12. This is the next generation of hypersonic flight, something that has never been done before. To get to that capability, cutting-edge research and technologies are required.

The program already has provided very real and discernible benefits to both the scientific community as well as our armed services. There is no other facility in the world capable of meeting the performance requirements at Mach 8 and above.

According to a 2000 Air Force Science Advisory Board report, this type of testing will be needed for space access vehicles, global reach aircraft, and missiles that require air-breathing propulsion to reach speeds above Mach 8.

The MARIAH project has worked with Princeton University and Lawrence Livermore and Sandia National Laboratories to develop technologies and computer modeling that exists nowhere else in the world.

The team has achieved world records by reaching test pressures of over 200,000 psi.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TESTER. I ask unanimous consent for additional time.

The PRESIDING OFFICER. Without objection, it is so ordered.

It also has developed one of the most powerful electron beams in the world.

Working with Sandia National Labs, MARIAH has developed a 1-megawatt electron beam to boost the energy supply needed to generate the enormous pressures required in a wind tunnel of this caliber.

It is the most powerful electron beam in the world, and its benefits can be applied well beyond this project to include shipboard missile defense, large-scale sterilization of food, mail and other items that could have a biohazard or bioweapon contaminant.

In conjunction with Princeton University, MARIAH has successfully developed three-dimensional computational fluid dynamic computer models capable of simulating the previously unexplored physics necessary for the Mach 8 and above conditions.

This is groundbreaking research that must be done before any missile, rocket or aircraft can be tested at hypsersonic speeds.

Why does this matter? Why do we care about hypersonic capabilities?

The answer is foreign competition and foreign capabilities.

We know that Russia, China, and others are aggressively developing a new type of missile that is believed to be too fast for U.S. missile defense systems that are either planned or in use.

In particular, the India-Russia joint venture BrahMos is now engaged in laboratory testing of supersonic cruise and antiship missiles capable of speeds in excess of Mach 5.

According to the Air Force Research Labs' report of April 2009 entitled ''Ballistic and Cruise Missile Threats'':

> Russian officials claim a new class of hypersonic vehicle is being developed to allow Russian strategic missiles to penetrate missile defense systems.

That report is referring to comments made by the commander of the Russian rocket forces who said last December that ''By 2015 to 2020 the Russian strategic rocket forces will have new complete missile systems . . . capable of carrying out any tasks, including in conditions where an enemy uses anti-missile defense measures.'' This is a direct reference to hypersonic capabilities.

And yet some have said our military does not need this technology.

But when it comes to figuring out how to defeat this potential threat, I believe we should look into the future, not look back at reports that are 5 or 10 years old.

This project is about seeing a potential threat to our national defense looming on the horizon and finding a way to defeat it. It is vital to our national security.

I urge my colleagues to reject the McCain amendment.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Coburn amendment No. 2565, to ensure transparency and accountability by providing that each Member of Congress and the Secretary of Defense has the ability to review $1,500,000,000 in taxpayer funds allocated to the National Guard and Reserve components of the Armed Forces.

Barrasso amendment No. 2567, to prohibit the use of funds for the Center on Climate Change and National Security of the Central Intelligence Agency.

Franken amendment No. 2588, to prohibit the use of funds for any Federal contract with Halliburton Company, KBR, Inc., any of their subsidiaries or affiliates, or any other contracting party if such contractor or a subcontractor at any tier under such contract requires that employees or independent contractors sign mandatory arbitration clauses regarding certain claims.

Franken (for Bond/Leahy) amendment No. 2596, to limit the early retirement of tactical aircraft.

Franken (for Coburn) amendment No. 2566, to restore $166,000,000 for the Armed Forces to prepare for and conduct combat operations, by eliminating low-priority congressionally directed spending items for all operations and maintenance accounts.

Sanders/Dorgan amendment No. 2601, to make available from Overseas Contingency Operations $20,000,000 for outreach and reintegration services under the Yellow Ribbon Reintegration Program.

Lieberman modified amendment No. 2616, relating to the two-stage ground-based interceptor missile.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Am I correct to assume that the first 30 minutes has been equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. INOUYE. I yield myself 10 minutes.

At the beginning of the year, the chairman of the House Appropriations Committee and I announced earmark reforms that go far beyond the transparency requirements enacted in 2007.

These reforms include a requirement for Members to post their earmark requests on their Web sites, make substantial reductions in the number and amount of earmarks compared to prior years' appropriations bills, and early and prompt committee announcements on which projects are funded in each of the annual appropriations bills.

There has never been as much transparency in the earmark process as there is today. In most cases, the public has had several months to review their elected Representatives' requests for funding. The bill on the floor today has 200 fewer projects and $300 million less in funding for Member projects than last year's bill.

I believe this is a considerable improvement to how Congress does its business.

As chairman of the Appropriations Committee, I welcome any constructive suggestions on how to improve the operations and efficiency of the ways in which the committee accomplishes its vital work.

However, those suggestions should not compromise the constitutional principle that the power of the purse is invested in the Congress, and not the executive.

We must retain the checks and balances and keep the Congress and the executive as separate and co-equal branches of government.

That is why I must oppose the amendment offered by the Senator from Arizona. It purports to increase transparency of congressional earmarks by subjecting all of them to full and open competition.

In reality, it exempts congressional priorities from the normal, lawful process of how the Department of Defense purchases equipment, engages services, and develops new technologies.

For example, we have included a number of earmarks for which the Department has negotiated contracts already in place. These contracts were negotiated in full compliance with the law.

Simply because Congress added funds to accelerate important programs, such as the TB–33 towed sonar array, handheld radios for Special Operations Command, advanced radars for the F–15 fighter, and virtual interactive training equipment for National Guard units around the country, the McCain amendment would require a new competition to take place.

This would disrupt important programs, delay procurement of valuable equipment, and cost the taxpayer more money.

The McCain amendment also disregards the fact that sometimes the Pentagon gets it wrong. There are many programs which are now in use on the battlefield that would not be there if the Defense Department's views had prevailed years ago.

Congress directed funds to the Predator unmanned aerial vehicle, lifesaving Chitosan bandages, and the V–22—programs that would not exist if Congress had not directed funds to those specific purposes.

I ask my colleagues, What do they suppose would have happened to those programs if the Pentagon's bureaucracy had put these programs through the redtape required by the McCain amendment? Would the Predator be attacking our enemies in Afghanistan and Iraq? Or might it still be an exquisite, complex system that remains on the drawing board year after year?

Ultimately the McCain amendment establishes two sets of acquisition laws: one for items requested by the President, which may be subject to full and open, limited or no competition at all; and another set of rules for items added by the Congress.

The amendment rests on the faulty assumption that the Defense Department is unable to conduct oversight on congressionally directed spending, and that earmarks do not serve valid military purposes.

In 2008, the Inspector General of the Department of Defense reviewed 219 earmarks from the fiscal year 2007 Defense Appropriations Act.

The Inspector General determined:

> The DOD personnel we interviewed and the respondents to our data call said that DOD performs oversight of earmarks identical to the oversight of other expenditures.

Furthermore, of the 219 earmarks that were reviewed by the Inspector General, all but 4 were found to ''advance the primary mission and goals of the Department of Defense.''

None of these four earmarks is contained in this year's bill. Even if they were, none of them would be competed under the McCain amendment because each of those earmarks was awarded to a nonprofit institution.

Due to these shortcomings in the amendment which has been offered, I have proposed an alternative amendment.

My amendment insures that each earmark added by Congress to benefit a for-profit entity shall be subject to the very same acquisition regulations that apply to items requested by the President in his annual budget request. This proposal applies the rules of the road equally to Congress and the President.

The amendment I propose also contains the standard exceptions to competition, including small business setasides. The McCain amendment, on the other hand, would eliminate these standard exemptions to competition for earmarks that support small businesses, minority-owned businesses, women-owned businesses, and service-connected disabled veteran-owned businesses.

My amendment is a reasonable and fair approach to balancing the acquisition rules as they apply to congressional spending items and items requested by the President. It insures that all spending items that are funded in this bill, regardless of who proposed them, are subject to the same rules for competition. I urge my colleagues to support my amendment and oppose the McCain amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished chairman of our committee, Senator INOUYE, for his leadership and the bipartisan way he has gone about managing his responsibilities as chairman of the Defense Appropriations Subcommittee. The committee has carefully reviewed the President's budget request in public hearings, calling before the committee representatives of the various service departments and also opening the opportunity for any outside interest to come to talk about what our needs are. In my judgment it has been a very careful, prudent, and workmanlike way to approach this very solemn and important responsibility. So he has brought us to where we are today, scheduled a vote, finally, on final passage later today, providing funding for our national security agencies, the Department of Defense, the men and women who have volunteered to put themselves in harm's way, to wear the uniform of our country and to defend our country against aggression here and abroad.

The Department is currently being funded by a continuing resolution. Although forcing the Department to operate under a temporary resolution is not a very good way to provide funding for a department charged with protecting our national security interests, it is the best we could do. I applaud the leadership of Senator INOUYE for bringing a bill before us that will cover the entire Department of Defense for the remainder of the fiscal year, and for working with our counterparts in the House to begin resolving differences between the two bodies so that a bill can soon be presented to the President for signature.

There has been much discussion about earmarks. The chairman raised the issue. Later this afternoon we will vote on an earmark-related amendment or two. There are those who have been striving to inject additional earmark reforms and other ways of doing business. We think we have carefully reviewed all the requests for spending,

all of the provisions that permit spending in this bill, to be sure they are warranted, justified, in the national interest, and is not there only to serve some special interest or private interest of a Member of Congress.

Congress has worked, the House and Senate together, to improve and make significant changes in the process, adding procedures to facilitate the closest possible scrutiny of congressionally directed spending. In addition, the Appropriations Committee has gone beyond those requirements and imposed additional disclosure requirements and limitations on earmarking. But I am not going to support any suggested changes that will take away from the Congress or diminish the power of the Congress specifically to carry out its responsibilities under the Constitution to direct spending.

The committee has recommended, and the Senate has acted in its wisdom to approve or reject certain provisions of the bill. We have entertained all amendments. There is no closed rule. There is no specified number of amendments. There is no prohibition against any amendment of any Senator. So anyone who has a problem with this bill or any provision has had a right to say what it is, offer a change in the way of an amendment, and to have the Senate vote on it. That is the way we conduct business in the Senate on earmarks. It is an open process.

There is nothing in the procurement history of the Department of Defense to support the notion that the Department has been infallible in cost effectively procuring solutions for our Defense Department needs, and doing so in a fair, open, and evenhanded manner. The inspector general and GAO reports are replete with examples of poor judgment in Defense Department activities having nothing to do with congressionally directed spending. The GAO has upheld protests in recent years in which the Department did not perform its acquisition responsibilities in a lawful and appropriate manner.

So there are a lot of checks and balances that are at work in the process, and I think we have to remind ourselves how thorough and diligent many people are in assuring that the things that are approved in this bill serve the public interest, not just the private interests or whims of Members of Congress.

We have increased funding for the requirement that the Department of Defense identified over the summer for Mine Resistant Ambush Protected vehicles for our men and women serving in Afghanistan. We have imposed new requirements to help protect our soldiers in uniform and on the battlefield. We have included an additional $1.2 billion for the MRAP program, and it is above what the administration has requested. I think we have acted responsibly, and I strongly defend the decision the committee has made on this subject. I have no doubt including funding for the procurement of these additional vehicles will save American lives.

Congressionally directed defense initiatives should be subject to the closest scrutiny of the Appropriations Committee, and of the legislative process as a whole including the authorizing procedure which precedes the appropriations process. The activities of the Department of Defense were carefully scrutinized by the Armed Services Committee, which shares responsibilities for making these decisions, as well as the Appropriations Committee. But I do not think Members of this body should feel ashamed or embarrassed to promote the passage of this bill. It is a good bill. It enhances our national security, and it supports the efforts we are making to protect the security interests of this great country.

I thank the Senate for allowing me to make these comments and the distinguished Senator from Hawaii for being an active, responsible partner in the development of this legislation.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I thank my distinguished colleague from Mississippi, the vice chairman of this committee, for his generous remarks.

I would like to point out to the Senate, this bill represents thousands of manhours of study, of research, of discussion, of debate. It contains spending of $636.6 billion. It is a huge amount. We take our vows and responsibilities very seriously. It might be interesting to note that this measure—this huge measure—was passed by the Appropriations Committee by a vote of 30 to 0. It is a bipartisan bill. It was passed unanimously. These things do not happen every day, Mr. President. It demonstrates and I think it illustrates what bipartisanship can do, what work can do, and what investigation can do.

Senator COCHRAN and I are proud to present this measure to the Senate, to our colleagues, and we hope it will be passed accordingly.

Mr. President, I would like to take this opportunity to discuss the Defense Subcommittee's recommendations regarding the fiscal year 2010 missile defense programs. This bill supports the administration's request, stays at the authorized funding levels, and, most importantly, recommends changes that augment programs that this Congress has been championing year after year.

The committee strongly supports the near-term missile defense programs, including ground-based missile defense, Aegis sea-based missile defense, and theater high altitude area defense. The committee added funding to the budget request in order to enhance each of these initiatives and ensure that the administration remains focused on these programs that are supporting the warfighter today.

The committee provides an additional $50 million above the budget request for the ground-based missile defense, GMD, program. After the administration submitted its budget for GMD, the Department of Defense approved a new integrated master test plan for the Missile Defense Agency, MDA. This plan requires seven additional ground-based interceptors that were not part of the budget request.

The Department informed the committee that additional funding was needed to sustain the production line in fiscal year 2010 in order to avoid costs associated with reconstituting the line in future years. The committee agreed with the Department and increased the funding.

This bill also provides funds above the budget request that will support the administration's new missile defense architecture in Europe. I strongly endorse the new plan. This new approach will enhance the protection of our allies in Europe, U.S. forces and their families deployed abroad, and the U.S. homeland from ballistic missile attack sooner than the previous program.

Some of my colleagues have stated that we are cancelling missile defense in Europe. Those indictments are simply inaccurate. Earlier this month, Secretary Gates responded to those types of criticisms as ''either misinformed or misrepresenting the reality of what we are doing.'' I would have to agree with him.

Under the prior administration's approach, the missile defense system would not be capable of protecting against Iranian missiles until at least 2017. Under the new plan, the more threatened areas of Europe and the U.S. forces stationed there will have protection by the end of 2011. Given Iran's brazen missile tests late last month and its recent disclosure of a new, secret uranium enrichment facility, we need to get the right capability fielded sooner.

The 10 interceptors that would have been emplaced in Poland under the previous plan were only capable of engaging five ballistic missiles from Iran. Any number greater than five overwhelmed the proposed system, thereby rendering the U.S. homeland, U.S. allies and partners, as well as our deployed troops and their families, vulnerable. Furthermore, these interceptors are not effective against short- and medium-range missiles that are proliferating around the world.

The system proposed under the new plan is more robust. It will provide the U.S. and its allies with the protection necessary to counter today's real ballistic missile threats. The new plan is more responsive to the increasingly pervasive short- and medium-range missile threat and is adaptable to respond to longer range threats in the future.

The new architecture focuses on using the proven standard Missile–3 on Aegis ships and on the land together with additional sensor capability to provide more effective protection for ourselves and our allies.

I am pleased to say that the Defense appropriations bill provides over $130

million in additional funding to support this new initiative:

The current inventory of SM–3 missiles is woefully inadequate to outfit the fleet of Aegis ballistic missile defense ships. The committee adds nearly $60 million to procure an additional 6 SM–3 interceptors to ensure that more missiles are available. This funding will bring production capacity up to the current level.

The bill adds over $40 million to begin procurement of an additional TPY–2 radar that could be deployed to Southern Europe. This is precisely what the new plan calls for. The additional sensor coverage will support protection of our European allies and deployed forces. It will also enhance the defense of the United States since it can provide early and precise tracking data for the U.S. ground-based interceptors emplaced in Alaska and California.

Finally, the committee provides an additional $35 million to continue development of SM–3 interceptors. This increased funding will accelerate the future upgrades of SM–3. These advancements are intended to increase the range and lethality of the SM–3 missiles on Aegis ships and the land-based component of the new European architecture. This is a critical component to counter the threat of Iranian longer range missiles in the future.

In order to stay at the authorized level for missile defense, while at the same time adding funds to robustly support the near-term missile defense programs and the new European missile defense plan, the committee had to make difficult trade-offs.

The committee reduced programs that are technically challenging and uncertain to show promise for years to come.

The committee also reduced funds that were not needed in fiscal year 2010. For instance, several of my colleagues have expressed concern that this bill reduces funding for tests and targets by $150 million. Our committee strongly supports a robust test program for missile defense, but we do not support funding that cannot be executed next year. The committee reduced funds that are premature for fiscal year 2010 and will not be required until later years. Let me explain.

In fiscal year 2009, the Congress appropriated nearly $920 million for test and targets. According to data provided by the Missile Defense Agency, as of August 31, they have only spent $360 million of those funds. This means that the Agency will carry forward into fiscal year 2010 about $560 million.

The fiscal year 2010 request for test and targets is nearly $970 million, a $50 million increase over last year's funding.

The committee believes that a $150 million reduction will not impact the testing program in fiscal year 2010. With the unexpended funds from fiscal year 2009 and this committee's recommendation for fiscal year 2010, MDA will have over $1.3 billion for testing purposes.

Furthermore, some of my colleagues will say that the reduction in the test and target budget line will stop testing of the two-stage ground-based interceptor that was intended for Poland under the prior administration's plan. That is simply not the case. Nowhere in this bill does the committee deny funding for the two-stage interceptor tests.

Indeed, the bulk of funding for these two tests is not in the test and target line of the budget request. Most of the funds for these tests are being carried forward from fiscal year 2009 for the European third site and are included in the $50.5 million request in fiscal year 2010 for the European capability.

Let me close by saying that this bill responsibly and robustly funds the missile defense programs that Congress has supported for years. It provides additional funding for GMD, Aegis and TPY–2 radars. It provides funding that is strongly aligned with the administration's new plan for missile defense in Europe. I strongly urge my colleagues to support the committee's recommendation.

I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

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. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2588

Mr. SESSIONS. Mr. President, I would like to speak about the Franken amendment if it is OK with the bill managers.

The amendment would impose the will of Congress on private individuals and companies in a retroactive fashion, in validating employment contracts without due process of law. It is a political amendment, really at bottom, representing sort of a political attack directed at Halliburton, which is politically a matter of sensitivity.

Notwithstanding, the Congress should not be involved in writing or rewriting private contracts. That is just not how we should handle matters in the Senate, certainly without a lot of thought and care, and without the support or at least the opinion of the Department of Defense.

Senator FRANKEN offered this amendment because he apparently does not like the fact there are arbitration agreements in employment contracts. I would suggest that is common all over America today.

The Supreme Court of the United States has already resolved that arbitration agreements contained in employment contracts are not only valid but in most instances beneficial. In most instances, arbitration is considered to be beneficial. In fact, employees tend to win more arbitration disputes than they do lawsuits in court. So I think that is a matter we should consider.

This is what Justice Kennedy on the Supreme Court wrote in Adams v. Circuit City:

> Arbitration agreements allow parties to avoid the cost of litigation, a benefit that may be of particular importance in employment litigation, which often involves smaller sums of money than disputes concerning commercial contracts.

So I believe that instead of eliminating arbitration, we should probably be looking for ways to utilize mediation and arbitration more in these kinds of disputes.

Indeed, in a recent JAMS article published in June of 2009, entitled ''Arbitrators Less Prone to Grant Dispositive Motions Than Courts,'' the author made the following points:

> [A]rbitrators are generally much more reluctant than courts to grant dispositive motions—

That is, to wipe out a lawsuit altogether—

> whether they are motions to dismiss a complaint or arbitration demand, or motions for summary judgment. Indeed, the rules of most major arbitration providers are silent about whether an arbitrator may entertain dispositive motions.

It goes on to say:

> While courts have held that arbitrators have the inherent power to grant dispositive motions, the lack of explicit rules on the issue reflects the hesitance that most arbitrators feel in granting dispositive motions without a fact hearing.

It goes on to say:

> There are at least three institutional reasons, which also highlight some of the advantages of arbitration:

The article says:

> First, while every litigant is entitled to appeal the grant of a dispositive motion in federal or state court, a final decision in arbitration is subject to far less review. Moreover, appellant court review of such a grant is de novo, with the allegations or evidence, as the case may be, read in the light most favorable to the plaintiff. In addition, to the extent that the trial court has interpreted the law, the reviewing court is free to interpret and apply the law differently.

Basically, they are saying a person who has filed a complaint about their employment termination or agreement has a better shake of getting to court and having their matter heard than if they had filed a lawsuit because the strict rules of summary judgment often toss a lot of these lawsuits at an early stage.

It goes on to say:

> The second difference between courts and arbitrators that explains why courts are more likely to grant motions to dismiss [an employee's lawsuit] is a differing level of concern about discovery. In the U.S. Supreme Court's recent decision in Twombly, for instance, ''the Court placed heavy emphasis on the 'sprawling, costly, and hugely time-consuming' discovery that would ensue in permitting a bare allegation of an antitrust conspiracy to survive a motion to dismiss, and expressed concern that such discovery'' will push cost-conscious defendants

to settle even anemic cases. Discovery is much more limited in arbitrations and, thus, a denial of a motion to dismiss is less likely to result in such extensive discovery.

Finally, some commentators and judges have noted that the pressure of the increasing caseload that federal and state courts have seen over the last two decades makes the courts more tempted to dispose of cases on a motion, instead of after a trial on the merits. . . . [arbitrators have] reacted in precisely the opposite way—by constricting, not expanding, the use of dispositive motions.

In effect, allowing more cases to be fully heard.

There is no doubt that contracts are a property right. We do not have any allegations that the contracts Senator FRANKEN is trying to invalidate were imposed on employees or that fraud or coercion was involved in creating them.

To invalidate these contracts would violate not only the due process rights of employers but the employees as well. Employees could, indeed, benefit from arbitration rather than having to go to Federal court. The Congress is in no position to determine whether an employee negotiated for additional compensation in exchange for signing an arbitration agreement——

The PRESIDING OFFICER. The minority time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have one additional moment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would conclude by saying that I do believe this is an important issue; that the Department of Defense is not asking for this. It is a reaction to some specific event, I assume, that has not justified changing Federal law. Arbitration in itself can be better for employees than filing an expensive lawsuit in Federal court. I believe we ought to at least dig into the issue far more in depth than we have before we up and pass such legislation as this.

I thank the Chair and yield the floor.

Mr. FRANKEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii controls the time.

Mr. INOUYE. I yield.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, article I, section 8 of our Constitution gives Congress the power to spend money for the welfare of our citizens. Because of this, Chief Justice Rehnquist wrote:

Congress may attach conditions on the receipt of Federal funds, and has repeatedly employed that power to further broad policy objectives.

That is why Congress could pass laws cutting off highway funds to States which didn't raise their drinking age to 21. That is why this whole bill is full of limitations on contractors—what bonuses they can give and what kinds of health care they can offer. The spending power is a broad power, and my amendment is well within it.

But don't take my word for it. I asked three of our Nation's top constitutional scholars—Akhil Amar, Laurence Tribe, and Erwin Chemerinsky, authorities regularly cited by everyone from Justice Scalia to Justice Stevens—what they thought about this amendment. Let me read their joint conclusion from this letter, which I ask unanimous consent to have printed in the RECORD:

Congress' power of the purse is expansive. S.A. 2588 falls squarely within its purview, and clearly does not infringe any constitutional prohibition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR MEMBERS OF THE UNITED STATES SENATE: Pursuant to a request from Senator Franken, we have reviewed his pending amendment (S.A. 2588) to the Department of Defense Appropriations Act of 2010 (H.R. 3326). Senator Franken invited us to consider whether any aspect of this amendment could arguably be found unconstitutional. We are confident that S.A. 2588 is well within the bounds of Congress' power under the Spending Clause. We are also confident that it raises no separate constitutional concerns.

The Constitution empowers Congress to "pay the Debts and provide for the common Defence and general Welfare of the United States." Art. I, §8, cl. 1. As Chief Justice Rehnquist wrote in *South Carolina* v. *Dole*, 483 U.S. 203, 206 (1987), "[i]ncident to this power, Congress may attach conditions on the receipt of federal funds, and has repeatedly employed the power 'to further broad policy objectives[.]' " In South Carolina v. Dole, for example, the Supreme Court upheld the National Minimum Drinking Age Act, a law that limited federal highway funds to states that did not adopt a minimum drinking age of twenty-one. This amendment is precisely the kind of "general welfare" legislation that the Spending Clause, as interpreted by South Carolina v. Dole, would permit.

Of course, the Spending Clause does not permit actions that are barred by other provisions of the Constitution. See, e.g., *Buckley* v. *Valeo*, 424 U.S. 1, 91 (1976) (per curiam). A review of the proposed measure reveals no such barriers.

This measure could conceivably impair government performance on certain federal contracts. The Contracts Clause of the Constitution, however, which prohibits passage of any "Law impairing the Obligation of Contracts," explicitly and exclusively applies to the states, not the federal government. See Art. I, 10, cl. 1 ("No State shall . . ."). Hence, the Contracts Clause could not provide the basis for a constitutional challenge to this amendment.

Similarly, S.A. 2588 is not remotely a Bill of Attainder. Instead of naming or describing a specific group of entities to be covered, the amendment erects a "generically applicable rule" for de-funding: the practice of requiring mandatory arbitration of certain claims. See *United States* v. *Brown*, 381 U.S. 437, 450 (1965). Moreover, denial of federal funding to an entity that declines to bring itself into compliance with purely prospective funding guidelines is a far cry from the punitive conduct that the Bill of Attainder clause was written to prohibit. If anything, while the "distinguishing feature of a Bill of Attainder is the substitution of a legislative for a judicial determination of guilt," this amendment empowers the courts as the only fora for the resolution of certain claims. *De Veau* v. *Braisted*, 363 U.S. 144, 160 (1960).

The Ex Post Facto Clause is also unavailing. Independent of the fact that the restriction of funding in S.A. 2588 is conditioned on present or future conduct, it is long-settled that the Ex Post Facto Clause applies exclusively to criminal penalties. See *Calder* v. *Bull*, 3 U.S. 386 (1798).

Nor could it be plausibly argued that S.A. 2588 effects an unconstitutional "regulatory taking" without just compensation under the Fifth Amendment Takings Clause. The Takings Clause addresses only the physical seizure of private property and the regulatory destruction of particularly identifiable property rights or interests—air rights, mining rights, intellectual property, and the like. While a plurality of the Supreme Court has once voted to strike down federal legislation under the Takings Clause even where the statute did not seize any identifiable piece of private property or render worthless any particular property interest, it has done so only where the law in question imposed a "substantial and particularly far reaching" retroactive monetary liability that unforeseeably brought about a "considerable financial burden." *Eastern Enterprises* v. *Appel*, 524 U.S. 498, 529–537 (1998). S.A. 2588, in contrast, is entirely unrelated to property, imposes no financial liability, and is in any event of purely prospective effect. Moreover, this measure cannot be said to impose on a narrowly targeted group burdens that in "justice and fairness," *Andrus* v. *Allard*, 444 U.S. 51, 65 (1979), ought to be borne by the public as a whole—the singular vice of takings of private property without "just compensation."

Someone unfamiliar with the jurisprudence of the past six decades might also allege that S.A. 2588 would violate substantive due process. However, the post-Lochner Supreme Court has consistently and wisely expressed an unwillingness to invalidate economic legislation on any such basis so long as it is at least arguably rational. See, e.g., *Ferguson* v. *Skrupa*, 372 U.S. 726, 731 (1963). In fact, the Supreme Court in the post–1937 era has invalidated economic legislation on the basis of substantive due process only where the legislature has acted in an indisputably "arbitrary and irrational" manner. *Usery* v. *Turner Elkhorn Mining Co.*, 428 U.S. 1, 15 (1976). This amendment does not even remotely fall within that narrow prohibition.

Congress' power of the purse is expansive. S.A. 2588 falls squarely within its purview, and clearly does not infringe any constitutional prohibition.

Respectfully submitted,

AKHIL REED AMAR,
Sterling Professor of Law, Yale Law School.

ERWIN CHEMERINSKY,
Founding Dean, University of California at Irvine School of Law.

LAURENCE H. TRIBE,
Carl M. Loeb University Professor, Harvard Law School.

Mr. FRANKEN. Mr. President, I also asked the Congressional Research Service, Congress's nonpartisan research arm, to take a look. They also did not find any cause for constitutional concern.

Senator SESSIONS says my amendment violates the due process clause. But as Professors Amar, Chemerinsky, and Tribe explain in their letter, the Supreme Court hasn't struck down economic laws on these grounds since 1937—unless the legislation is "arbitrary and irrational." Their conclusion: "This amendment does not even

remotely fall within that narrow prohibition.''

Let me be clear. This amendment does not single out any contractor. The text of the amendment does not list a single contractor by name, and if you read the amendment, you would know it. This amendment would defund any contractor who refused to give the victims of rape and discrimination their day in court.

Let me tell my colleagues how I think this amendment does speak to the Constitution. The Constitution gives everybody the right to due process of law. Today, defense contractors are using fine print in their contracts to deny women such as Jamie Leigh Jones their day in court. But it is not just Jamie Leigh Jones. This isn't about one instance, as Senator SESSIONS said. This is about many women across this country who have been victims of sexual assault and rape in Iraq and who have been hired by contractors and who have been forced to arbitrate by contractors. So women are not given their day in court. Instead, they are forcing them behind the closed doors of arbitration where the Federal Rules of Evidence don't apply, where decisions are binding and secret, and where decisions are issued by a private arbitrator often paid by the company itself.

This amendment does not seek to eliminate arbitration. It seeks to eliminate arbitration in cases of rape and sexual assault. The victim's——

The PRESIDING OFFICER. The majority time has expired.

Mr. FRANKEN. I ask unanimous consent for another 20 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, the victims of rape and discrimination deserve their day in court. Congress plainly has the constitutional power to make that happen. I ask my colleagues to vote in support of my amendment.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2567 offered by the Senator from Wyoming, Mr. BARRASSO.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2566

Mr. COBURN. Mr. President, later we are going to vote on an amendment I have that is a prohibition on taking earmarked money from the operation and maintenance account of our armed services. Operation and maintenance—not procurement, not research, but operation and maintenance. The very key thing that funds the ability of our warfighters and our Defense Department to do what they do is being used to pay for some very good projects, some not very good projects, most of which all are parochial; in other words, directed toward State benefit, through the operation and maintenance account.

Last year, I would remind my colleagues, the Navy ran out of operation and maintenance money. We had to supplement it. Why did we supplement it? Because we took their money last year and put it into earmarks instead of giving the Navy what it needed. I would remind the people listening to these words that when we do a supplemental, we charge the money to our kids and our grandkids. We don't have to live within the budget parameters.

So as we vote for this, earmark is another question. The question is: Where do you take the money when you go to earmark? When we take it from the very things that support, equip, and protect the people who are defending this country, and we put them at risk by not having the amount of dollars that are necessary for that, I think we are sending a terrible signal not just to the American people but to our troops that our parochial desires are more important than their well-being.

When the amendment comes up, I will defer saying anything else so we can move on. But the American people need to know. This is a couple hundred million bucks that is going to be taken away from the very necessary things they need. There are a couple of other gimmicks in here that actually lessen that account that allow for other things to be done in terms of not looking into inflation correctly, but we will pass on those amendments. But the fact is we ought not be playing games with the money that goes to protect our troops.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

AMENDMENT NO. 2567

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, on the Barrasso amendment No. 2567.

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, my amendment is simple. It prevents the Central Intelligence Agency from using any funds from the fiscal year 2010 Defense Appropriations bill to create or operate a center on climate change and national security.

To me, this center is redundant to activity already conducted by the CIA and other Federal agencies. There is no reason to create an additional center to do work already being done.

We don't need to duplicate the work of others. Leave the task of gathering and analyzing climate change information to the agencies that do that work. Let them pass that information on to the analysts at the CIA to incorporate it into their assessments.

The experts at the CIA should focus work on foreign intelligence gathering to prevent the next terrorist attack. That is what they are trained and equipped to do.

I urge adoption of the amendment.

Mr. BOND. Mr. President, I rise today to express my support for the amendment, introduced by Senator BARRASSO, to strike the funding for the Central Intelligence Agency's Center on Climate Change and National Security. Climate change and the role of the intelligence community has been the subject of many lively discussions before the Select Committee on Intelligence.

As the vice chairman of this committee, I have worked with the chairman, Senator DIANNE FEINSTEIN, to resolve many issues of importance to the intelligence community. Unfortunately, on this issue of climate change, I have and will continue to disagree respectfully with the chairman.

I recognize that many Members on both sides of the aisle have strong beliefs about global climate change, its causes, and its possible consequences. Regardless of how you come down on this issue, however, our intelligence agencies are not the appropriate venue for dealing with it.

Members who support the creation of this center at CIA have cited the national security implications of global climate change. I agree that global climate change could have national and global security implications and that elements of the U.S. Government and private sector should be studying it, but the intelligence community is not one of those elements. Other government entities, such as the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, are far better suited to study this issue.

The intelligence community is not a think tank. Its job, put simply, is to steal secrets and provide analysis of those secrets. There are no secrets to steal or to analyze when studying current weather patterns and estimating the geopolitical effects of an event 20 or more years in the future as this new CIA center would be asked to do.

The Senate Intelligence Committee is constantly reminded by various commissions, and the intelligence community itself, that our Nation's intelligence analysts are overtasked, overworked, and do not have adequate time to devote to long-term assessments, even on the important countries and issues they currently cover on a daily basis, such as terrorism, proliferation, Iran, Iraq, and China.

To those who support this center, I would ask a simple question: As we

face continued threats in Afghanistan, Iraq, and Iran, which analysts are going to be pulled from their current responsibilities to analyze the implications of climate change? Adequately covering all of the geopolitical implications of global climate change would require analysis on dozens of countries by analysts who are familiar with some or all of those countries. In short, it would require drawing on a substantial part of our analytic corp.

Can we really afford to have these analysts redirected from their current responsibilities to work on global climate change, especially when our nation is at war? I strongly doubt that terrorist leaders or rogue nations will stop plotting against us while our analysts take time off to ponder the potential implications of global climate change.

Through my many discussions with Senator FEINSTEIN, I am familiar with the motivation for this center. While I will vote in favor of Senator BARRASSO's amendment, I would be willing to work with Senator FEINSTEIN and others to find alternative avenues to obtain the information being sought through this center.

The bottom line is this—at a time when our Nation is fighting wars on two fronts, terrorists continue to plot attacks on our homeland, and the threat of proliferation grows, we cannot afford for our overtaxed intelligence agencies to take time off to ponder climate change.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I rise in opposition to the Barrasso amendment.

The mission of the CIA's Center for Climate Change and National Security is fully consistent with that of the intelligence community.

Creating this center does not require any additional CIA resources. It rearranges ongoing programs within the CIA so that existing funding can be more prudently spent.

The work of this center will not divert resources from other missions. It will not divert case officers or the tasking of satellites.

This center will continue in the traditional role of the intelligence community to support policymakers on national security issues related to climate change.

Therefore, I urge my colleagues to oppose this amendment.

I yield the floor.

Mr. BARRASSO. Mr. President, I ask for the yeas and nays on my amendment.

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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) 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 38, nays 60, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—38

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker
Crapo	LeMieux	

NAYS—60

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kirk	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Snowe
Casey	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—2

Byrd	Specter

The amendment (No. 2567) was rejected.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I move to table the motion to reconsider.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 2618, AS MODIFIED

Mr. INHOFE. I ask unanimous consent to call up amendment No. 2618. I send a modification to the desk for its consideration. It would not require a rollcall vote.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2618, as modified.

The amendment is as follows:

(Purpose: To ensure sustainment, readiness, and acquisition of ammunition for all United States military services in order to meet long term peacetime and wartime requirements)

On page 245, between lines 8 and 9, insert the following:

SEC. 8104. None of the funds appropriated or otherwise made available by this Act may be used by the Secretary of the Army to transfer by sale, lease, loan, or donation government-owned ammunition production equipment or facilities to a private ammunitions manufacturer until 60 days after the Secretary submits a certification to the congressional defense committees that the transfer will not increase the cost of ammunition procurement or negatively impact national security, military readiness, government ammunition production or the United States ammunition production industrial base. The certification shall include, the Secretary of the Army's assessment of the following:

(1) A cost-benefit risk analysis for converting government-owned ammunition production equipment or facilities to private ammunition manufacturers, including cost-savings comparisons.

(2) A projection of the impact on the ammunition production industrial base in the United States of converting such equipment or facilities to private ammunition manufacturers.

(3) A projection of the capability to meet current and future ammunition production requirements by both government-owned and private ammunition manufacturers, as well as a combination of the two sources of production assets.

(4) Potential impact on national security and military readiness.

Mr. INHOFE. Mr. President, back in August of 2008 there was a directive that we should try to privatize as many of the Army Corps as possible. All this does is say, before any more are privatized, the Army should have to certify that—two things—it would not increase the cost or negatively impact national security. It has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2618), as modified, was agreed to.

Mr. COCHRAN. I move to table the motion to reconsider.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair.

AMENDMENT NO. 2588

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2588, offered by the Senator from Minnesota, Mr. FRANKEN.

The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, when she was 19, Jamie Leigh Jones was drugged, gang-raped, and locked in a shipping container while working for KBR in Iraq. She tried to sue, but KBR pointed to the fine print in her contract and forced her into arbitration. Jamie Leigh, who came to Washington for this vote, has spent 3 years fighting just to get her day in court.

This is not just Jamie Leigh's story. It is the story of Mary Kineston of Ohio, Pamela Jones of Texas, and women around this country.

Fifty-eight groups across this country have taken a stand by supporting my amendment. As the National Alliance to End Sexual Violence said:

Asking a victim to enter arbitration with someone who raped her, or with a company that wouldn't protect her, is outrageous.

I agree. Victims of sexual assault and discrimination at least deserve their day in court. My amendment would make sure all military contractors, not just KBR, give victims that basic right.

I urge you to support this amendment.

Mr. NELSON of Florida. Mr. President, in December 2007, I became involved in an issue that I continue to work on today. The issue is our government's failure to prosecute multiple incidents of sexual assault against American civilians working alongside our military in Iraq and Afghanistan.

After surviving sometimes brutal attacks, these civilians too often found themselves in a legal blackhole. No one could tell them how to report the crime. No one knew who should investigate, putting precious time and evidence at risk. And perhaps worst of all, no one could guarantee their personal safety. Their attackers, meanwhile, usually fell outside the Uniform Code of Military Justice, UCMJ, the legal code that our men and women in uniform must obey, and beyond the effective reach of our criminal laws.

Over the last 2 years, I have been in frequent contact with the Departments of Defense, State, and Justice to ascertain the scope of this problem. Although these agencies have, on the whole, cooperated with my requests, I am not satisfied that we have a full picture of the number of sexual assaults perpetrated against Americans—contractors and military—in Iraq and Afghanistan. Nor do I believe that the respective departments have clear policies in place to address crimes committed by and against U.S. contractors serving in the war zones.

In April 2008, I chaired a hearing in the Foreign Relations Committee that included harrowing testimony from Mary Beth Kineston and Dawn Leamon, who were former civilian contractors for Kellogg Brown & Root, better known as KBR, which is a former subsidiary of Halliburton. These patriots testified that they were sexually assaulted while working for KBR in Iraq. In written testimony submitted to the committee, another woman, Jamie Leigh Jones, wrote of being drugged and gang-raped by her coworkers, also while working for KBR in Iraq. When she reported the crime to her superiors, Ms. Jones was locked in a shipping container. Not until her father was able to contact Congressman TED POE was Ms. Jones rescued from captivity.

When similar crimes are committed within the United States, on a permanent military base, or at one of our embassies overseas, the authority and responsibility to prosecute these crimes is clear. Yet because these crimes were committed abroad and the victims were civilians, their stories never see the light of day. There is no jury, no public record and no transcript.

Additionally, in many cases the victims' employer has moved for such cases to be heard in private arbitration. At the hearing, Dawn Leamon stated that there was an arbitration clause in the employment agreement she signed, and that KBR used that clause to prevent her from seeking justice in a court of law. These arbitration clauses, which have become all too common, protect the companies from accountability when a crime occurs.

In response to the hearing and testimony of these courageous women, I offered an amendment in mark-up of the 2009 National Defense Authorization Act that later became law, Public Law 110–417. That amendment required government contractors to report crimes committed by or against employees in Iraq or Afghanistan to the appropriate U.S. government authorities. The law now requires contractors to have in place resources to assist victims and witnesses of crimes, so that there is a place to go for help. I also attempted to include a provision that would prevent contractors from requiring employees to enter into mandatory arbitration contracts.

I am pleased that Senator FRANKEN has taken an interest in this important issue, and I am cosponsoring the Franken amendment, Senate amendment No. 2588, which denies funding to Department of Defense contractors who continue to use mandatory arbitration clauses to force sexual assault victims into arbitration. If adopted, this important amendment would close the legal loophole that prevents the victims of sexual assault from getting the justice they deserve. It is my hope that justice for these women will encourage reform to the entire system.

I encourage my colleagues to join us in unanimously adopting this amendment. It is my hope that such a showing of support will urge its adoption in the final conference bill. It is imperative that this provision become law.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, first of all, with regard to this lawsuit, although it took some time, the court, the Fifth Circuit, has ruled that this matter is not arbitrable and this lady is entitled to a court trial because it goes outside normal employment matters.

The Department of Defense let me know to oppose this amendment. There are a number of reasons: because it goes far beyond the issue raised by my colleague from Minnesota. It eliminates arbitration for any claim under title VII of the Civil Rights Act, any claim resulting from negligent hiring, negligent supervision or retention of an employee—virtually any employment dispute that is now resolvable under arbitration, which the U.S. Supreme Court has said is good. Statistics show that employees get final judgment and actually win more cases under arbitration than they do going to the expense of a Federal court trial.

I think we should listen to the Department of Defense and vote no on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. FRANKEN. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) 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 68, nays 30, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—68

Akaka	Grassley	Mikulski
Baucus	Hagan	Murkowski
Bayh	Harkin	Murray
Begich	Hatch	Nelson (NE)
Bennet	Hutchison	Nelson (FL)
Bennett	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kirk	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Snowe
Casey	Lautenberg	Stabenow
Collins	LeMieux	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Voinovich
Durbin	Lincoln	Warner
Feingold	Lugar	Webb
Feinstein	McCaskill	Whitehouse
Franken	Menendez	Wyden
Gillibrand	Merkley	

NAYS—30

Alexander	Cornyn	Kyl
Barrasso	Crapo	McCain
Bond	DeMint	McConnell
Brownback	Ensign	Risch
Bunning	Enzi	Roberts
Burr	Graham	Sessions
Chambliss	Gregg	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker

NOT VOTING—2

Byrd	Specter

The amendment (No. 2588) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 2596

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 2596 offered by the Senator from Missouri, Mr. BOND.

Mr. BOND. Mr. President, the January report of the Governmental Accountability Office said the Air Force had a couple of major challenges in sustaining the air sovereignty alert capabilities; that is, the air structure that keeps our homeland safe.

They say the Air Force has not developed plans because it is focused on other priorities. Retiring these planes would result in a lack of aircraft to meet the vital ASA mission. And 16 of the 18 sites across the Nation are manned by Air National Guard.

Senator LEAHY and I, as cochairs, have introduced this amendment, which is supported by the Guard, which says that we do not retire any more

fourth-generation aircraft until the Secretary tells the Congress how it is going to ensure the capability of the ASA mission.

Mr. LEAHY. Mr. President, I rise in support of the amendment offered by Senator BOND to temporarily suspend the retirement of tactical aircraft by the U.S. Air Force.

For months, Senator BOND and I as co-chairs of the Senate National Guard Caucus have repeatedly questioned Air Force and Department of Defense leadership about what it was doing to address a looming shortfall in available aircraft for Air National Guard Units. The Air Force acknowledges this issue and I know has spent a great deal of time studying options on how to address the shortfall.

But, after numerous requests at hearings and briefings for a concrete plan, at the start of the fiscal year 2010 fiscal year today, we still do not have a plan.

That is why Senator BOND and I have proposed an amendment that temporarily suspends the retirement of tactical aircraft until the Secretary of the Air Force provides Congress with a roadmap that resolves the looming tactical aircraft shortfall.

I hope this amendment prompts the Air Force to conclude its deliberations so that our National Guard and Reserves never get to point where there are units that have the best trained pilots and technicians in the world but there are no aircraft on the tarmac.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. I have no opposition to this amendment, nor am I aware of anyone on our side who opposes this. I am prepared for a voice vote.

Mr. BOND. Mr. President, there may be a request for a vote on this side.

There is objection on this side to having a voice vote.

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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The PRESIDING OFFICER (Mr. KAUFMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—91

Akaka	Brownback	Corker
Alexander	Bunning	Cornyn
Barrasso	Burr	Crapo
Baucus	Burris	DeMint
Bayh	Cantwell	Dodd
Begich	Cardin	Dorgan
Bennet	Carper	Durbin
Bennett	Casey	Ensign
Bingaman	Chambliss	Enzi
Bond	Cochran	Feingold
Boxer	Collins	Feinstein
Brown	Conrad	Franken
Gillibrand	Levin	Sanders
Grassley	Lieberman	Schumer
Hagan	Lincoln	Shaheen
Harkin	Lugar	Shelby
Hatch	McCaskill	Snowe
Hutchison	McConnell	Stabenow
Inhofe	Menendez	Tester
Inouye	Merkley	Thune
Isakson	Mikulski	Udall (CO)
Johnson	Murkowski	Udall (NM)
Kaufman	Murray	Vitter
Kerry	Nelson (NE)	Voinovich
Kirk	Nelson (FL)	Warner
Klobuchar	Pryor	Webb
Kohl	Reed	Whitehouse
Landrieu	Reid	Wicker
Lautenberg	Risch	Wyden
LeMieux	Roberts	
Leahy	Rockefeller	

NAYS—7

Coburn	Johanns	Sessions
Graham	Kyl	
Gregg	McCain	

NOT VOTING—2

Byrd	Specter

The amendment (No. 2596) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2565

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2565 offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Oklahoma.

Mr. COBURN. This is a simple amendment. I am appreciative of the fact that the National Guard and Army Reserve will get additional funds. All the amendment says is, run that by the Defense Department. They don't get to approve it or disapprove it, but they ought to get to see it. And so should we. Every one of us has National Guard units. Many of us have Army Reserve units. Why should we not have access to information as to how they will spend the money? It is about transparency. The American people ought to see how they will spend the money. I want to see how it will be spent in Oklahoma. All Senators should be able to see how it is spent. The Secretary of Defense will not be able to stop it. It only says he is knowledgeable and responsible, when utilizing those forces overseas, for their deployment and equipment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Coburn amendment, which would impose an additional layer of bureaucracy to the National Guard and Reserve's spending decisions, is unnecessary and burdensome. This proposal mandates a new component of review and assessment in a process where a high level of accountability already exists.

As is already required by law, the Assistant Secretary of Defense for Reserve Affairs sends reports to Congress, including the four committees which oversee defense spending.

These reports explain, in detail, how the various Reserve component chiefs have determined to spend the funds provided.

The Guard plays a unique role in our country; they defend us here at home and, as has been the case all too often in recent years, they fight for us abroad. This special status directly effects the Guard's spending priorities, and in recent years they have focused on buying ''dual use'' equipment that is good for both foreign war and for domestic missions.

Based on this reality, it is important that Congress maintain the Reserve component chief's level of influence so they can spend funds based on their most urgent requirements and unique needs.

Finally, creating statutory requirement for an additional ''thorough review,'' involving the Secretary of Defense and other officials, will likely delay access to these funds. At a time when our Guard is called upon more frequently at home and is being relied upon so heavily in Iraq and Afghanistan, to risk underresourcing them and not providing the full support of Congress is irresponsible and negligent.

I call upon my colleagues to support the Guard and Reserves and reject this amendment.

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 amendment No. 2565.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), 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 28, nays 70, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—28

Barrasso	Enzi	McCaskill
Bunning	Graham	McConnell
Burr	Gregg	Murkowski
Carper	Hatch	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Wicker
DeMint	LeMieux	
Ensign	McCain	

NAYS—70

Akaka	Dorgan	Lieberman
Alexander	Durbin	Lincoln
Baucus	Feingold	Lugar
Bayh	Feinstein	Menendez
Begich	Franken	Merkley
Bennet	Gillibrand	Mikulski
Bennett	Grassley	Murray
Bingaman	Hagan	Nelson (NE)
Bond	Harkin	Nelson (FL)
Boxer	Hutchison	Pryor
Brown	Inouye	Reed
Brownback	Johnson	Reid
Burris	Kaufman	Risch
Cantwell	Kerry	Roberts
Cardin	Kirk	Rockefeller
Casey	Klobuchar	Sanders
Cochran	Kohl	Schumer
Conrad	Landrieu	Shaheen
Cornyn	Lautenberg	Snowe
Crapo	Leahy	Stabenow
Dodd	Levin	Tester

Udall (CO)	Warner	Wyden
Udall (NM)	Webb	
Voinovich	Whitehouse	

NOT VOTING—2

Byrd	Specter

The amendment (No. 2565) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2566

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 2566, offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I spoke earlier on this amendment and will yield my time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this is a pretty simple amendment. It prohibits the spending of $165 million on earmarks. We would free up $165 million and return it to the general pool of operation and maintenance funding. So it is very clear the administration, on the operation and maintenance account, says the bill cuts the O&M account, and this restores some of it.

I again would like to point out that operation and maintenance is one of the most critical aspects of our defense of this Nation. This amendment simply prohibits expenditures on any earmarks in the operation and maintenance account.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the Senator from Oklahoma has proposed an amendment to strip the Defense bill of the earmarks in the O&M appropriations. As I have said previously, the Defense Subcommittee reviews the entire budget and adjusts funds based on that review. Funds in the O&M budget are not reduced with the intent to fund earmarks.

Earmarks in O&M provide additional funds to repair facilities and enhance security on our military bases, augment maintenance efforts, and equip our military members with personal protection devices.

During this debate, the Senator from Oklahoma has spoken about his concerns to provide adequate funding for the National Guard. I share that concern. I would point out that if this amendment is adopted, it would decrease funding in excess of $75 million provided by this subcommittee to National Guard units in nearly 20 States.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INOUYE. I hope my colleagues will vote against it.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

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.

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) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The result was announced—yeas 25, nays 73, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—25

Barrasso	Ensign	Lugar
Bayh	Enzi	McCain
Bunning	Feingold	McCaskill
Burr	Grassley	Risch
Chambliss	Inhofe	Sessions
Coburn	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	
DeMint	LeMieux	

NAYS—73

Akaka	Gillibrand	Murray
Alexander	Graham	Nelson (NE)
Baucus	Gregg	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bennett	Hatch	Reid
Bingaman	Hutchison	Roberts
Bond	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown	Kaufman	Schumer
Brownback	Kerry	Shaheen
Burris	Kirk	Shelby
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Voinovich
Conrad	Lieberman	Warner
Corker	Lincoln	Webb
Dodd	McConnell	Whitehouse
Dorgan	Menendez	Wicker
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NOT VOTING—2

Byrd	Specter

The amendment (No. 2566) was rejected.

Mr. INOUYE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 2601

Mr. SANDERS. Mr. President, my amendment is supported by Senators DORGAN and LEAHY, the National Guard Association, the U.S. Air Force Association, and the U.S. Army and Reserve Officers Association.

This is a simple amendment. Many of the men and women are coming home from Iraq and Afghanistan with PTSD and TBI. While the DOD and the Veterans' Administration have done a good job in providing services to the men and women, not everybody is accessing the services.

This amendment provides $20 million for outreach efforts so that State by State we can send people out to talk to them and make sure they understand the facilities that are there and available to them to help them with PTSD and TBI.

My understanding is that this amendment has been accepted. I thank the chairman and the ranking member.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, there is no opposition to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2601) was agreed to.

Mr. INOUYE. Mr. 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.

SENATOR BAUCUS'S 11,000TH VOTE

Mr. REID. Mr. President, if I can have the attention of the Senate, I had a chance to go to Montana with Senator BAUCUS. I had never been there. Nevada is a huge State area-wise, but Montana is twice as big as Nevada. We are the seventh largest State and Montana is the fourth largest. I can remember flying in that airplane and thinking it is unbelievable how big that State is. Well, that is kind of like MAX BAUCUS. He always does things in the form of a marathon. As I have indicated, Montana is the fourth largest State in the Union. It is called Big Sky Country, and it is. It is such a beautiful State.

The first time MAX ran statewide, he walked the State of Montana—820 miles he walked. I was always very satisfied that I was a marathoner, but I talked to BAUCUS, and, of course, he has run more of them than I have and faster than I have. I dropped the subject quickly when I learned he isn't satisfied with a marathon that is 26¼ miles. He runs 50 miles. That shows the grit this man has. During one of his 50-milers, at 8 miles he fell very hard. He hit his head. There was blood all over. But he got up and ran another 42 miles in that race. He had hurt himself. A few weeks later, he had to be hospitalized as a result of that injury he suffered falling down. So it is pretty easy to understand why this marathon he has been involved in with health care has been fairly simple compared to some in which he has been involved.

I am here to congratulate MAX BAUCUS on the next vote, which will be his 11,000th vote in the Senate. He has had a distinguished career in the House and in the Senate. He has been chairman of the Environment and Public Works Committee and is now chairman of the Finance Committee.

I have such great respect for Senator BAUCUS. There are a lot of career highlights, and I could list a lot of them. But for me, the most significant thing he did is not a bill you will see in the archives; it is his having stepped forward at a time when nobody thought it could be done, and in the face such opposition, he helped stop the privatization of Social Security. That was done by a lot of people, but it could never have been done without MAX BAUCUS.

The people of Montana love MAX BAUCUS because they know he is a marathoner, he is a man of strength and courage, and he understands the State of Montana.

It is hard for me to articulate the relationship I have with Senator BAUCUS. It is a relationship I prize. He is my friend and my confidant. He has a very tough job running the Finance Committee. Every big issue that comes before the Senate winds up in the Finance Committee because we have to figure out a way to pay for it. He runs that committee with an iron hand. We all know how tough he can be on that committee, but we also know how fair he can be. I learned that working on the Children's Health Insurance Program. That was a bipartisan piece of legislation. As a result of the work he did on that committee, we have more than 14 million children now who are able to participate in that program who would not have been able to do so otherwise. It was done on a bipartisan basis.

I join with everybody here in congratulating MAX BAUCUS, who is, to me, what a Senator should be. He understands the significance of being a Senator, the significance of representing his State, and in the process he has become a great U.S. Senator.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I say congratulations from this side of the aisle to the distinguished Senator from Montana on his 11,000th vote, which he is about to cast. The majority leader pointed out his great physical prowess in running these marathons. As he also indicated, presiding over the Finance Committee in the last few weeks has certainly qualified him for another long run.

For over 30 years, Senator BAUCUS has represented Montana in the State legislature, in the U.S. House of Representatives, and in the U.S. Senate. He grew up on his great-grandfather's ranch, and he has always fought hard for the people of the Big Sky State. He has had a simple message: Montana comes first. He has fought to strengthen our Nation's transportation infrastructure. As we have seen over the past couple of weeks, he has a pretty strong work ethic, which should not surprise any of us for a guy who, as the majority leader pointed out, walked across the entire length of Montana.

Senator BAUCUS has given three decades of dedicated service and has kept his pledge to put Montana first. I join the majority leader in congratulating him on his 11,000th vote.

(Applause.)

The PRESIDING OFFICER. The junior Senator from Montana is recognized.

Mr. TESTER. Mr. President, I wish to add a few comments to those of the majority leader and the Republican leader.

I say to MAX BAUCUS, congratulations on your 11,000th vote. You have done such a great job over the many years you have served the people of the great State of Montana—me being one of those.

I give MAX a bad time, saying when he came to the Senate, I was just a child. Well, when he came to the Senate, he was just a child too. I have a lot of respect for this man.

Folks say MAX is a lucky guy, and he is. But he creates that luck with hard work. He works very hard not only for the people of Montana but for this Nation.

I thank you, MAX. Congratulations, and all the best.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, as the Member of the Senate who has worked closely with Senator BAUCUS over the last 10 years—either he has been chairman of the committee or I have been—I congratulate him on this 11,000th vote. But more important, I thank him for the close working relationship we have had, which I think people back home in our respective States probably don't observe, which is that there is a great deal of bipartisanship that goes on in Congress. I think Senator BAUCUS and I have established a close working relationship that refutes that everything in Washington is political. I thank him for that close working relationship and, more importantly, I thank him for putting up with a lot of problems I have created for him.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am very honored by all the comments of the majority leader, who is a good friend; Senator MCCONNELL; my good friend JON TESTER; and the Senator from Iowa, Mr. GRASSLEY. I am also honored to have served in this body.

Everyone here cares a lot about public service and about people. We are all here because we care. I very much appreciate working with all of you. There are a lot of characters here, different personalities. The bottom line is that everybody is here for their State and the Nation.

I feel as if I am the luckiest guy in the world. I think this is the best job one could have. I have 900,000 of the world's greatest bosses, the people of Montana. They are terrific and wonderful. I am just a hired hand working for them.

Combined with all of you and all the staff here, you are all people here who care about our great country. I thank you very much. I could not be more touched and appreciative. Thank you.

(Applause.)

AMENDMENT NO. 2580

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 2580 to be offered by the Senator from Arizona, Mr. MCCAIN.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2580.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike amounts available for procurement of C–17 aircraft in excess of the amount requested by the President in the budget for fiscal year 2010)

At the appropriate place, insert the following:

SEC. ____. The amount appropriated by title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'' is hereby reduced by $2,500,000,000, the amount equal to the amount by which the amount available under that heading for the procurement of C–17 aircraft exceeds the amount requested by the President in the budget for the Department of Defense for fiscal year 2010 for the procurement of such aircraft.

Mr. MCCAIN. Mr. President, President Eisenhower warned us about the military-industrial complex. Well, we don't have to worry about the military anymore; it is now just the industrial complex and the lobbyists.

This amendment strikes the $2.5 billion for 10 C–17 aircraft. Again, it used to be the military-industrial complex; now it is the industrial complex. The President, the Secretary of Defense, the Chairman of the Joint Chiefs, the Chief of Staff and Secretary of the Air Force, the commander of U.S. Transportation Command, and the chairmen and ranking members of the Senate and House Armed Services Committees have all agreed with the Secretary of Defense, who says that the ''205 C–17s in the force and on order, together with the existing fleet of C–5 aircraft, are sufficient to meet the Department's future airlift needs—even under the most stressing situations.''

Mr. President, the spending goes on, the beat goes on, and at some time the American people are going to say ''enough.''

Mr. DODD. Mr. President, it may feel like Ground Hog Day for some of us. We soundly defeated a similar amendment proposed by the Senator from Arizona last week, by a vote of 34–64. The reasons are clear, and have remained unchanged.

The C–17 has proven its worth to our troops in Iraq and Afghanistan, to our taxpayers that foot the bill, and to the workers that labor day in and day out to provide our military with these critical planes. Our need for these planes is not shrinking—in fact, it is growing. Since the last formal assessment of our military's airlift requirements 4 years ago, our forces have been expanded by 92,000 troops. Our overseas commitments have dramatically increased, resulting in many C–17s flying nearly double the flight hours that were planned for. Why? Because the C–17 is the most versatile and capable airlift plane in our arsenal.

Despite these facts, the Senator from Arizona insists that we extend the life

of our 40-year-old C–5 fleet, at a high cost to our taxpayer. Over the administration's objections, he coauthorized a bill recently that was approved by this body that actually prohibits the military from retiring C–5s. According to the Air Force, the C–5B has already reached 147 percent of planned life expectancy. This is a fleet we must begin to replace.

I urge my colleagues to join me in defeating amendment No. 2580, for the sake of our troops, our taxpayers, and America's workers.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise to oppose this amendment which seeks to eliminate funding on the C–17. I am certain the Senate is aware that Vice Chairman COCHRAN and I proposed and the committee unanimously accepted our recommendation to reallocate $2.5 billion to procure 10 additional C–17s.

Last week, the Senate voted overwhelmingly to defeat the Senator's amendment which would have deleted funding for the C–17 program. I believe the sense of the Senate is very clear. Continuing with the C–17 program is a high priority. It is a critical national security enabler, providing the airlift our forces need for today's fight and for years to come.

I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2580.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) 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 30, nays 68, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—30

Alexander	Feingold	McCain
Barrasso	Franken	McConnell
Bennet	Gregg	Merkley
Cardin	Kaufman	Sanders
Carper	Klobuchar	Sessions
Coburn	Kohl	Thune
Conrad	Kyl	Udall (CO)
Corker	LeMieux	Voinovich
Dorgan	Levin	Warner
Enzi	Lugar	Webb

NAYS—68

Akaka	Cantwell	Graham
Baucus	Casey	Grassley
Bayh	Chambliss	Hagan
Begich	Cochran	Harkin
Bennett	Collins	Hatch
Bingaman	Cornyn	Hutchison
Bond	Crapo	Inhofe
Boxer	DeMint	Inouye
Brown	Dodd	Isakson
Brownback	Durbin	Johanns
Bunning	Ensign	Johnson
Burr	Feinstein	Kerry
Burris	Gillibrand	Kirk
Landrieu	Nelson (NE)	Shelby
Lautenberg	Nelson (FL)	Snowe
Leahy	Pryor	Stabenow
Lieberman	Reed	Tester
Lincoln	Reid	Udall (NM)
McCaskill	Risch	Vitter
Menendez	Roberts	Whitehouse
Mikulski	Rockefeller	Wicker
Murkowski	Schumer	Wyden
Murray	Shaheen	

NOT VOTING—2

Byrd	Specter

The amendment (No. 2580), was rejected.

AMENDMENT NO. 2623

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 2623, to be offered by the Senator from Hawaii, Mr. INOUYE. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, the McCain amendment rests on the assumption that congressional earmarks are for special treatment in awarding these contracts. But DOD's own inspector general concluded that the Department conducts identical oversight on earmarks and items funded in the President's budget. The McCain amendment also eliminates small business set-asides for earmarks. These set-asides benefit minority-owned, women-owned, disabled-veteran-owned businesses.

My amendment applies competitive contracting to earmarks for for-profit entities on the same basis as items in the President's budget, and protects funding for small businesses. The items funded by Congress or the President ought to be awarded using the same rules of the road.

I urge Senators to support my amendment.

The amendment is No. 2623. I call that up.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 2623.

Mr. INOUYE. I ask further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide full and open competition for congressionally directed spending items)

At the appropriate place, insert the following:

SEC. ____. (a) NATURE OF FULL AND OPEN COMPETITION FOR CONGRESSIONALLY DIRECTED SPENDING ITEMS.—Each congressionally directed spending item specified in this Act or the report accompanying this Act that is intended for award to a for-profit entity shall be subject to acquisition regulations for full and open competition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any contract awarded—

(1) by a means that is required by Federal statute, including for a purchase made under a mandated preferential program;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or

(3) in an amount less than the simplified acquisition threshold described in section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) CONGRESSIONALLY DIRECTED SPENDING ITEM DEFINED.—In this section, the term ''congressionally directed spending item'' means the following:

(1) A congressionally directed spending item, as defined in rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark for purposes of rule XXI of the House of Representatives.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, the side-by-side here is to basically neuter the intent of my amendment, which calls for competition for earmarks that are intended for for-profit companies. That is all it is, pure and simple. It is very well known how jealously the appropriators guard their earmarking, pork-barreling projects. My amendment, which is a side-by-side, would say we just put earmarks up for competition. The amendment of Senator INOUYE will gut that provision.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. INOUYE. 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) 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 77, nays 21, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—77

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murkowski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Pryor
Bennett	Hutchison	Reed
Bingaman	Inhofe	Reid
Bond	Inouye	Roberts
Boxer	Isakson	Rockefeller
Brown	Johnson	Sanders
Brownback	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Kirk	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Chambliss	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Voinovich
Conrad	Lieberman	Warner
Cornyn	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McConnell	Wicker
Durbin	Menendez	Wyden
Feinstein	Merkley	

NAYS—21

Barrasso	Burr	Corker
Bunning	Coburn	Crapo

DeMint	Grassley	McCaskill
Ensign	Johanns	Risch
Enzi	Kyl	Sessions
Feingold	LeMieux	Thune
Graham	McCain	Vitter

NOT VOTING—2

Byrd	Specter

The amendment (No. 2623) was agreed to.

AMENDMENT NO. 2560

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 2560 offered by the Senator from Arizona.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2560.

The amendment is as follows:

AMENDMENT NO. 2560

(Purpose: To require that earmarks for for-profit entities be subject to full and open competition)

At the appropriate place, insert the following:

SEC. _____. Any specific project contained in the Joint Explanatory statement accompanying this Act that is considered a congressional earmark for purposes of clause 9 of rule XXI of the Rules of the House of Representatives or a congressionally directed spending item as defined in rule XLIV of the Standing Rules of the Senate, when intended to be awarded to a for-profit entity, shall be awarded under full and open competition.

Mr. MCCAIN. I ask for a voice vote on this amendment.

Mr. COCHRAN. Mr. President, I urge the Senate to oppose amendment No. 2560 offered by the Senator from Arizona.

This amendment would require all congressionally directed spending items to be competed but would allow items requested by the President to be executed with limited or no competition.

In practice, this amendment would create separate acquisition criteria for items funded in the bill. It does not allow for traditional exceptions to the competitive process for such programs as small business set-asides, socially and disadvantaged firms, or women-owned businesses.

I urge my colleagues to vote ''no'' on the McCain amendment.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the McCain amendment purports to save tax dollars by requiring competition for earmarks for all businesses. However, it should be noted that if this amendment passes, small businesses would have to be competed against the big companies; women businesses will have to be competed; business by small Indian companies, Native Americans, will have to be competed, and disabled veterans. We have a choice here.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2560) was rejected.

AMENDMENT NO. 2583

The PRESIDING OFFICER. The next amendment is amendment No. 2583 from the Senator from Arizona.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2583.

The amendment is as follows:

AMENDMENT NO. 2583

(Purpose: To strike funding for the MARIAH Hypersonic Wind Tunnel Development Program)

At the appropriate place, insert the following:

SEC. ____. (a) MARIAH HYPERSONIC WIND TUNNEL DEVELOPMENT PROGRAM.—The amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' is hereby reduced by $9,500,000, with the amount of the reduction to be allocated to amounts available for the MARIAH Hypersonic Wind Tunnel Development Program.

Mr. MCCAIN. Mr. President, this would strike an unrequested $9.5 million earmark for a hypersonic wind tunnel research project called MARIAH. It is up to now some $90 million has been spent; nothing to show for it.

It is an Army program and here is what the Army says:

There are no current operational requirements for a hypersonic missile program within the Army. No Army missions currently require flight technologies. The Army does not have the need for a hypersonic wind tunnel.

It is hard to be more clear than that. So let's have the pork barrelers vote for it again.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, the Air Force Material Command said last year that:

Hypersonic military and commercial flight vehicles, including space asset vehicles, global research, and missile defense systems, are envisioned future needs.

We are talking about the future, we are not talking about the past. The United States lacks capability to adequately test hypersonic propulsion. The MARIAH Project will fix that gap in research and development.

Russia, China, and others are aggressively developing a new type of missile that is believed to be too fast for the U.S. missile defense. India and Russia have a joint venture engaged in laboratory testing of supersonic cruise missiles capable of speeds beyond Mach V.

The fact is, folks, we need to look at the future. We need to look at what is going to happen in the next 5 or 10 years. MARIAH is about seeing a potential threat to our national defense that is on the horizon and finding a way to defeat it.

I would encourage you to vote against the McCain amendment. It is vital to our national security to defeat this amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a subject second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) 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 43, nays 55, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—43

Alexander	DeMint	McCain
Barrasso	Ensign	McCaskill
Bayh	Enzi	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NAYS—55

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Kirk	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murray	

NOT VOTING—2

Byrd	Specter

The amendment (No. 2583) was rejected.

Mr. COCHRAN. Mr. 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. 2616, AS MODIFIED

The PRESIDING OFFICER. We will now proceed to 2 minutes equally divided on the Lieberman amendment, No. 2616, as modified.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, on behalf of my cosponsor, Senator SESSIONS, I want to speak briefly on the amendment, and then we will withdraw our request for a rollcall. The chairman and ranking member have agreed to accept the amendment on a voice vote.

To put this as simplistically and briefly as I can, as we all know, the administration has decided to terminate the ground-based midcourse ballistic missile defense system that was to go in Poland and the Czech Republic and substitute for it the so-called SM–3 system, an alternative system, to provide defense from missiles that are of short and medium range that would be fired from Iran, to protect our allies in Europe and the Middle East. Senator SESSIONS and I have been concerned that in

doing so, we have put ourselves in a position where we do not have the guarantee of an adequate defense for that day and the next decade when Iran will have completed its development of a long-range missile, an intercontinental ballistic missile that it could fire at the United States.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The time of the Senator has expired.

Mr. LIEBERMAN. Mr. President, you were too happy telling me that. I ask unanimous consent for an additional 30 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

Bottom line, we have developed a ground-based intercepter that was to go in Poland. We have it. It is ready to be tested. The alternative the administration is proposing to give the United States of America, our homeland, protection from a missile fired from Iran is basically on paper. If it is fully developed, it will give us protection.

But Senator SESSIONS and I offer this amendment to make sure we set money aside so we continue to test the ground-based intercepter as a hedge against a failure of this alternative system, to be ready to protect the United States of America. That is why we offer this amendment, why I thank the leadership of the committee for being willing to accept it, and why I hope it will remain in conference when the bill returns to the Senate.

I thank the Chair.

Mr. HATCH. Mr. President, today I rise in strong support of Senator LIEBERMAN's and Senator SESSIONS' amendment No. 2616 which will provide $151 million for the research and development of the two-stage ground-based interceptor missile.

I have always believed in having a plan B. Throughout my life I have learned the colloquial wisdom found in the saying ''do not put all your eggs in one basket'' has great merit.

In fact, in its most simplistic form, our Nation's strategic deterrent has been based upon the principle that you always need a backup plan. Specifically, for over 45 years our Nation's ultimate security guarantee for ourselves and our allies has been our Nation's nuclear triad composed of intercontinental ballistic missiles, bombers and submarine-launched intercontinental ballistic missiles. The idea was simple: If one leg of our defense system was knocked out or somehow rendered inoperable, the two other legs would maintain a more then credible deterrent.

Times have changed. But the continuing need for the triad was recently reaffirmed by Dr. James Schlesinger who was one of the principal members of the recently published final report of the Congressional Commission on the Strategic Posture of the United States.

However, the events of September 11 only underscored a new threat phenomena that is referred to in military circles as the asymmetric threat. Simply put, an asymmetric threat is the tactics which are used by our new adversaries, such as terrorists and rogue regimes, to counterbalance our Nation's traditional strengths in conventional warfare. The example which is seared in the mind of each American was the hijacking and crashing of civilian airliners on September 11.

Asymmetric threats are not just limited to terrorist activity and those nations which support it. It is also found in those nations which are developing ever more sophisticated ballistic missiles and even the ultimate weapon, the nuclear bomb.

But the asymmetric threat that I wish to discuss today is Iran's ballistic missile program. Though the President argues the Iranians are a decade away from deploying an intercontinental ballistic missile, this was not what our military experts were telling us just a few months ago. Specifically, the Air Force's National Air and Space Intelligence Center published an unclassified version of its Ballistic and Cruise Missile Threat report in April 2009—just 5 months ago—that ''Iran has an ambitious ballistic missile and space launch development programs and, with sufficient foreign assistance, Iran could develop and test an Intercontinental Ballistic Missile capable of reaching the United States by 2015.''

The report goes on to say ''in late 2008 and early 2009 it launched the Safir, a multi-stage space launch vehicle, that can serve as a test bed for long-range ballistic missile technologies. The [Iranian] 2009 test successfully placed a satellite in orbit.''

These conclusions are supported by the testimony of General Craddock, who while still Commander of U.S. European Command stated this March that ''Iran already possesses ballistic missiles that can reach parts of Europe and is developing missiles that can reach most of Europe . . . By 2015 Iran may also deploy an Intercontinental Ballistic Missile capable of reaching all of Europe and parts of the U.S.''

These are serious assessments and no doubt the President has good reason to believe the threat has changed and therefore made the decision to drop plans to deploy our ground-based midcourse interceptor, called GBI, to Europe. However, I am also mindful of the point the distinguished Senator from Connecticut made when he introduced his amendment. He astutely reminded the Senate that in 1998 the North Koreans tested their long range Taepodong missile just 7 days after our intelligence community concluded that North Korea was 3 years away from having that capability.

Which brings us back to the question: should we have a plan B?

We did until 2 weeks ago.

That plan B was to deploy a European-based GBI system to intercept intercontinental ballistic missiles fired from the Middle East at the United States and our European allies. According to the Bush administration this system was scheduled to be completed by 2013—2 years before our intelligence estimates, until recently, believed Iran would have an intercontinental ballistic missile.

However, under the new strategy, which relies on the continued development of the SM–3 missile, we and our allies must wait until 2018 to have a similar capability as planned by the previous administration and offered by the GBI in 2013. We also must remember the 2018 SM–3 deployment date can only be reached if everything goes according to plan—an all too rare occurrence in modern weapons development.

Not much of a plan B when one remembers that Iran has received extensive outside assistance in developing their ballistic missiles. For example, the National Intelligence Center concluded the Iranian Shahab–3, which has a range of 1,200 miles is based on the North Korean No Dong missile. In addition, Anthony Cordesman and Martin Kleiber in their 2007 book titled ''Iran's Military Forces and Warfighting Capabilities'' wrote that as early as October 1997 ''Russia began training Iranian engineers on missile production for the Shahab–3.'' The authors also pointed out that allegations have been made that various Chinese companies had assisted in Shahab–3s final development.

This, of course, begs the question what other outside assistance could the Iranians receive which could speed their development of an intercontinental ballistic missile?

That is why Senator LIEBERMAN and Senator SESSIONS' amendment is so important. It provides us with a plan B. It continues the deployment of a two-stage GBI. This is not a pie-in-the-sky plan. Our Nation has already deployed a three-stage GBI in Alaska and California and until 10 months ago the Department of Defense believed the two-stage system could be deployed by 2013.

Therefore, I urge my colleagues to support the Lieberman-Sessions amendment to provide funding for a plan B which could provide us with capabilities to intercept Middle East ICBMs launched against our interests and allies years before the President's plan.

The PRESIDING OFFICER. Who yields time in opposition?

If all time is yielded back, the question is on agreeing to the amendment, as modified.

The amendment (No. 2616), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. INOUYE. 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 Hawaii.

AMENDMENT NO. 2605

Mr. INOUYE. Mr. President, I ask unanimous consent that amendment No. 2605 be called up.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. BINGAMAN, for himself and Mr. UDALL of New Mexico, proposes an amendment numbered 2605.

Mr. INOUYE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available from Research, Development, Test, and Evaluation, Air Force, $5,000,000 to carry out evaluations and analyses of certain laser systems)

At the appropriate place, insert the following:

SEC. ____. (a) AMOUNT FOR EVALUATIONS OF CERTAIN LASER SYSTEMS.—Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'' and available for Advanced Weapons Technology (PE# 0603605F), up to $5,000,000 may be available to carry out the evaluations and analyses required by subsection (b).

(b) EVALUATIONS AND ANALYSES OF CERTAIN LASER SYSTEMS.—The Secretary of Defense shall, in a manner consistent with the October 8, 2008, report of the Air Force Scientific Advisory Board entitled ''Airborne Tactical Laser (ATL) Feasibility for Gunship Operations''—

(1) carry out additional enhanced user evaluations of the Advanced Tactical Laser system on a variety of instrumented targets; and

(2) enter into an agreement with a federally funded research and development center under which the center shall—

(A) conduct an analysis of the feasibility of integrating solid state laser systems onto C–130, B–1, and F–35 aircraft platforms to provide close air support; and

(B) estimate the cost per unit of such laser systems and the cost of operating and maintaining each such platform with such laser systems.

Mr. INOUYE. Mr. President, this amendment has been cleared by both sides. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2605) was agreed to.

HMMWV FUNDING

Mr. DURBIN. Mr. President, I wish to engage my colleague, Senator INOUYE, the chairman of the Appropriations Committee, in a colloquy.

I would first like to thank Senator INOUYE and Senator COCHRAN for their hard work in developing the fiscal year 2010 Department of Defense appropriations bill.

As the chairman knows, the budget amendment submitted by the White House in August 2009 reduced the proposed spending for high mobility multipurpose wheeled vehicle, HMMWV, from the initial request level by $375 million, leaving less than $1.2 billion in the program in fiscal year 2010. This year's reduction is in addition to a $162 million reduction taken in the fiscal year 2009 supplemental appropriations bill.

HMMWVs provide enhanced protection for our troops and are much more mobile and versatile than older models of the vehicle. There are still extensive requirements for HMMWVs throughout all the Services because the vehicle operates as a platform for numerous systems that perform multiple missions.

The National Guard still has a majority of the older HMMWVs that cannot meet current military, homeland security, or State disaster missions. Recently, the Adjutants General reported that by fiscal year 2011, 63 percent of their HMMWV fleet will be over 20 years old.

These critical military vehicles also provide high-paying manufacturing jobs in the heart of the Midwest. The HMMWV supports over 1,600 suppliers across 40 States—the majority of which are located in Illinois, Indiana, Ohio, and Michigan. These are skilled automotive workers and suppliers that have faced serious job losses over the last 2 years.

I am concerned that repeated funding reductions could erode the manufacturing base for this critical military vehicle and adversely affect our country's manufacturing capacity.

I would encourage the chairman to closely consider this situation as we move to a conference committee with the House.

Mr. INOUYE. I fully understand the Senator's concerns and support funding to meet our Nation's requirements for the HMMWV fleet. The HMMWV has proven its value over the years deployed in combat, in training at home and in homeland defense missions. I can assure you that we will carefully consider these factors as the fiscal year 2010 bill is completed.

Mr. FEINGOLD. Mr. President, I would like to address the growing interest in the Army's recent contract award to the Oshkosh Corporation for the family of medium tactical vehicles, which is currently being reviewed by the Government Accountability Office, GAO. A number of my colleagues in Congress have expressed their concern about the contract. They have registered their concern and desire for greater oversight on the floor of the Senate, as well as with the Department of Defense and GAO.

I have long called for greater congressional oversight of the defense acquisitions process. Our acquisitions process is broken and costs are spiraling out of control. This has undermined our ability to provide the equipment our troops need when they need it. We must have full and fair competition in order to contain costs and ensure proper performance of defense contractors. To this end, I was a strong supporter of enacting the Weapons Systems Acquisition Reform Act earlier this year.

However, I am concerned about the manner and timing of my colleagues' statements on this issue. The GAO is currently conducting an independent review of the contract. Congress should not be doing anything to foreclose or prejudice the GAO process, which would both undermine the GAO's independence and set a bad precedent for future protests. I am afraid that some of the public statements that have been made during the ongoing review, as well as letters to the GAO, may exceed Congress' proper role and could have the effect of undermining GAO's independence.

I, for one, am delighted that a company in my home State with a strong track record of providing vehicles to the military was awarded the contract. Wisconsinites take justifiable pride in the high-quality trucks and other products that Oshkosh Corporation designs and builds. I understand that some Members of Congress would have preferred a different outcome, and I respect that. But we must all recognize that the needs of the men and women of our armed services come first. The Armed Forces are best equipped to make decisions about their acquisition needs, as they have the expertise and experience needed to make decisions about the equipment needs of our troops. We should not try to substitute our judgments for those of experts in our military and at the GAO. I strongly urge my colleagues to refrain from passing judgment on the contract until we all have the opportunity to review the GAO's expert analysis. There should not be any room for politics in the acquisition process—our goal is to get the best product for the taxpayers' dollars.

Mr. DODD. Mr. President, I would like to take a moment to discuss a very important amendment that was adopted by the Senate. This amendment, which I was proud to cosponsor, expresses the sense of the Senate that the joint surveillance target attack radar system, known as Joint STARS, is one of the most effective and heavily tasked intelligence, surveillance, and reconnaissance assets in our Air Force. These aircraft provide critical imagery of tens of thousands of square miles to our troops every day, helping to protect the lives of our troops who are protecting our country so bravely overseas.

The Joint STARS fleet, although only 17 aircraft in size, has demonstrated immeasurable success in Iraq and Afghanistan. So far, they have flown over 55,000 combat hours, tracking the location and movement of enemy troops and discovering hundreds of improvised explosive devices. These aircraft consistently provide our troops on the ground with critical intelligence that helps them prepare for their missions in enemy territory.

The Joint STARS fleet has been protecting our troops for decades, and with that service has incurred expected wear and tear. With no aircraft being designed to replace them, it is absolutely critical that we provide the military with the funds they need to keep up with their heavy deployment cycles. These aircraft are in dire need

of new engines, which are now more than 40 years old. Failure to do so will cost the taxpayer billions of dollars in maintenance and operating costs. According to Air Force estimates, however, replacing the engines will pay for itself within 8 years. This is the only sensible solution.

Workers in Norwalk, CT, have been working on the radar for this aircraft for years. This unique technology provides overall images of the battle space, ensuring our troops receive the most complete and accurate intelligence possible, from camouflaged insurgent camps and enemy vehicles to incoming cruise missiles. It is an incredible product which lends itself to some of the most industrious and dedicated workers in the field. There are hundreds of workers across the country like those in Norwalk that labor day in and day out to ensure that the Joint STARS fleet is able to continue to protect our brave men and women in uniform.

Our troops cannot afford a lapse in the critical surveillance capability provided by our Joint STARS fleet. Our warfighters depend on this cutting edge technology every day, and we must ensure that we do not deny our troops the intelligence they need to successfully and safely execute their missions overseas.

Mr. REID. Mr. President, I rise in support of the passage of H.R. 3326, the fiscal year 2010 Defense appropriations bill.

The legislation before us will fund critical priorities in the Department of Defense designed to protect our Nation from current threats and develop cutting-edge warfighting technologies for the future. It will provide the essential resources, equipment, and support for the nearly 200,000 military servicemembers now serving in Iraq and Afghanistan. And it will fund more than $89 million in projects to create jobs in Nevada and help support Nevada's role in keeping our country safe.

During the course of the Senate's debate on this bill, we considered an amendment relating to U.S. operations in Afghanistan. The Obama administration is currently in the midst of an extremely important examination of our strategy in Afghanistan.

Getting that strategy right is critical. To make sure we have the right strategy, the President has rightly undertaken consultation with a wide range of military, civilian, and intelligence community officials, as well as with Members of Congress.

The amendment we considered was an attempt to cut off those discussions, to force the President's hand. This amendment was the wrong approach at the wrong time.

Right now, there are hundreds of servicemembers and civilians from my home State of Nevada serving courageously in Afghanistan. Many of these troops have been serving in the military since the 9–11 terrorist attacks on our country.

These troops have, in many cases, been deployed overseas three, four, and sometimes even five times. That means 3, 4, or more years that they have been taken away from their families and loved ones during the last 8 years.

Many of them have missed the births of their children, or their babies' first steps. Many have been pulled away from their civilian jobs, and have taken significant pay cuts. And, unfortunately, many troops in Nevada and throughout the Nation have made the ultimate sacrifice in service to our mission in Afghanistan.

We owe these troops a rigorous and deliberative debate on the proper strategy in Afghanistan. We owe it to them to make sure we have examined every possible option so that we give them the best chance to win and to stay out of harm's way. To rush this process is to undercut the President's effort to protect to accomplish these objectives.

Unfortunately, a number of Senators have sought to do just that. They have called for military commanders to begin testifying about our strategy in Afghanistan before that strategy is set by the Commander in Chief. That approach is a blatant attempt to force the President's hand, to circumvent the rigorous, deliberative review that a decision of this magnitude demands. It would short-circuit the administration's review of our Afghanistan strategy, and it would cut many important voices out of the picture. Our troops and our national security cannot afford such a rash step.

Now, I agree that GEN Stanley McChrystal, Commander of U.S. Forces in Afghanistan, should testify to Congress about our strategy in Afghanistan. But, as his counterpart, GEN David Petraeus, did when this Chamber was debating our strategy in Iraq, I think it is appropriate for that testimony to occur after his Commander in Chief has arrived at a decision.

In the last several days, I have had the opportunity to meet with Secretary of Defense Robert Gates and GEN Jim Jones, the President's National Security Adviser, to discuss the questions now facing us on Afghanistan. Today, I had the opportunity, along with several of my colleagues, to have a similar discussion with the President.

All three of these officials have made it clear that they are in the midst of a vigorous, healthy discussion in which military commanders, including General Petraeus and General McChrystal, have key seats at the table. They are working through a disciplined and deliberate process in which they will determine a strategy that will best advance the security interests of the United States and then determine the appropriate resources to allocate in implementing that strategy.

Talking about changes in troop levels or other resources before we have worked out the right strategy simply puts the cart before the horse. Now is not the time for such an irresponsible approach. Now is the time for all the best minds on the administration's national security team to take a hard look at our policy in Afghanistan, free from politics and other interference, and make sure we get it right.

As we move forward in this debate, my foremost priority will be to ensure that, no matter what the strategy, the brave servicemembers from Nevada and across America who are serving in Afghanistan have the support and resources they need to succeed in their mission. I am confident that the bill before us today takes an important step toward that goal, and I urge my colleagues to support it.

The PRESIDING OFFICER. Under the previous order, the committee-reported substitute, as amended, is agreed to and the motion to reconsider is considered made and laid upon the table.

The question is on the engrossment of the committee amendment in the nature of a substitute, as amended, 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.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The result was announced—yeas 93, nays 7, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—93

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Grassley	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Harkin	Pryor
Bingaman	Hatch	Reed
Bond	Hutchison	Reid
Boxer	Inhofe	Risch
Brown	Inouye	Roberts
Brownback	Isakson	Rockefeller
Bunning	Johanns	Sanders
Burr	Johnson	Schumer
Burris	Kaufman	Sessions
Byrd	Kerry	Shaheen
Cantwell	Kirk	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Specter
Casey	Kyl	Stabenow
Chambliss	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	LeMieux	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
Crapo	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Ensign	Menendez	Wyden

NAYS—7

Barrasso	Enzi	McCain
Coburn	Feingold	
DeMint	Graham	

The bill (H.R. 3326), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair is authorized to appoint the following conferees on the part of the Senate:

The Presiding Officer appointed Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. SPECTER, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BENNETT, and Mr. BROWNBACK, conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Hawaii.

MORNING BUSINESS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DELAWARE ARMY NATIONAL GUARD

Mr. KAUFMAN. Mr. President, I rise today to welcome home the Delaware Army National Guard's 261st Tactical Signal Brigade from Iraq. Just over 1 year ago, on October 2, 2008, 110 brave citizen soldiers left behind their families in the great State of Delaware to serve their country with honor in Iraq. Nearly 1 year later, on September 30, 2009, all 110 members of the 261st returned to Dover Air Force Base to be reunited with their families.

I am extremely grateful that each member of the 261st has returned safely to Delaware, and I offer them my deep gratitude, respect, and admiration for their service. I know I speak for all Delawareans when I say just how proud I am of their contributions in Iraq.

Under the leadership of the Delaware National Guard Adjutant General, MAJ Frank Vavala, the 261st trained for 1 year to prepare for their deployment. Under the command of BG Scott Chambers they served with distinction at Camp Victory in Baghdad. I had the privilege of visiting the 261st in April and then again in September during my two visits to Iraq. I was enormously proud to see the tremendous work they were doing, and I was honored to spend time with these inspiring men and women from Delaware during my trip.

While in Iraq, the 261st played a critical role as the first National Guard unit to maintain and administer the communications network. They also ran the Baghdad Signal University which trained Iraqi nationals in communication skills. During each visit, I was impressed by the professionalism and the commitment of the members of the 261st. There is no question that their unique skill set and unwavering commitment greatly contributed to the U.S. mission in Iraq.

As we see progress in infrastructure and security in Iraq, it is due in no small part to the efforts of the Delaware National Guard. The 261st worked tirelessly to share their expertise and knowledge with their Iraqi counterparts, expanding the Iraqi capacity to manage their own communications networks and systems. The families of the Guard can rest assured knowing that despite their great sacrifice over the past year and the difficulties they faced in being separated from their loved ones, the 261st left Iraq a better place because of their service.

The volunteers of the 261st are part of a proud and historic Delaware tradition. For decades, the 261st has served its country with great honor and distinction. Since 1924, it has deployed in times of need, first, as a part of the Delaware National Guard 261st Coast Artillery Battalion. The 261st was activated again on January 27, 1941, to participate in coastal defense operations during World War II. Since then, the mission of the 261st has evolved from defending the homeland to a broader global mission, such as that in Iraq, where it played a vital role in building communication networks and engaging in information operations.

We are truly fortunate as a nation to have so many dedicated volunteers willing to serve on the front lines defending our interests at home and abroad, and I am especially grateful to the 261st for their courageous service.

As we welcome this unit home from Delaware, we also send our prayers for the safe return of all of those serving our Nation in Afghanistan and Iraq.

Mr. President, I yield the floor.

VOTE EXPLANATION

Mr. UDALL of Colorado. Mr. President, due to family-related reasons, I was unable to cast a vote for rollcall vote No. 306, the nomination of Thomas Perez to be Assistant Attorney General, Civil Rights Division, Department of Justice. Had I been present, I would have voted ''yea'' to confirm the nominee.

SOUTHGATE VOLUNTEER FIRE DEPARTMENT CELEBRATES ITS CENTENNIAL

Mr. MCCONNELL. Mr. President, I would like to congratulate the Southgate Volunteer Fire Department for celebrating its centennial this October. Over the past century, the Southgate Volunteer Fire Department has been comprised of numerous men and women who have dedicated their lives to serving their community.

The record of excellence at Southgate Volunteer Fire Department has made all the difference in reaching this glorious milestone in its history. This year the department won its fourth State Fire Olympics; the State Fire Olympics hosts five different events that test the skills of firefighters and explorer teams. The extensive 3,000 hours spent per year on training has no doubt aided in the achievements made by the department. The Southgate Volunteer Fire Department became one of the first in Campbell County to develop life squads, and it has also been recognized as one of the first in Kentucky to carry semiautomatic external defibrillators.

The strength and dedication of the department was tested at the Beverly Hills Supper Club Fire in May of 1977, surely the most difficult day in its 100-year history. The Southgate Volunteer Fire Department was at the forefront of that firefighting effort and was aided by another 500 firefighters from throughout Kentucky, Indiana, and Ohio. There were 3,800 people rescued from the fire that night, all because of the valor and dedication shown by these heroes.

The department's current chief, John Beatsch, manages 75 members of the Southgate Volunteer Fire Department, and in 2004 and 2005 the Southgate Volunteer Fire Department boasted the induction of two previous chiefs into the Firefighters Hall of Fame. Early in 2000, with aid from the State, the department received a new administration office, sleeping quarters, new dress and work uniforms, and two new semiautomatic external defibrillators.

The foundation of excellence that began 100 years ago still stands as the volunteers of this brave department have dedicated their lives to protecting their community. I am confident that tradition will continue on for the next 100 years as the Southgate Volunteer Fire Department continues to keep the people of Kentucky safe. I know all of my colleagues join me in congratulating the men and women of the Southgate Volunteer Fire Department for their service and their heroism.

HONORING OUR ARMED FORCES

CAPTAIN BENJAMIN SKLAVER

Mr. DODD. Mr. President, it is with a heavy heart that I rise today to honor the memory of U.S. Army Reserve CAPT Benjamin Sklaver, who was killed on October 2, when his patrol came under attack in Muscheh, Afghanistan. He was 32 years old.

Captain Sklaver personified the values and qualities of a U.S. Army officer, and dedicated himself to improving his country and helping those most in need, both in uniform and as a private citizen. As a U.S. Army captain, Benjamin Sklaver distinguished himself as a capable and talented leader; and as an employee of the CDC and

FEMA Captain Sklaver used his skills to help Americans prepare for and recover from disaster.

Perhaps the most inspiring chapter of his life came after a 2007 deployment to the Horn of Africa, where Captain Sklaver saw how hard it was for rural Ugandan villagers to obtain clean drinking water. Upon his return to the United States, Sklaver helped found the ClearWater Initiative to help bring access to clean water to war torn regions. In just 2 short years, Captain Sklaver's Initiative provided access to clean, potable water to over 6,500 people in Africa, where his charity work earned him the nickname ''Moses Ben.''

Guided by a deep sense of patriotism and the Jewish principle of Tikkun Olam, or fixing the world, Captain Sklaver touched the lives of thousands, and his contributions to his country and to those he helped around the world will not soon be forgotten.

All of us owe a deep debt of gratitude to Captain Sklaver and his family. I extend my deepest condolences to Captain Sklaver's parents Gary and Laura, his brother Samuel, his sister Anna, his fiancé Beth Segaloff, and to all those who knew and loved him.

SPECIALIST JUSTIN PELLERIN

Mrs. SHAHEEN. Mr. President, I wish to express my sympathy over the loss of U.S. Army SPC Justin Pellerin, a 21-year-old resident of Concord, NH. Specialist Pellerin was killed while conducting combat operations in Wardak Province, Afghanistan, on August 20, 2009.

Specialist Pellerin was a 2006 graduate of Concord High School. It was there that he met Chelsea, his high school sweetheart, whom he would later marry. The two had just celebrated their 1-year anniversary and were looking forward to Justin returning home in December. His family and friends remember him for his sharp sense of humor, his selflessness, and his love of American muscle cars.

Justin joined the Army because he wanted to make a difference in the world. For his distinguished service, he has been awarded the Bronze Star, the Purple Heart, the Good Conduct Medal and the National Defense Service Medal. He, and the thousands of brave men and women of the U.S. Armed Forces, represent the best in America's long tradition of duty, sacrifice, and service.

In addition to his wife Chelsea, Specialist Pellerin is survived by his mother Melissa; stepfather Dale Farmer; and two younger sisters Molly and Hannah. He will be missed dearly by all those who knew him.

I ask my colleagues to join me and all Americans in honoring the life of SPC Justin Pellerin.

SERGEANT MICHAEL C. ROY

Mr. President, I wish to express my sympathy over the loss of U.S. Marine SGT Michael C. Roy, a 25-year-old native of Manchester, NH. Sergeant Roy was killed while conducting combat operations in Nimroz province, Afghanistan on July 8, 2009.

Sergeant Roy was born in Manchester and grew up in nearby Candia before moving with his family to Florida. He served two tours of duty in Iraq prior to his deployment to Afghanistan as a member of the 3rd Marine Special Operations Battalion based out of Camp Lejeune, NC.

According to his family, Sergeant Roy loved being a marine. He joined the service at the age of 18 and often shared his stories of the Corps with his siblings. He was also a devoted husband and the loving father of three young children.

No words can diminish the loss of this devoted husband and father, but I hope Sergeant Roy's family will take solace in the deep gratitude and appreciation all Americans share in honoring his service to our country. He, and the thousands of brave men and women of the U.S. Armed Forces serving today, deserve America's highest honor and recognition.

In addition to his wife Amy and their children Olivia, Michael, and Landon, Sergeant Roy is survived by his father Michael and his mother Lisa Hickey. He will be missed dearly by all those who knew him.

I ask my colleagues to join me and all Americans in honoring the life of SGT Michael C. Roy.

RECOGNIZING ACT, INC.

Mr. GRASSLEY. Mr. President, I come before the Senate today to commemorate the 50th anniversary of an Iowa educational organization that has become a household word for Americans entering postsecondary education or the workforce, and which has gained a solid international reputation as well, ACT, Inc. Over those 50 years, this organization has grown to be one of the most significant gateways between secondary education and postsecondary education or the workplace. I would like to describe some of the work this institution has done that has made such an important contribution to American education.

ACT was founded in 1959 at a meeting in Iowa's old State capitol on the campus of the University of Iowa. It was launched as the ''American College Testing Program'' by a University of Iowa professor of education, the University of Iowa's registrar, and representatives of 16 Midwestern States. Their goal was to help all students who wanted to attend college find a good match for their interests and abilities, and to help colleges and universities place students into appropriate freshmen-level classes. On November 7, 1959, about 75,000 students took the first ACT assessment. By comparison, in the high school graduating class of 2009, nearly 1.5 million students, or 45 percent of all high school graduates in the Nation, took the ACT.

ACT now conducts extensive research designed to help provide solutions to the complex education problems facing the country. For example, they have developed a college and career readiness system for students beginning in middle school and continuing through postsecondary education. This system helps students stay on target to be ready to succeed in college or workforce training programs when they graduate high school, without the need for remedial classes, and monitors their success in postsecondary education once they leave high school.

ACT is also involved in researching solutions to the Nation's workforce challenges. For example, ACT developed the National Career Readiness Certificate to confirm that individuals have essential core employability skills. ACT is one of several partners in a new manufacturing skills certification system designed by the National Association of Manufacturers, the Nation's largest industrial trade organization.

Furthermore, ACT is helping build bridges between the United States and many other nations to help them improve their education and workforce systems, and to help people in other nations learn the English language. For example, through local partners, ACT conducts a 9-month pre-university program in 13 countries, including China, Korea, Indonesia, Fiji, Australia, New Zealand, Canada, Mexico, and countries in South America. There are more than 30 teaching centers in China. This program prepares students to study in English-language universities in the United States and elsewhere. This contributes to our country's standing in the world. As a nation, we benefit from foreign talent, as students from other nations come to study in U.S. colleges and universities. Individuals who return to their home countries in turn go back with a greater understanding of Americans and our way of life.

I offer my congratulations to the over 1,000 Iowa residents employed with ACT, its directors, and other members of its State organizations on their 50-year history of helping people achieve education and workplace success. I look forward to following their accomplishments for many years to come.

TRIBUTE TO DRS. WILLARD S. BOYLE AND GEORGE E. SMITH

Mr. MENENDEZ. Mr. President, I rise to extend my deepest congratulations to Drs. Willard S. Boyle and George E. Smith—two New Jersey scientists who have been awarded the Nobel Prize in Physics, an incredible honor for extraordinary ingenuity in their chosen field and fitting recognition for their outstanding achievement.

They have expanded the boundaries of science, inventing something most of us do not understand, but which has made a difference in our lives. The invention of the charged-coupled device,

or CCD, now found in digital cameras used around the world and by NASA on the ground-breaking Hubble Telescope, revolutionized how we take photographs and manipulate and transfer images. It has given us insight into the deepest reaches of space, allowed us to see remarkable images that have made us better understand the vastness and magnificence of the universe, and better appreciate the simple images in our family photographs.

Dr. Boyle and Dr. Smith have done their work at Bell Laboratories in Murray Hill, NJ, and now have enriched our State's proud tradition of scientific breakthrough and innovation. We can add their names to those of Albert Einstein, who made Princeton his base, and Thomas Edison, who from his Garden State lab invented the incandescent light bulb that lit the world. The names of Boyle and Smith will now loom large in the scientific history of our State. They have made New Jersey and the United States very proud.

Their contribution to science is in their remarkable discovery, but their legacy to mankind is in their pioneering spirit, their ingenuity, and their quest to look further, think harder, and discover what no one else could.

I join with my colleagues and with every American in thanking them for making our lives better and wish them the very best as they continue careers that brought them to this place, having earned a Nobel Prize almost 40 years to the day after they began their long scientific journey.

To Dr. Boyle and Dr. Smith, we offer the best wishes of a grateful Nation.

125TH ANNIVERSARY OF THE U.S. NAVAL WAR COLLEGE

Mr. REED. Mr. President, today I recognize the 125th anniversary of the U.S. Naval War College. The Naval War College was established on October 6, 1884, in Newport, RI, to provide an advanced course of professional study for both military officers and civilians. The mission has evolved over the years to include developing strategic and operational leaders, helping the Chief of Naval Operations define the future Navy, strengthening maritime security cooperation, and supporting combat readiness.

The Naval War College serves as a center for research that develops advanced strategic, warfighting, and campaign concepts for future deployment of maritime, joint, and combined forces. The Naval War College works closely with the Navy Warfare Development Command and the Chief of Naval Operations Strategic Studies Group in developing and analyzing national security issues. Through the Naval Command College and the Naval Staff College, naval officers from around the world come to prepare for high command responsibilities, and to learn about the U.S. Navy's methods, practice, and doctrine. The Naval War College also supports combat readiness among the U.S. Navy's commanders through operational planning, analysis, and war-gaming to respond to changing operational environments.

Some of our Nation's greatest military and civilian leaders have attended the Naval War College including FADM Chester Nimitz, the Commander of the Pacific Fleet during World War II; RADM Alan Shepard, the first American in space; Ambassador Christopher Hill, the current U.S. Ambassador to Iraq; and Marine Corps GEN James Cartwright, the current Vice Chairman of the Joint Chiefs of Staff. Indeed, even our two combatant commanders in Afghanistan and Iraq, GEN Stanley McChrystal and GEN Raymond Odierno, are both graduates of the Naval War College.

I am proud of the talented men and women who have made the Naval War College the strong institution it is today, and I congratulate the entire Naval War College community on this important milestone.

ADDITIONAL STATEMENTS

RECOGNIZING THE SIMPSON COUNTY HISTORICAL SOCIETY

• Mr. BUNNING. Mr. President, I wish to honor the Simpson County Historical Society on their 50th anniversary. This is a momentous occasion for their organization and for the residents of South Central Kentucky.

The society was founded in 1959 by 37 dedicated citizens who wished to preserve the historical treasures in the area. The society began by meeting in a private home, and soon the group acquired a small collection of books that were maintained at the local library.

As the society expanded, its leaders were able to persuade the government of Simpson County to provide the old jail and jailer's house as the permanent facility of the society. This decision led to the creation of the Simpson County Archives and Museum that now holds thousands of books, city and county records, and other historical materials of significant value. The society has also continued the upkeep of the old jail and jailer's house, which date from the early 1800s.

However, the Simpson County Historical Society has not simply collected and preserved documents. They have also been active in encouraging the study of local history and culture. The society has provided scholarships for students wishing to pursue the study of history and maintained numerous historical markers in Simpson County. Finally, the group has positively impacted the economy by supporting tourist visits to historic sites throughout Kentucky.

I am very proud of the service the Simpson County Historical Society has provided to the Commonwealth of Kentucky. Their dedication through these many years makes them one of the oldest historical societies in the State, and I am confident that their impact will continue for many years to come.•

TRIBUTE TO DR. MICHAEL POSNER

• Mr. MERKLEY. Mr. President, today I wish to honor Dr. Michael Posner, Professor Emeritus, Department of Psychology, Institute of Cognitive and Decision Sciences at the University of Oregon. Dr. Michael Posner is one of nine scientists awarded the prestigious National Medal of Science award this year by President Barack Obama.

Dr. Posner received both his bachelor's degree in physics and his master's degree in psychology from the University of Washington in Seattle. In 1962, he received his doctorate in psychology from the University of Michigan. Dr. Posner joined the University of Oregon in 1965 and ever since has inspired students and impressed colleagues.

Dr. Posner is a pioneer in the field of cognitive science and neuroscience and has won numerous awards. His groundbreaking research on brain development and how the brain processes thought have been recognized by numerous organizations such as the American Psychological Association and the National Academy of Sciences.

Dr. Posner has dedicated his career to researching how the brain functions and most recently, on attentional networks in children and infants. He has made invaluable contributions to our medical, educational, and scientific communities. I am proud that Dr. Posner's groundbreaking work at the University of Oregon is helping put our State at the forefront of developing innovative medical and scientific research.

I encourage my fellow Oregonians to join me in celebrating the innovative spirit of Dr. Posner and the entire University of Oregon faculty for their cutting-edge scientific research. Generations of Americans are in debt to Dr. Posner for his breakthroughs that have improved their lives. This recognition for his lifetime of achievement is well-earned. I hope that his example can inspire our State and our Nation to renew our commitment to education and academic research.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1687. An act to designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the ''Ralph Regula Federal Building and United States Courthouse''.

H.R. 2053. An act to designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the ''Albert Armendariz, Sr., United States Courthouse''.

H.R. 2121. An act to authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

H.R. 2498. An act to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the ''William 0. Lipinski Federal Building''.

H.R. 2913. An act to designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the ''Sidney M. Aronovitz United States Courthouse''.

S. 1289. An act to improve title 18 of the United States Code.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1751. 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 or any other entity which has been indicted for or convicted of violations of laws governing election administration or campaign financing.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER (for herself, Mr. MERKLEY, Mr. LIEBERMAN, and Mr. BAYH):

S. 1754. A bill to amend the Internal Revenue Code of 1986 to provide for a standard home office deduction in the case of certain uses of the office; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1755. A bill to direct the Department of Homeland Security to undertake a study on emergency communications; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SPECTER, Mr. KOHL, Mr. SCHUMER, Mr. FRANKEN, Mr. SANDERS, Mr. BROWN, Mr. CARDIN, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. DODD, Mrs. BOXER, Mr. LAUTENBERG, Mr. KAUFMAN, and Mr. NELSON of Florida):

S. 1756. A bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT:

S. 1757. A bill to provide for the prepayment of a repayment contract between the United States and the Uintah Water Conservancy District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 1758. A bill to provide for the allocation of costs to project power with respect to power development within the Diamond Fork System, 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. WYDEN (for himself and Mr. MERKLEY):

S. Res. 303. A resolution expressing the sense of the Senate that October 17, 1984, the date of the restoration by the Federal Government of Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, should be memorialized; to the Committee on Indian Affairs.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. Res. 304. A resolution commemorating the canonization of Father Damien de Veuster, SS.CC. to sainthood; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. KERRY, and Mr. LUGAR):

S. Res. 305. A resolution expressing support for the victims of the natural disasters in Indonesia, Samoa, American Samoa, Tonga, Vietnam, Cambodia, and the Philippines; considered and agreed to.

By Mr. REED (for himself, Ms. COLLINS, Mr. KERRY, Mr. CARDIN, Mr. WHITEHOUSE, Mr. DODD, Mr. COCHRAN, Mr. ISAKSON, Mr. BROWN, Mr. NELSON of Nebraska, Mrs. BOXER, and Mr. JOHANNS):

S. Res. 306. A resolution designating the week of October 18 through October 24, 2009, as ''National Childhood Lead Poisoning Prevention Week''; considered and agreed to.

By Mr. SPECTER (for himself, Mr. CASEY, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. FRANKEN, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Con. Res. 45. A concurrent resolution encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 169

At the request of Mr. ISAKSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 169, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 213

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 257

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 257, a bill to amend title 11, United States Code, to disallow certain claims resulting from high cost credit debts, and for other purposes.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 451

At the request of Ms. COLLINS, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 473

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 575

At the request of Mr. CARPER, the names of the Senator from Florida (Mr. NELSON) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 575, a bill to amend title 49, United States Code, to develop plans and targets for States and metropolitan planning organizations to develop plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes.

S. 831

At the request of Mr. KERRY, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 883

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women

who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 1065

At the request of Mr. CASEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

At the request of Mr. BROWNBACK, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1065, supra.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1348

At the request of Mr. CHAMBLISS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1348, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1655

At the request of Mr. NELSON of Nebraska, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1655, a bill to authorize the Secretary of Education to award grants for the support of full-service community schools, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. TESTER) 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. 1672

At the request of Mr. REED, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1672, a bill to reauthorize the National Oilheat Research Alliance Act of 2000.

S. 1678

At the request of Mr. CARDIN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of S. 1678, a bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes.

S. 1682

At the request of Ms. CANTWELL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1682, a bill to provide the Commodity Futures Trading Commission with clear antimarket manipulation authority, and for other purposes.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1700

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1700, a bill to require certain issuers to disclose payments to foreign governments for the commercial development of oil, natural gas, and minerals, to express the sense of Congress that the President should disclose any payment relating to the commercial development of oil, natural gas, and minerals on Federal land, and for other purposes.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

S. 1710

At the request of Mr. VITTER, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Texas (Mr. CORNYN), the Senator from Kentucky (Mr. BUNNING), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. DEMINT), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Dakota (Mr. THUNE), the Senator from Idaho (Mr. CRAPO), the Senator from Oklahoma (Mr. INHOFE), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Ohio (Mr. VOINOVICH), the Senator from Alabama (Mr. SESSIONS), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), the Senator from Tennessee (Mr. CORKER), the Senator from Mississippi (Mr. WICKER), the Senator from Idaho (Mr. RISCH) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of S. 1710, a bill to prohibit recipients of TARP assistance from funding ACORN, and for other purposes.

S. 1749

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1749, a bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. RES. 263

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 263, a resolution designating October 2009 as ''National Medicine Abuse Awareness Month''.

AMENDMENT NO. 2570

At the request of Mrs. FEINSTEIN, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. SANDERS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of amendment No. 2570 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2588

At the request of Mr. FRANKEN, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. MERKLEY), the Senator from Florida (Mr. NELSON), the Senator from California (Mrs. FEINSTEIN), the Senator from Ohio (Mr. BROWN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 2588 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2594

At the request of Mr. SHELBY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 2594 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2596

At the request of Mr. BOND, the names of the Senator from Florida (Mr. LEMIEUX) and the Senator from Utah (Mr. HATCH) were added as cosponsors of amendment No. 2596 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2616

At the request of Mr. LIEBERMAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 2616 proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. DURBIN, Mr. SPECTER, Mr. KOHL, Mr. SCHUMER, Mr. FRANKEN, Mr. SANDERS, Mr. BROWN, Mr. CARDIN, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. DODD, Mrs. BOXER, Mr. LAUTENBERG, Mr. KAUFMAN, and Mr. NELSON of Florida):

S. 1756. A bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEAHY. Mr. President, today, I am pleased to join Senator HARKIN and other Senators to introduce the Protecting Older Workers Against Discrimination Act. This legislation overturns the Supreme Court's recent decision in Gross v. FBL Financial Services, a divided case that thwarted congressional intent, overturned well-established precedent, and delivered a major blow to the ability of older workers to fight age discrimination. This bill restores the intent of Congress to fully empower older workers to seek redress in the courts, and to root out discrimination in the workplace.

I thank Senator HARKIN for introducing this bill, and I commend him for his commitment and dedication over the years to ensure that the promise of equal opportunity is real for all Americans. We worked hard last year to enact into law the ADA Amendments Act, which clarified and expanded protections for Americans with disabilities. I am proud to once again join as an original cosponsor of legislation that will do the same for older workers. I am also pleased that Congressman GEORGE MILLER will introduce a companion bill in the House today as well.

This Nation was founded on the promise of equal rights and equal opportunity for all Americans. To fulfill this promise, Congress has enacted a full slate of civil rights laws to eliminate discrimination in society, including the workplace. In 1967, Congress passed the Age Discrimination and Employment Act, ADEA, with the intent to extend protections against workplace discrimination to older workers. We strengthened those protections in the Civil Rights Act of 1991, which the Senate passed by a vote of 93 to 5.

Last month, Senators from both sides of the aisle joined together to celebrate the life and accomplishments of Senator Ted Kennedy, whose legacy includes authoring and shepherding these civil rights measures into law. As Senator Kennedy said, ''It has long been clear that effective enforcement of civil rights and fair labor practices is possible only if individuals themselves are able to seek relief in court.''

However, contrary to the intent of Congress, the Supreme Court's decision in Gross will make it more difficult for older workers victimized by age discrimination to seek relief in court, and more difficult for those victims who actually get their day in court to vindicate their rights.

In passing the ADEA, Congress aimed to eliminate all forms of age discrimination in the workplace. Consistent with this goal, courts have for decades interpreted the ADEA to lessen the burdens on older workers victimized by discrimination. Victims of age discrimination were only required to show that age was a ''motivating factor'' for an employer's adverse action, though other factors may have also motivated a company's firing or termination of an employee.

In Gross, however, the Supreme Court misinterpreted the intent of Congress and ignored the longstanding precedent in a way that resulted in weakening core civil rights protections for older workers. In a 5–4 decision, a majority of the Court concluded that under the ADEA an employee must now prove that age was the sole cause of an employer's adverse action. As a result, despite our intent to provide the same protections for older workers in the ADEA as we provided for racial minorities in Title VII of the Civil Rights Act of 1964, today older workers now have less protection against workplace discrimination.

I am concerned that the Gross decision will allow employers to discriminate on the basis of age with impunity as long as it is paired with other reasons. Older workers, who make up nearly 50 percent of the American workforce, are particularly vulnerable to suffering discrimination during difficult economic times. In fact, age discrimination complaints filed with the Equal Employment Opportunity Commission jumped nearly 30 percent between 2007 and 2008. I fear that in the wake of Gross few, if any, of these victims will attain justice.

The Protecting Older Workers Against Discrimination Act, which is modeled on the Civil Rights Act of 1991, would reverse the Gross decision, strengthen the safeguards of the ADEA, and restore fundamental fairness. The bill eliminates the high burden of proof that victims of age discrimination must meet after Gross. It clarifies that the standard for proving discrimination under the ADEA and other anti-discrimination and anti-retaliation laws is the same as the standard for proving race discrimination under Title VII. The bill makes clear that when a litigant shows that age was a motivating factor for an adverse employment action, the burden is on the employer to prove it complied with the law. This bill restores the law to what it was for decades before the Court rewrote the rule.

The bill also ensures that all workers will be treated equally in the workplace. Today, some lower courts have already applied Gross to weaken the protections in other anti-discrimination statutes. The legislation clarifies that the ''motivating factor'' standard applies to all anti-discrimination and anti-retaliation laws, and reflects a broader commitment to address the needs of all persons who suffer discrimination. It reaffirms that Americans' rights will be honored. It also restores the faith of the public that our civil rights laws are just and fair. Those are timeless American values that we can all embrace.

We have drafted this measure after long and thoughtful consideration with the Leadership Conference on Civil Rights, a broad coalition of hundreds of civil rights and workers' rights organizations. The bill also has the support of AARP, the National Senior Citizens Law Center, the National Women's Law Center and the National Employment Lawyers Association. Their support gives me confidence that this legislation will improve the lives of all Americans.

Time has shown that the ADEA has been one of our Nation's most effective tools in combating discrimination. Its continued effectiveness is important to ensure that the great progress we have made in widening the doors of opportunity for all Americans continues in the future. The Protecting Older Workers Against Discrimination Act will restore vital protections that have long secured the promise of equal rights and equal opportunity for older workers. I hope all Senators will support passing this critical civil rights measure this year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 303—EXPRESSING THE SENSE OF THE SENATE THAT OCTOBER 17, 1984, THE DATE OF THE RESTORATION BY THE FEDERAL GOVERNMENT OF FEDERAL RECOGNITION TO THE CONFEDERATED TRIBES OF COOS, LOWER UMPQUA, AND SIUSLAW INDIANS, SHOULD BE MEMORIALIZED

Mr. WYDEN (for himself and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 303

Whereas the Coos, Lower Umpqua, and Siuslaw Restoration Act (25 U.S.C. 714 et seq.), which was signed by President Ronald Reagan on October 17, 1984, restored Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians;

Whereas the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians historically inhabited land now in the State of Oregon, from Fivemile Point in the south to

Tenmile Creek in the north, west to the Pacific Ocean, then east to the crest of the Coast Range, encompassing the watersheds of the Coos River, the Umpqua River to Weatherly Creek, the Siuslaw River, the coastal tributaries between Tenmile Creek and Fivemile Point, and portions of the Coquille watershed;

Whereas in addition to restoring Federal recognition, the Coos, Lower Umpqua, and Siuslaw Restoration Act and other Federal Indian statutes have provided the means for the Confederated Tribes to achieve the goals of cultural restoration, economic self-sufficiency, and the attainment of a standard of living equivalent to that enjoyed by other citizens of the United States;

Whereas by enacting the Coos, Lower Umpqua, and Siuslaw Restoration Act, the Federal Government declared that the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians were eligible for all Federal services and benefits provided to federally recognized tribes, provided the means to establish a tribal reservation, and granted the Confederated Tribes self-government for the betterment of tribal members, including the ability to set tribal rolls;

Whereas the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians have embraced Federal recognition and self-sufficiency statutes and are actively working to better the lives of tribal members; and

Whereas economic self-sufficiency, which was the goal of restoring Federal recognition for the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, is being realized through many projects: Now, therefore, be it

Resolved, That it is the sense of the Senate that October 17, 1984, should be memorialized as the date on which the Federal Government restored Federal recognition to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

SENATE RESOLUTION 304—COMMEMORATING THE CANONIZATION OF FATHER DAMIEN DE VEUSTER, SS.CC. TO SAINTHOOD

Mr. INOUYE (for himself and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 304

Whereas Father Damien de Veuster, SS.CC. was born Joseph de Veuster in Tremelo, Belgium, on January 3, 1840, and in 1859, at age 19, he entered the Congregation of the Sacred Hearts of Jesus and Mary in Louvain and selected Damien as his religious name;

Whereas in 1863, Father Damien received permission to replace his ill brother, and sailed to the Hawaiian Islands to perform missionary work;

Whereas Father Damien arrived in Honolulu, Hawaii on March 19, 1864, was ordained to the priesthood at the Cathedral of Our Lady of Peace on May 21, 1864, and began his pastoral ministry on the island of Hawaii;

Whereas the Hawaiian Government deported individuals infected with Hansen's disease, also known as leprosy, to a peninsula on the island of Molokai, to prevent further spread of the disease, and Bishop Louis Maigret, SS.CC. sought the help of Father Damien and other priests to provide spiritual assistance for the sufferers of Hansen's disease;

Whereas several priests volunteered to work on Molokai for a few months, but Father Damien requested to remain permanently with the individuals suffering from Hansen's disease, and was among the first to leave for the island of Molokai on May 10, 1873;

Whereas for 16 years, Father Damien served as a voice of hope and a source of consolation and encouragement for the individuals afflicted with Hansen's disease, accomplishing remarkable achievements, including building houses and hospitals, taking care of the patients' spiritual and physical needs, building 6 chapels, constructing a home for boys and a home for girls, and burying the hundreds who died during his years on the island of Molokai;

Whereas Father Damien died on April 15, 1889, after contracting Hansen's disease, and his remains were transferred to Belgium in 1936, where he was interred in the crypt of the church of the Congregation of the Sacred Hearts at Louvain;

Whereas in 1938, the process for beatification for Father Damien was introduced at Malines, Belgium;

Whereas on April 15, 1969, a statue of Father Damien and a statue of King Kamehameha I, gifts from the State of Hawaii, were unveiled at the Capitol Rotunda;

Whereas on July 7, 1977, Pope Paul VI declared Father Damien ''venerable'', the first of 3 steps that lead to sainthood;

Whereas on June 4, 1995, Pope John Paul II declared Father Damien ''Blessed Damien'', and his feast is on May 10, the day Father Damien first entered the island of Molokai; and

Whereas Father Damien will be canonized a saint on October 11, 2009, by Pope Benedict XVI: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the canonization of Father Damien to sainthood; and

(2) honors and praises Father Damien for his legacy, work, and service to the Hansen's disease colony on the island of Molokai.

SENATE RESOLUTION 305—EXPRESSING SUPPORT FOR THE VICTIMS OF THE NATURAL DISASTERS IN INDONESIA, SAMOA, AMERICAN SAMOA, TONGA, VIETNAM, CAMBODIA, AND THE PHILIPPINES

Mrs. FEINSTEIN (for herself, Mr. KERRY, and Mr. LUGAR) submitted the following resolution; which was considered and agreed to:

S. RES. 305

Whereas on September 30, 2009, an earthquake measuring 7.6 on the Richter Scale hit Padang, a city of nearly 1,000,000 people on the Indonesian island of Sumatra;

Whereas on October 1, 2009, another earthquake measuring 6.6 on the Richter Scale struck south of Padang;

Whereas the earthquakes have destroyed hundreds of homes, businesses, schools, hospitals, and hotels;

Whereas John Holmes, the United Nations Under-Secretary-General and Emergency Relief Coordinator, has estimated that more than 1,100 people have lost their lives due to the earthquakes;

Whereas the United States has responded to this tragedy by providing $300,000 in aid, sending a disaster relief team to the area, and setting aside an additional $3,000,000 in assistance;

Whereas on September 29, 2009, following an earthquake measuring 8.3 on the Richter Scale, a tsunami hit Samoa, American Samoa, and Tonga, killing 177 people and affecting approximately 30,000 people;

Whereas the United States has sent a 245-member disaster response team to American Samoa, as well as 20,000 meals, 13,000 liters of water, and 800 tents that have been provided by the Federal Emergency Management Agency;

Whereas on September 26, 2009, Typhoon Ketsana hit Manila, Philippines, resulting in the worst flooding in 4 decades and leaving the homes of approximately 2,000,000 people under water;

Whereas approximately 700,000 people in the Philippines have sought shelter in emergency relief centers;

Whereas 246 people have died as a result of the flooding, with the number of dead expected to rise;

Whereas the Government of the Philippines has estimated that the typhoon has caused at least $100,000,000 in damage;

Whereas on September 29, 2009, Typhoon Ketsana hit Vietnam, killing more than 100 people, damaging more than 170,000 homes and forcing 350,000 people to evacuate, and resulting in approximately $168,000,000 in damage; and

Whereas 11 lives were lost in Cambodia due to Typhoon Ketsana: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of life resulting from the earthquakes in Indonesia, the tsunami in Samoa, American Samoa, and Tonga, and Typhoon Ketsana in the Philippines, Vietnam, and Cambodia;

(2) expresses its deepest condolences to the families of the victims of these tragedies;

(3) expresses its sympathies to the survivors who are still suffering in the aftermath of these natural disasters;

(4) supports the efforts already provided by the United States Government, relief agencies, and private citizens; and

(5) urges the United States Government and the internal community to provide additional humanitarian assistance to aid the survivors of these natural disasters and support reconstruction efforts.

SENATE RESOLUTION 306—DESIGNATING THE WEEK OF OCTOBER 18 THROUGH OCTOBER 24, 2009, AS ''NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK''

Mr. REED (for himself, Ms. COLLINS, Mr. KERRY, Mr. CARDIN, Mr. WHITEHOUSE, Mr. DODD, Mr. COCHRAN, Mr. ISAKSON, Mr. BROWN, Mr. NELSON of Nebraska, Mrs. BOXER, and Mr. JOHANNS) submitted the following resolution; which was considered and agreed to:

S. RES. 306

Whereas lead poisoning is one of the leading environmental health hazards facing children in the United States;

Whereas approximately 240,000 children in the United States under the age of 6 have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, housing, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 18 through October 24, 2009, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) calls upon the people of the United States to observe National Childhood Lead Poisoning Prevention Week with appropriate programs and activities.

SENATE CONCURRENT RESOLUTION 45—ENCOURAGING THE GOVERNMENT OF IRAN TO ALLOW JOSHUA FATTAL, SHANE BAUER, AND SARA SHOURD TO REUNITE WITH THEIR FAMILIES IN THE UNITED STATES AS SOON AS POSSIBLE

Mr. SPECTER (for himself, Mr. CASEY, Mr. NELSON of Florida, Ms. KLOBUCHAR, Mr. FRANKEN, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 45

Whereas, on July 31, 2009, officials of the Government of Iran took 3 United States citizens, Joshua Fattal, Shane Bauer, and Sarah Shourd, into custody near the Ahmed Awa region of northern Iraq, after the 3 United States citizens reportedly crossed into the territory of Iran while hiking in Iraq;

Whereas officials of the Government of Iran have confirmed that they are holding the 3 United States citizens; and

Whereas officials of the Government of Iran have allowed consular access by the Embassy of the Government of Switzerland (in its formal capacity as the representative of the interests of the United States in Iran) to the 3 young United States citizens in accordance with the Vienna Convention on Consular Relations, done at Vienna April 24, 1963: Now, therefore, be it

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

(1) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to communicate by telephone with their families in the United States; and

(2) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2626. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2626. MR. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, 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 111, strike lines 4 through 15.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 6, 2009, at 9:30 a.m. to conduct a hearing entitled ''Minimizing Potential Threats From Iran: Administration Perspectives on Economic Sanctions and Other U.S. Policy Options.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 6, 2009, at 2:30 p.m., to hold a hearing entitled ''Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Treaty Doc. 110–21).''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on October 6, 2009, at 10 a.m., to conduct a hearing entitled ''The Recovery Act for Small Businesses: What is Working and What Comes Next?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 6, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITIVENESS, INNOVATION, AND EXPORT PROMOTION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 6, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on the Constitution, be authorized to meet during the session of the Senate, on October 6, 2009, at 1:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Examining the History and Legality of Executive Branch Czars.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate, on October 6, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''No Safe Haven: Accountability for Human Rights Violators, Part II.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE CANONIZATION OF FATHER DAMIEN DE VEUSTER TO SAINTHOOD

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 304, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 304) commemorating the canonization of Father Damien de Veuster, SS.CC to sainthood.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUYE. Mr. President, today, I rise in support of this resolution commemorating the canonization of Father Damien de Veuster, SS.CC, to sainthood.

Joseph De Veuster, was born in Tremolo, Belgium, on January 3, 1840. At the age of 19, he entered the Congregation of the Sacred Heart of Jesus and Mary and took the religious name of Damien.

After his brother fell ill, Damien obtained permission from the Superior General to take his place for a mission in the Hawaiian Islands, although he was not yet an ordained priest. After a six-month boat ride, he arrived in Honolulu on March 19, 1864, and was ordained to the priesthood two months later.

During this time in Hawaii, an outbreak of Hansens' disease, also known as leprosy, occurred. Patients were sent away to the small island of Molokai to prevent the disease from spreading. Several priests took turns coming to Molokai to offer spiritual aid for three months at a time, but Damien chose to never leave, instead sacrificing his own life for those with Hansen's disease.

He worked tirelessly and continuously to turn this remote island into a colony of hope. He offered encouragement and spiritual guidance to those who were less able to help themselves. He built houses, chapels and hospitals and even built coffins and dug graves for those who lost the fight from Hansen's disease.

In 1884, Damien contracted Hansen's disease himself but continued working until months before dying on April 15, 1889. His remains were brought back to Belgium in 1936, and now rest in the crypt of the church of the Congregation of the Sacred Hearts at Louvain, where he first entered religious life.

On April 15, 1969, as a gift from Hawaii, a statue of Father Damien and a statue of King Kamehameha I, were unveiled at the Capitol Rotunda.

He was declared Venerable by Pope Paul VI on July 9, 1977, the first of three steps that lead to sainthood. On June 4, 1995, Pope John Paul II declared him Blessed Damien, and his feast is on May 10, the day he entered Molokai.

In observance of Father Damien de Veuster, SS.CC., I urge my colleagues to support this resolution recognizing his canonization to sainthood by Pope Benedict XVI on October 11, 2009.

Mr. President, I ask unanimous consent that Senator DANIEL AKAKA be added as a cosponsor to this Resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I am proud to join Senator INOUYE in submitting a resolution commemorating the canonization of Father Joseph Damien de Veuster. Father Damien was born in Tremeloo, Belgium, on January 3, 1840. He is best known for his tireless efforts to provide material and spiritual comforts for leprosy patients at Kalaupapa, Molokai, during the latter half of the 19th century. Beloved by the people of Hawaii and the country of his birth, his selfless service to mankind serves as a model for all of us.

Father Damien arrived in Hawaii in 1864 to join the Sacred Hearts Mission in Honolulu. After several years of serving isolated communities on the island of Hawaii, Father Damien became concerned that many of his parishioners that were afflicted by leprosy were forced to separate from their families and sent to Kalaupapa, Molokai and virtually imprisoned. In 1873, Father Damien's request to reside at Molokai and devote his life to serving the people of Kalaupapa was granted.

Father Damien's selfless devotion to the patients was evident when in 1876, he told a U.S. medical inspector, ''This is my work in the world. Sooner or later I shall become a leper, but may it not be until I have exhausted my capabilities for good.'' For 16 years, he labored to bring material and spiritual comfort to Kalaupapa's leprosy patients, building chapels, water cisterns, and boys and girls homes.

On April 15, 1889, Father Damien died of leprosy, at the age of 49. While his death was a devastating loss, the spiritual foundation that he established for the community of Kalaupapa would forever be remembered by the people of Hawaii.

Father Damien is a beloved figure in Hawaii's history, and so noteworthy are his deeds that he is one of the two people from Hawaii who are memorialized here in the Capitol, the other being King Kamehameha, the man who united the Hawaiian Islands. The statue of Father Damien stands proudly, as a reminder of his stewardship and love for Kalaupapa.

We must take every opportunity to educate our Nation on Father Damien's life and the history of Kalaupapa. Out of concern that Father Damien's legacy and Kalaupapa's rich history not be forgotten, the Kalaupapa National Historical Park was established in 1980, with a provision that former leprosy patients may remain as long as they wish.

The Holy See ruled in April 2008 that Father Joseph Damien de Veuster was responsible for two miracles and The Congregation of the Causes of Saints at the Vatican voted to recommend raising Father Damien to sainthood. In February 2009, the Vatican announced that Father Damien would be canonized on October 11, 2009 in ceremonies at the Vatican. It will be my great honor to attend those ceremonies as part of President Barack Obama's official delegation. Through this recognition, Father Damien and the 8,000 leprosy patients will forever be remembered as a legacy of human spirit and dignity.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 304

Whereas Father Damien de Veuster, SS.CC. was born Joseph de Veuster in Tremelo, Belgium, on January 3, 1840, and in 1859, at age 19, he entered the Congregation of the Sacred Hearts of Jesus and Mary in Louvain and selected Damien as his religious name;

Whereas in 1863, Father Damien received permission to replace his ill brother, and sailed to the Hawaiian Islands to perform missionary work;

Whereas Father Damien arrived in Honolulu, Hawaii on March 19, 1864, was ordained to the priesthood at the Cathedral of Our Lady of Peace on May 21, 1864, and began his pastoral ministry on the island of Hawaii;

Whereas the Hawaiian Government deported individuals infected with Hansen's disease, also known as leprosy, to a peninsula on the island of Molokai, to prevent further spread of the disease, and Bishop Louis Maigret, SS.CC. sought the help of Father Damien and other priests to provide spiritual assistance for the sufferers of Hansen's disease;

Whereas several priests volunteered to work on Molokai for a few months, but Father Damien requested to remain permanently with the individuals suffering from Hansen's disease, and was among the first to leave for the island of Molokai on May 10, 1873;

Whereas for 16 years, Father Damien served as a voice of hope and a source of consolation and encouragement for the individuals afflicted with Hansen's disease, accomplishing remarkable achievements, including building houses and hospitals, taking care of the patients' spiritual and physical needs, building 6 chapels, constructing a home for boys and a home for girls, and burying the hundreds who died during his years on the island of Molokai;

Whereas Father Damien died on April 15, 1889, after contracting Hansen's disease, and his remains were transferred to Belgium in 1936, where he was interred in the crypt of the church of the Congregation of the Sacred Hearts at Louvain;

Whereas in 1938, the process for beatification for Father Damien was introduced at Malines, Belgium;

Whereas on April 15, 1969, a statue of Father Damien and a statue of King Kamehameha I, gifts from the State of Hawaii, were unveiled at the Capitol Rotunda;

Whereas on July 7, 1977, Pope Paul VI declared Father Damien ''venerable'', the first of 3 steps that lead to sainthood;

Whereas on June 4, 1995, Pope John Paul II declared Father Damien ''Blessed Damien'', and his feast is on May 10, the day Father Damien first entered the island of Molokai; and

Whereas Father Damien will be canonized a saint on October 11, 2009, by Pope Benedict XVI: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the canonization of Father Damien to sainthood; and

(2) honors and praises Father Damien for his legacy, work, and service to the Hansen's disease colony on the island of Molokai.

EXPRESSING SUPPORT FOR VICTIMS OF NATURAL DISASTERS

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 305, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 305) expressing support for the victims of the natural disasters in Indonesia, Samoa, American Samoa, Tonga, Vietnam, Cambodia, and the Philippines.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 305

Whereas on September 30, 2009, an earthquake measuring 7.6 on the Richter Scale hit Padang, a city of nearly 1,000,000 people on the Indonesian island of Sumatra;

Whereas on October 1, 2009, another earthquake measuring 6.6 on the Richter Scale struck south of Padang;

Whereas the earthquakes have destroyed hundreds of homes, businesses, schools, hospitals, and hotels;

Whereas John Holmes, the United Nations Under-Secretary-General and Emergency Relief Coordinator, has estimated that more than 1,100 people have lost their lives due to the earthquakes;

Whereas the United States has responded to this tragedy by providing $300,000 in aid, sending a disaster relief team to the area, and setting aside an additional $3,000,000 in assistance;

Whereas on September 29, 2009, following an earthquake measuring 8.3 on the Richter Scale, a tsunami hit Samoa, American Samoa, and Tonga, killing 177 people and affecting approximately 30,000 people;

Whereas the United States has sent a 245-member disaster response team to American Samoa, as well as 20,000 meals, 13,000 liters of water, and 800 tents that have been provided by the Federal Emergency Management Agency;

Whereas on September 26, 2009, Typhoon Ketsana hit Manila, Philippines, resulting in the worst flooding in 4 decades and leaving the homes of approximately 2,000,000 people under water;

Whereas approximately 700,000 people in the Philippines have sought shelter in emergency relief centers;

Whereas 246 people have died as a result of the flooding, with the number of dead expected to rise;

Whereas the Government of the Philippines has estimated that the typhoon has caused at least $100,000,000 in damage;

Whereas on September 29, 2009, Typhoon Ketsana hit Vietnam, killing more than 100 people, damaging more than 170,000 homes and forcing 350,000 people to evacuate, and resulting in approximately $168,000,000 in damage; and

Whereas 11 lives were lost in Cambodia due to Typhoon Ketsana: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of life resulting from the earthquakes in Indonesia, the tsunami in Samoa, American Samoa, and Tonga, and Typhoon Ketsana in the Philippines, Vietnam, and Cambodia;

(2) expresses its deepest condolences to the families of the victims of these tragedies;

(3) expresses its sympathies to the survivors who are still suffering in the aftermath of these natural disasters;

(4) supports the efforts already provided by the United States Government, relief agencies, and private citizens; and

(5) urges the United States Government and the internal community to provide additional humanitarian assistance to aid the survivors of these natural disasters and support reconstruction efforts.

NATIONAL CHILDHOOD LEAD POISONING PREVENTION WEEK

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 306, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 306) designating the week of October 18 through October 24, 2009, as ''National Childhood Lead Poisoning Prevention Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 306) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 306

Whereas lead poisoning is one of the leading environmental health hazards facing children in the United States;

Whereas approximately 240,000 children in the United States under the age of 6 have harmful levels of lead in their blood;

Whereas lead poisoning may cause serious, long-term harm to children, including reduced intelligence and attention span, behavior problems, learning disabilities, and impaired growth;

Whereas children from low-income families are significantly more likely to be poisoned by lead than are children from high-income families;

Whereas children may be poisoned by lead in water, soil, housing, or consumable products;

Whereas children most often are poisoned in their homes through exposure to lead particles when lead-based paint deteriorates or is disturbed during home renovation and repainting; and

Whereas lead poisoning crosses all barriers of race, income, and geography: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of October 18 through October 24, 2009, as ''National Childhood Lead Poisoning Prevention Week''; and

(2) calls upon the people of the United States to observe National Childhood Lead Poisoning Prevention Week with appropriate programs and activities.

ENCOURAGING THE GOVERNMENT OF IRAN TO ALLOW REUNITING OF FAMILIES

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 45, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res 45) encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 45) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 45

Whereas, on July 31, 2009, officials of the Government of Iran took 3 United States citizens, Joshua Fattal, Shane Bauer, and Sarah Shourd, into custody near the Ahmed Awa region of northern Iraq, after the 3 United States citizens reportedly crossed into the territory of Iran while hiking in Iraq;

Whereas officials of the Government of Iran have confirmed that they are holding the 3 United States citizens; and

Whereas officials of the Government of Iran have allowed consular access by the Embassy of the Government of Switzerland (in its formal capacity as the representative of the interests of the United States in Iran) to the 3 young United States citizens in accordance with the Vienna Convention on Consular Relations, done at Vienna April 24, 1963: Now, therefore, be it

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

(1) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to communicate by telephone with their families in the United States; and

(2) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

ORDERS FOR WEDNESDAY, OCTOBER 7, 2009

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, October 7; 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 for up to 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of H.R. 2847, Commerce-Justice-Science appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KAUFMAN. Mr. President, rollcall votes are expected to occur throughout the day in relation to amendments to the CJS appropriations bill and on any available conference reports, if we are able to reach an agreement on any conference reports.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KAUFMAN. 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 7:34 p.m., adjourned until Wednesday, October 7, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

MARY JOHN MILLER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ANTHONY W. RYAN, RESIGNED.

MICHAEL F. MUNDACA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ERIC SOLOMON, RESIGNED.

THE JUDICIARY

DENNY CHIN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE ROBERT D. SACK, RETIRED.

O. ROGERIEE THOMPSON, OF RHODE ISLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT, VICE BRUCE M. SELYA, RETIRED.

CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, October 6, 2009:

DEPARTMENT OF JUSTICE

THOMAS E. PEREZ, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

EXTENSIONS OF REMARKS

HONORING THE 50TH ANNIVERSARY OF THE JAROSCH BAKERY

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. ROSKAM. Madam Speaker, I rise today to commemorate the 50th anniversary of Jarosch Bakery in Elk Grove Village, Illinois in my Congressional District.

Jarosch Bakery was founded in 1959 by father and son George and Herbert Jarosch in order to provide quality baked goods to the northwest suburbs of Chicago. George emigrated from Germany where he had grown up learning the art of baking from his father's business. His son Herbert, a veteran of the Korean War and a trained baker, worked with his father to establish this successful business in downtown Elk Grove.

Together with their wives and children the business has grown today into a successful company that employs more than 50 employees, many of whom have worked for the bakery for over 20 years. The bakery has grown by leaps and bounds, creating a welcoming environment for customers and producing some of the community's most sought-after treats. Through the years, the success of this business has depended on the tireless work of the Jarosch family and their dedicated employees.

Madam Speaker and Distinguished Colleagues, please join me in recognizing this 50th Anniversary as we celebrate Jarosch Bakery's legacy of hard work entrepreneurial spirit.

IN RECOGNITION OF CHEROKEE COUNTY, NORTH CAROLINA, HOSTING THE VIETNAM VETERANS MEMORIAL MOVING WALL

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SHULER. Madam Speaker, I rise today to celebrate Cherokee County, North Carolina, hosting the Vietnam Veterans Memorial Moving Wall. Because of the outstanding efforts of the Cherokee County Marine Corps League, Western North Carolina residents can visit the Moving Wall at the Koneheta Park in Murphy, North Carolina.

The Moving Wall, a half-size replica of the national Vietnam Veterans Memorial Wall in Washington, DC, allows veterans around the country to experience the Memorial with their families and friends in their communities. The Wall will also provide area schools with valuable hands-on educational opportunities for children to gain better understanding of the Vietnam War. The Memorial honors members of the U.S. armed forces who served in the Vietnam War and made the ultimate sacrifice for our country. I am honored that Cherokee County has the opportunity to host the Wall as a commemoration to the sacrifices made and the respect earned by our veterans in Western North Carolina.

Madam Speaker, it is with greatest appreciation that I recognize the outstanding contributions made by our veterans in Western North Carolina to ensure our nation's freedom and safety. I urge my colleagues to join me in recognizing the importance of the Vietnam Veterans Memorial Moving Wall as a tribute to the invaluable service of our veterans, and to celebrate the unique opportunity it provides people around the country to honor our veterans in their home towns.

THE MARKET IS RESPONDING TO FAILING MORTGAGES

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SMITH of Texas. Madam Speaker, one of America's top concerns during this difficult economic time has been the frequency of home mortgage foreclosures.

Last week, there was news to encourage us. Efforts by banks, borrowers and the Administration to modify troubled mortgages have begun to produce much larger numbers of modifications.

As banks have stabilized their balance sheets and raised fresh capital, their officers even have been able to reduce borrowers' mortgage principal when they work out loans. Modifications that reduce the balances that borrowers owe on their homes have more than tripled.

Earlier this year, Congress debated legislation to change the Bankruptcy Code and force principal reductions on the market. The measure was rightly defeated. To send homeowners into bankruptcy is not the answer and forced principal reductions will chill future lending.

Recently, calls for bankruptcy legislation reemerged in the House. Last week's news shows once more that the measure is not needed. The market has found a better solution.

Americans need Congress to do something else to help homeowners. Let's pass effective legislation to bring growth and jobs back to America. That is the better way to help people keep their homes.

RECOGNIZING ITALIAN HERITAGE SOCIETY OF AUBURN AND CAYUGA COUNTIES

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. ARCURI. Madam Speaker, I stand today in recognition of the Italian Heritage Society of Auburn and Cayuga Counties for providing over 30 years of service and hard work promoting the achievements of Christopher Columbus and local citizens who dedicate themselves to improving the community. The approaching Columbus Day holiday marks an opportunity to celebrate the rich heritage of Italian-Americans in our country and reflect on the important work of organizations like the Italian Heritage Society.

I would like to express special recognition of the late Professor Joseph Camardo, Sr., founder of the Italian Heritage Society of Auburn and an educator at Cayuga Community College for nearly 50 years.

Professor Camardo was a distinguished member of the Italian Heritage Society, described as the glue that bound the organization and kept its work on track. Never a stranger to long hours and working on weekends, Professor Camardo was inspired by the sacrifice and dedication embodied by our ancestors—both Italian and non-Italian alike—when they arrived in this great country many years ago. He knew that to attain a better life and a brighter future for our children and grandchildren, we must carry on the tradition of hard work established by our ancestors.

Professor Camardo leaves big shoes to fill, and I am confident that those who knew him understand the importance of his legacy and the need to continue his work. To the Camardo family and all whose life he touched, I offer my sincerest condolences. He will be remembered as a great friend, a wonderful husband and a loving family man.

The Italian Heritage Society continues carrying out its mission to promote civic engagement in the community by recognizing the men and women who go above and beyond, day-in and day-out, but don't always receive the recognition they've earned. With the help of a strong committee of leaders, each year the Society recognizes four or five members of the community who work hard to better the lives of those around them.

Madam Speaker, I offer my best wishes to all members of the Italian Heritage Society of Auburn and Cayuga Counties and encourage them to keep up the great work. It's truly an honor to serve as your representative in Congress.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING RESURRECTION ELEMENTARY SCHOOL

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate Resurrection Elementary School in Dubuque, Iowa. The students, parents, faculty, and staff at Resurrection Elementary have earned the 2009 No Child Left Behind Blue Ribbon School Award. Resurrection is one of 320 schools in the United States and one of only 50 private schools that have earned the Blue Ribbon award this year.

The Blue Ribbon School Award is given annually to a select number of schools that demonstrate dramatic gains in student achievement. These schools are exemplary models that other schools can learn from. The students, families, faculty, and staff at Resurrection are a caring community. As part of the Holy Family Catholic School system, Resurrection is shaping students who believe in justice, peace, stewardship, academic and personal excellence, and civic responsibility.

Resurrection Elementary has worked hard to be one of the best schools in the country. I'm proud to represent Resurrection Elementary and the entire Holy Family Catholic Schools community in Congress and look forward to their continued success.

HONORING THE 50TH ANNIVERSARY OF CAROL STREAM, ILLINOIS

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. ROSKAM. Madam Speaker, I rise today to commemorate the 50th Anniversary of the incorporation of Carol Stream, Illinois, a vital part of my Congressional District.

The Village was founded by Jay Stream, a leading figure the city's first residential housing development, Carol Stream Estates, in 1959. Named after Jay's daughter Carol, the Village was incorporated on January 5th, 1959. From its early origins, Carol Stream has been a model for other cities and towns to follow, through its continued dedication building a friendly and welcoming community for residents and visitors alike.

On the occasion of this 50th Anniversary, we join together to celebrate Carol Stream's legacy of growth and prosperity and to look ahead to the opportunities facing our state and our nation. Today both marks 50 years of working together to build a brighter future, and reminds us that our work continues.

Madam Speaker and Distinguished Colleagues, please join me in recognizing Carol Stream Mayor Frank Saverino, the Carol Stream Village Legislative Board and the citizens of Carol Stream, and in wishing them every happiness on this special occasion.

RECOGNIZING OLIVIA PATRICIA THOMAS, THE OLDEST LIVING NATURAL BORN U.S. CITIZEN

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. LEE of New York. Madam Speaker, I rise today to recognize Williamsville, New York resident Olivia Patricia Thomas, who recently became the oldest living natural born United States citizen.

Born on June 29, 1895, Olivia, or Pat as she prefers to be called, recently celebrated her 114th birthday with family and friends. Originally from Iowa, Pat met her late husband Frederick in grade school in 1923, and the couple then moved to Buffalo in 1946 when Frederick began teaching engineering at the University at Buffalo.

Described as a ''social butterfly'' by friends, Pat can often be seen moving to the beat of music in group activities classes at St. Francis Home, where she has lived for the last few years.

An avid plant lover, Pat is affectionately referred to as ''the plant lady'' by her former neighbors for her love of foliage and always keeping a beautiful garden at her previous home, where she lived by herself until she was 109 years of age.

Pat is a wonderful woman and an inspiration to us all.

Madam Speaker, in recognition of her incredible achievement, I ask that this Honorable Body join me in honoring Olivia Patricia Thomas.

HONORING LOGAN SMITH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Logan Smith, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Logan has been very active with his troop, participating in many scout activities. Over the many years Logan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Logan Smith for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE DR. HECTOR P. GARCIA DAY IN TEXAS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the State of Texas for honoring Dr. Hector P. Garcia, with its first official Day of Recognition as a civil rights leader and founder of the American G.I. Forum of the United States.

During this past legislative session, the lawmakers of the State of Texas saw it fitting to honor September 16 as the Dr. Hector P. Garcia Day of Recognition throughout the great State of Texas.

Dr. Garcia was born on January 17, 1914, in the Mexican village of Llera, Tamaulipas, Mexico, to Jose and Faustina Garcia. In 1918, at the age of four, Dr. Garcia's parents and his six brothers and sisters left Mexico during the Mexican Revolution and relocated to Mercedes, Texas. During a time of unprecedented Hispanic uprising, he along with five of his brothers and sisters became doctors.

He went on to earn his bachelor's degree from the University of Texas and his medical degree from the University of Texas Medical Branch at Galveston in 1940. In 1942, he enlisted in the United States Army and served in World War II. Army officials would go on to discover later during Dr. Garcia's enlistment that he was a medical doctor and he was asked to treat his fellow soldiers, a task he accepted.

While serving in Italy, he earned the Bronze Star Medal with six battle stars and also met his future wife, Wanda Fusillo, whom he married in 1945. In 1946, he was honorably discharged from the Army with a rank of major.

After the war, he moved to Corpus Christi, Texas, where he opened a medical practice, and founded the American G.I. Forum on March 26, 1948, to fight for the rights and benefits promised to returning Hispanic veterans' under the G.I. Bill. His civil rights movement would then grow to also combat discrimination in housing, jobs, education and voting rights.

Congress honored Dr. Hector P. Garcia, who died on July 26, 1996, at age 82. President Bill Clinton eulogized him as a national hero. Congress paid homage to Dr. Garcia in 1998 by granting the American G.I. Forum a congressional charter. This prestigious status places the American G.I. Forum on equal footing with the American Legion, Veterans of Foreign Wars and other such veterans organizations. The American G.I. Forum is the largest Hispanic veterans organization in the country, with over 500 chapters throughout the United States.

Dr. Hector P. Garcia is survived by his three daughters; a brother, Dr. C.P. Garcia of San Antonio; and Dr. Dalia Garcia of Corpus Christi. A son, Hector Jr., died in 1962 at age 13.

Today, I ask that my colleagues join me in commemorating the Dr. Hector P. Garcia Day of Recognition in which his service and dedication to the State of Texas and this country will be remembered on September 16 for years to come.

CHINA'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA TRANSMITTED THROUGH SECRETARY CLINTON IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from the Minister of Foreign Affairs, Yang Jiechi, of the People's Republic of China in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, Department of State, Washington, DC, October 2, 2009.

DEAR MADAM SECRETARY, I wish to extend to you, and through you to the people of American Samoa, my deepest condolences and sympathy following the recent powerful tsunami which has caused severe casualties and damage. We mourn the loss of so many lives and it is our sincere wish that the people in the affected areas will overcome the disaster and rebuild their homes as quickly as possible.

Sincerely yours,

YANG JIECHI,
Minister of Foreign Affairs,
People's Republic of China.

AOSIS'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from the Permanent Mission of Grenada to the United Nations as Chair of the Alliance of Small Island States (AOSIS) in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

PERMANENT MISSION OF
GRENADA TO THE UNITED NATIONS,
New York, NY, October 1, 2090.

NOTE NO. 080/09

Hon. ENI HUNKIN FALEOMAVAEGA,
Office of the Representative for American Samoa, Washington, DC.

The Permanent Mission of Grenada to the United Nations in its capacity as Chair of the Alliance of Small Island States (AOSIS) presents its compliments to the Office of the Representative for American Samoa, and with regret wishes to express utmost sympathy on the devastation and loss of life, which occurred as a result of the recent Tsunami.

On behalf of the Member States of AOSIS, the Permanent Mission of Grenada to the United Nations expresses deepest condolences to the Government and people of American Samoa, and to the grieving families and friends of those who lost their lives in this tragic occurrence.

The Permanent Mission of Grenada to the United Nations avails itself of this opportunity to renew to the Office of the Representative for American Samoa the assurances of its highest consideration.

NAURU'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Marlene Moses of the Republic of Nauru in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF THE REPUBLIC OF NAURU
New York, NY, October 1, 2009.

Hon. ENI F.H. FALEOMAVAEGA,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN FALEOMAVAEGA, I wish to express my heartfelt condolences to you and the people of American Samoa for the tragic loss of life and devastation caused by the recent tsunami that has affected American Samoa. The thoughts and prayers of the people of Nauru are with you as you work towards recovery after this disaster.

If there is anything I can do to be of assistance, please let me know.

Yours sincerely,

H.E. MARLENE MOSES,
Ambassador Extraordinaire
and Plenipotentiary.

UZBEKISTAN'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Abdulaziz Kamilov of the Republic of Uzbekistan in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF THE REPUBLIC
OF UZBEKISTAN,
Washington, DC, September 30, 2009.

Hon. ENI FALEOMAVAEGA,
Congressman of the United States of America, Washington, DC.

DEAR CONGRESSMAN FALEOMAVAEGA, I have learned with deep sorrow the news of the tragic event in your country, resulting in numerous casualties.

Please accept my heartfelt condolences and convey our sympathy to the families and friends of the victims.

ABDULAZIZ KAMILOV,
Ambassador.

INDONESIA'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Sudjadnan Parnohadiningrat of the Republic of Indonesia in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

KEDUTAAN BESAR REPUBLICK INDONESIA, EMBASSY OF THE REPUBLIC
OF INDONESIA,
Washington, DC, October 1, 2009.

Hon. ENI F.H. FALEOMAVAEGA,
Chairman, House Sub-Committee on Asia and the Pacific, Rayburn House Office Building, Washington, DC.

DEAR SIR. I have followed with sadness the distressing developments shown recently on the news channels regarding the massive tsunami that has struck your home islands of American Samoa causing numerous loss of lives and a great deal of suffering among the islanders.

On behalf of my staff, and in my own behalf, may I offer our deepest condolences and heartfelt sympathy to you and the people of the islands of Samoa on account of the suffering that they are enduring at this time.

We, Indonesians, understand all too well the situation now being faced in Samoa and share in your pain and suffering, as we are being reminded of our own Tsunami in December of 2004. Even at this writing we, too, are experiencing a massive earthquake that is spreading disaster on the island of Sumatra and exacting upon us a very heavy human toll.

May we join you in your prayers to God Almighty for mercy to those who have lost their lives, and for strength and fortitude to those who have to continue in the face of nature's fury.

Sincerely yours,

SUDJADNAN PARNOHADININGRAT,
Ambassador.

HUNGARY'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Bela Szombati of the Republic of Hungary in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

October 1, 2009.

Hon. ENI F.H. FALEOMAVAEGA,
Congressman, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN FALEOMAVAEGA, I was deeply shocked to learn about the terrible tsunami and earthquake near the coast of American Samoa on 29 September, 2009 taking the life of 31 people.

The news about the tragic catastrophe shocked the entire Hungarian community in the United States and the citizens of Hungary as well.

On behalf of the Republic of Hungary and myself I express my sincere condolences to the relatives of those who lost their lives in the earthquake and tsunami in American Samoa.

Yours sincerely,

BELA SZOMBATI,
Ambassador of Hungary.

GRENADA'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Dessima M. Williams of Grenada in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

PERMANENT MISSION OF GRENADA TO THE UNITED NATIONS,
New York, NY, October 1, 2009.

Hon. FALEOMAVAEGA ENI HUNKIN,
Representative for American Samoa, Rayburn House Office Building, Washington, DC.

HON. HUNKIN: It is with a sense of grief that I express, on behalf of the Government and people of Grenada and myself, our deepest sorrow and sympathy to the Government and people of American Samoa and yourself on the loss of lives and destruction caused by the recent Tsunami. Our heartfelt condolences go out to your people and, in particular, to the grieving families and friends.

As you are aware, Grenada is very concerned about the vulnerability of island nations to such natural disasters and of the negative effects such disasters bring to the development of our countries. However, it is our sincere belief that through the strength, resilience, and persistence of the people as well as the diligence of the Government of American Samoa, the challenges caused by this extremely difficult circumstance could be overcome.

I take this opportunity on this grave occasion to extend Grenada's commitment and solidarity to the Government and people of American Samoa.

Sincerely yours,

DESSIMA W. WILLIAMS,
Ambassador,
Permanent Representative.

REPUBLIC OF CHINA (TAIWAN) MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Jason C. Yuan, representative of the Republic of China (Taiwan) to the United States in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES,
Washington, DC, September 30, 2009.

Hon. ENI FALEOMAVAEGA,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN FALEOMAVAEGA: On behalf of the government and the people of the Republic of China (Taiwan), I am writing to express our deepest condolences and support for the people of American Samoa after a massive tsunami hurled by a powerful earthquake yesterday.

I was greatly saddened by the tragic loss of life, as well as the damage to property, livelihoods and power outages. My thoughts and prayers are with the injured, the families who lost their loved ones and those who remain missing.

I also have offered our willingness to help in our most recent communications with officials in the Obama Administration. Please do not hesitate to inform me if we can be of assistance for the relief and recovery efforts.

With deepest sympathy,

JASON C. YUAN,
Representative.

PALAU'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from President Johnson Toribiong of the Republic of Palau in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

DEAR MR. CHAIRMAN: I was shocked and deeply saddened this morning when I found out that your beautiful islands were devastated by an earthquake and tsunami. I became more and more distressed throughout the day as the news reports advised just how devastating the tsunami had been. Words cannot truly express how heartrending that news was to me.

My deepest sympathies go out to you and to the people of American Samoa, especially the victims of this tragic disaster. Please convey my heartfelt condolences to your elected and traditional leaders and to your people. The Republic of Palau and I stand ready to assist your recovery efforts in whatever way we can. Please do not hesitate to call upon us.

Sincerely yours,

JOHNSON TORIBIONG.

THE PACIFIC ISLANDS FORUM'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Prime Minister Kevin Rudd of Australia as Chair of the Pacific Islands Forum in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

SEPTEMBER 30, 2009.

On behalf of the membership of the Pacific Islands Forum, I wish to formally convey our deepest condolences to Samoa, American Samoa and Tonga for the tragic loss of life as a consequence of the tsunami that struck on the morning of 29 September. Our prayers go out to all of those families who have lost loved ones and those injured or displaced by this tragic event.

I am confident that the Pacific family will do all it can to support the relief efforts in Samoa, American Samoa and Tonga.

As Chair of the Forum, I urge the broader international community to mobilise in support of the relief and recovery efforts and long term reconstruction of the villages and infrastructure devastated by the impacts of both the tsunami and the earthquake.

KEVIN RUDD,
Chair.

AUSTRALIA'S MESSAGE OF SUPPORT TO THE PEOPLE OF AMERICAN SAMOA IN AFTERMATH OF DEVASTATING TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Ambassador Dennis Richardson of Australia in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

EMBASSY OF AUSTRALIA,
Washington, DC, October 5, 2009.

Hon. ENI F.H. FALEOMAVAEGA,
Chairman, Sub-Committee on Asia, the Pacific and the Global Environment, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN, I am writing to extend my condolences for the loss of lives and large-scale damage experienced in America Samoa following the 30 September 2009 earthquake and the resulting tsunami.

Australia was pleased to be able to respond immediately to requests for assistance from our Pacific neighbours Samoa and Tonga, both of which were also devastated by the earthquake. Australia is providing both countries with disaster relief items, including food, clothing, shelter and medical supplies, and stands ready to offer further assistance as needed.

I understand you travelled immediately to American Samoa to survey the damage first hand and lend your support to relief efforts. I wish you well in these endeavours.

I have attached a 30 September 2009 statement by the Australian Prime Minister, the Honourable Kevin Rudd, in his capacity as the current Chair of the Pacific Island Forum, conveying his deepest condolences to Samoa, American Samoa and Tonga for the tragic loss of life as a consequence of the tsunami.

Yours sincerely,

DENNIS RICHARDSON.

HONORING ERIC DEAN WALLACE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Eric Dean Wallace, a very special young man, who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Eric has been very active with his troop participating in many scout activities. Over the many years Eric has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Eric Dean Wallace for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF HURLEY MANNING

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Hurley Manning, a Northwest Florida community leader, upon the dedication of Hurley Manning Field at Milton High School. Coach Manning spent his career serving and teaching, and I am proud to honor his dedication and service.

Hurley is a life-long Floridian. He grew up in Milton, Florida, attending Allentown School, Berryhill Elementary, and Milton High School, graduating in 1956. He played football for Milton on the old Overman Field, and during his senior season played in the very first football game on the field being dedicated in his honor.

After graduating from Troy State University in 1960 and coaching football in Georgia and in Gainesville, Florida, Coach Manning eventually returned to Milton High School in 1968 as the head football coach. He served as head coach for 21 years, winning numerous District and Regional titles. He is the only football coach in the history of Santa Rosa County, Florida to win a state championship, which Coach Manning did twice in back-to-back years 1978 and 1979. He was extremely dedicated to the teaching profession, teaching for almost 30 years, and he continues to keep up with his athletes, who are known as ''Hurley's Boys.''

Madam Speaker, on behalf of the United States Congress, I am honored to recognize Coach Hurley Manning for his lifetime of service to the students and families of Northwest Florida. My wife Vicki and I wish him, his wife of 41 years, Shirley, his children Lynette Peterson and Heather Couper, and his grandchildren, all the best for continued success.

''THE IRAN REFINED PETROLEUM SANCTIONS ACT OF 2009—THE BILL IS RIGHT, AND THE TIME IS RIGHT''

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SMITH of New Jersey. Madam Speaker, I rise in support of H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009, which my good friend and colleague Chairman BERMAN introduced on April 30, and of which I am a co-sponsor.

Madam Speaker, this bill amends the Iran Sanctions Act of 1996 to impose sanctions on persons who sell to or service, or otherwise commercially or financially support, Iran's petroleum industry. The bill responds to Iran's lack of refining capabilities—Iran imports 40 percent of its gasoline and relies on foreign companies to develop its energy industry. Limiting Iran's access to refined petroleum could have a major effect on the Iranian economy—and on Ahmadinejad's policies.

Even as President Obama opens diplomatic talks with Iran, we know, from all our experience with Iran and so many other dictatorships, that a serious effort to peacefully stop Iran's development of nuclear weapons will require the strongest political and economic pressure our country can muster.

Madam Speaker, it will not only be worth the effort, but it's absolutely necessary that we make this effort. In this regard, I want to point out that we have repeatedly seen the correspondence between the way a government treats its own people and the way it behaves internationally. It seems to be almost a law of international relations: massive human rights violators behave deceitfully and aggressively, and the more massive the violations, the greater the deceit and aggression.

The law has certainly held in the case of the Ahmadinejad government, whose deceit in hiding a previously secret uranium enrichment facility was revealed several weeks ago, and whose support of Hezbollah and other terrorists and declarations of genocidal intent toward Israel are notorious. When we read the State Department's Country Reports on Human Rights Practices—I will attach the Iran summary as an addendum—we should keep in mind that all these outrages and atrocities Ahmadinejad and his cronies commit on their own citizens are more evidence of the aggression Ahmadinejad and his cronies are fully prepared and preparing to commit on Israel, toward whom they don't even pretend to have anything other than the most malevolent intent.

As former Senators Coats and Robb and General Wald wrote in the Washington Post on September 21: ''By ratcheting up pressure on Iran before we sit down, Western negotiators would gain both sticks (additional measures) and carrots (repealing sanctions) with which to induce Iranian cooperation.''

This is exactly right: the time to move this bill is now, before the administration opens its talks with the Ahmadinejad government. This House is ready to send a clear signal to the Iranian regime—that, though our President is negotiating, this country has not weakened one bit its fundamental commitment to defend Israel, that we will not tolerate nuclear threats to Israel, and we will not permit the Ahmadinejad government to obtain nuclear weapons.

Madam Speaker, I urge you and Chairman BERMAN to move this bill, which now has over 325 co-sponsors, to the floor for passage by the full House as soon as possible. The bill is right, and the time is right.

2008 COUNTRY REPORTS, IRAN SUMMARY

The government's poor human rights record worsened, and it continued to commit numerous serious abuses. The government severely limited citizens' right to change their government peacefully through free and fair elections. The government executed numerous persons for criminal convictions as juveniles and after unfair trials. Security forces were implicated in custodial deaths and committed other acts of politically motivated violence, including torture. The government administered severe officially sanctioned punishments, including death by stoning, amputation, and flogging. Vigilante groups with ties to the government committed acts of violence. Prison conditions remained poor. Security forces arbitrarily arrested and detained individuals, often holding them incommunicado. Authorities held political prisoners and intensified a crackdown against women's rights reformers, ethnic minority rights activists, student activists, and religious minorities. There was a lack of judicial independence and fair public trials. The government severely restricted civil liberties, including freedoms of speech, expression, assembly, association, movement, and privacy, and it placed severe restrictions on freedom of religion. Official corruption and a lack of government transparency persisted. Violence and legal and societal discrimination against women, ethnic and religious minorities, and homosexuals; trafficking in persons; and incitement to anti-Semitism remained problems. The government severely restricted workers' rights, including freedom of association and the right to organize and bargain collectively, and arrested numerous union organizers. Child labor remained a serious problem. On December 18, for the sixth consecutive year, the UN General Assembly (UNGA) adopted a resolution on Iran expressing ''deep concern at ongoing systematic violations of human rights.''

IN HONOR OF CHARLES J. ''CHARLIE'' VIZZINI

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. MURTHA. Madam Speaker, I rise today to honor a great American, Charles J. ''Charlie'' Vizzini. He was born in Colver, Pennsylvania on March 8, 1924 to John and Lillian Vizzini. He passed away on August 11 of this year.

Throughout his life, he dedicated himself to God, his country, and to his fellow man. In particular, he focused on remembering and helping his fellow veterans. His commitment stemmed from an incident during World War II when, as a young Army private stationed in France, Vizzini was wounded. He was struck in the chest by bullets from a German automatic pistol. An Army doctor was quoted in a 1944 article as saying that even though Vizzini sustained tremendous injuries, his life was saved because the bullets hit a New Testament in one of his breast pockets and a Catholic missal in the other. In a 1998 interview, Vizzini said, ''I believe it is a miracle from the Lord that I am here today. That is the biggest reason I do the things I do to help veterans.'' While recovering from his injuries, he stayed in a European hospital for almost a year before returning to Colver. For his courageous efforts serving his country, he received two Purple Hearts and the Bronze Star.

After returning to Cambria County, Vizzini married the former Glendora Waterhouse, his loving wife of 60 years. He worked in Pennsylvania's Ebensburg Center and served as commander of Ebensburg Post 4963, Veterans of Foreign Wars. He also served on the Pennsylvania Democratic Committee and was a member of Holy Name Catholic Church in Ebensburg.

Madam Speaker, Vizzini was particularly active in honoring veterans. He would organize annual Veterans Day memorial services to honor veterans. He would also hold services

on the anniversary of the bombing of Pearl Harbor and to honor the memory of fellow Cambria County native Marine Sgt. Michael Strank who helped to raise the flag at Iwo Jima.

Vizzini was often the voice for those who did not have one. He was known for rallying at the Cambria County Courthouse for causes that he felt passionately about. To honor the 63 miners who died at the 1940 Sonman Mines explosion in Portage, Pennsylvania, he organized a memorial service. He also was influential in honoring the 112 who lost their lives in the Cambria Steel Company's 1902 Rolling Mine Mill explosion in Johnstown, Pennsylvania.

Madam Speaker, I wish to conclude my remarks by saying that Charlie Vizzini will be remembered as a great American. He was a war hero who continued to serve his country by honoring his fellow veterans throughout his life. His selfless service to others in all walks of life will not be forgotten. Madam Speaker, Charlie Vizzini will truly be missed.

IN MEMORY OF COLONEL DONALD BLAKESKLEE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SKELTON. Madam Speaker, it is with sadness that I inform the House of the death of Donald Blakesklee, Colonel, United States Army (Ret.) of Miami, Florida.

Col. Blakesklee was born in Fairport Harbor, Ohio. During his teenager years, he became fond of airplanes after watching them race every year at the National Air Races in Cleveland. Consequently, he and a friend, in the mid–1930s, bought a Piper Cub.

Prior to U.S. entrance into World War II, Col. Blakesklee's enthusiasm for fighting became clear when he joined the Royal Canadian Air Force. After pilot training, he was deployed to Britain, where he flew combat missions for the Royal Air Force (RAF) alongside a group of American volunteers known as American Eagle Squadrons. Ultimately, he became commander of the 133rd RAF Eagle Squadrons. When the Eagle Squadrons joined the U.S. Army Air Forces in September 1942, he became commander of the 335th Fighter Squadron. Then on January 1, 1944, Col. Blakesklee was named commander of the 4th Fighter Group of the 8th Fighter Command.

After fours years in the European theater, Col. Blakesklee flew nearly 500 missions and had about 1,000 combat missions. According to Barrett Tillman, a former executive secretary of the American Fighter Aces Association, Col. Blakesklee had more missions and hours "than any other American fighter pilot of World War II." Some of his achievements include leading the first escort mission to Berlin on March 6, 1944, in which his group protected Boeing B–17s and Consolidated B–24s while dropping bombs over the German city and setting a record for most enemies shot down in one day at 31 planes on April 8, 1944.

On April 11, 1944, Col. Blakesklee was awarded the Distinguished Service Cross by General Dwight D. Eisenhower. For his service in the Korean War, he received the Legion of Merit. In all, his military service earned him two Distinguished Service Crosses, seven Distinguished Flying Crosses, two Silver Stars, six Air Medals and the British Distinguished Flying Cross.

After the World War II, Col. Blakesklee remained in the Air Force. He led the 27th Fighter Wing in Korea and served in Vietnam. In 1965, he retired to Florida to live with his wife, Leola Fryer. Col. Blakesklee is survived by his daughter Dawn Blakesklee.

Madam Speaker, Col. Donald Blakesklee was an honorable officer in the military. I am certain that the members of the House will join me in extending their heartfelt condolences to his family and friends. He will be greatly missed.

TRIBUTE TO MR. AND MRS. PAUL PRYOR HONORING THEIR 70TH WEDDING ANNIVERSARY

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SCHAUER. Madam Speaker, I wish to take this opportunity to extend my congratulations to Paul and Arlene Pryor, who celebrated their 70th wedding anniversary earlier this year. Through their devotion to one another, their commitment to their children and grandchildren, and their involvement in community life, Mr. and Mrs. Pryor have contributed a great deal to the State of Michigan and its future.

Standing by each other, Mr. and Mrs. Pryor have demonstrated the power of love for seven decades. This momentous anniversary only epitomizes the devotion they have shared for so many years. Paul and Arlene Pryor are truly an inspiration to many.

Madam Speaker, please join me in celebrating their joyous occasion.

IN RECOGNITION OF THE 125TH ANNIVERSARY OF MAE EDWARDS MEMORIAL UNITED METHODIST CHURCH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the 125th Anniversary of Mae Edwards Memorial United Methodist Church in Milton, Florida. Mae Edwards Memorial has long been a positive force in Northwest Florida, and I am proud to honor their tremendous contributions to the community.

Mae Edwards Memorial United Methodist was started in 1884 on the Andrew Jackson Brown property. Since there were no other churches in the local community, all of the families moving to the area attended the same church regardless of denomination. In 1916, a new community church was constructed and used by members of the Methodist, Baptist, Presbyterian and Christian churches. During this time, Mae and Cliff Edwards moved to the area and joined the church. After their passing, the church was named as a memorial to Mae Edwards, who dedicated her time and her effort to the church's progress and spiritual growth.

In 1936, the old church building was torn down, and wood from the building was used to construct a community hall and church alongside the local school. Church services were originally held in the community hall, but later moved inside the school after it was renovated. The old hall was converted into a kitchen, social area, and classrooms. The church continues to grow and serve the community, and in 2001, Mae Edwards Memorial was named the small membership church of the year for the Pensacola District. In a testament to the church's strength, many of the current members are descendants of the original church founders.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Mae Edwards Memorial United Methodist Church upon 125 years of dedicated service to our community. My wife Vicki and I wish the best for continued growth and service to Reverend Byrd Mapoles and the entire church family.

INTRODUCING THE DETAINMENT REFORM ACT OF 2009

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. HASTINGS. Madam Speaker, I rise to introduce the Detainment Reform Act of 2009, a bill to ensure that we can defend our national security while also ensuring the highest standards of human rights and justice. We owe such an effort not just to ourselves but to an entire world that looks to the United States for leadership. We are a nation where the rule of law is king, and our detainment policies must reflect not the whim of our emotions but the perseverance of our reason.

Great thinkers have long noted that a society can be judged by the way it treats its prisoners. Since the terrorist attacks of September 11, 2001, the United States has detained—for periods long and short—thousands of individuals captured in Iraq, Afghanistan, and elsewhere around the world. Many of those detained are guilty of committing terrible crimes. Many are innocent. We ought to have the authority to protect ourselves by detaining those who use murder, terror, and reckless violence to attack our country. But it must also be apparent that we cannot indefinitely detain those who mean us no harm.

Unfortunately, many of those we capture and detain do not easily fit into our criminal justice system. This has complicated the efforts to provide the same constitutional protections accorded accused persons in the United States. To compound the problem, there exists no agreed-upon procedural standard in United States courts to govern the detention of individuals arrested outside the zones of active military operations. This lack of judicial coherence has created a vacuum in which the current method of combating terrorism is not only inadequate to protect our country, but also fails to adhere to the Constitution, federal law, international human rights law, and the laws of armed conflict.

Under the detention regime in place since 2002, several detainees in United States control have died under mysterious circumstances. Many have been tortured. Still

others have been held for years without access to a lawyer, no right to hear the charges against them, and no way of appealing rudimentary reviews of their status. They are outside our laws but inside our prisons, at the mercy of a process that is bad for our national security, bad for human rights, and downright horrible for America's image in the world. When we detain individuals for years without ensuring that they have access to a fair and accountable system of justice, we undermine hundreds of years of democracy. This system of arbitrary justice risks replicating the very authoritarianism we fight against. It is far past time to change.

Madam Speaker, as I mentioned, we are a nation of laws, and Congress makes those laws. I am aware that many pundits, columnists, television talk show hosts, and others, have suggested that Congress cannot act intelligently or courageously on this matter. They argue that the members of this body are too bogged down in "Not In My Backyard" arguments, and too quick to accuse each other of being weak on national security. While the President has insisted on closing Guantanamo Bay, many Members of Congress have argued to keep it open. But the debate before us today is not about the place. It's about the policy. The fact of the matter is that this issue cannot be left to the Executive Branch to make it up as they go along. Congress has the responsibility to legislate on this issue in a manner that reflects reason, clarity, and an understanding that our detention policies reflect who we are as a nation.

The Detainment Reform Act presents a plan for dramatic change, contemplating policies and guidelines to address not only current detainees but those who we will need to detain in future conflicts. This legislation creates specific definitions for those who can be detained and provides for a process of judicial review upon their initial detention. This model ensures that we will hold only those persons who pose a danger to our security, and that those who mean us no harm will not have to fear languishing in prison. This bill further provides for judicial proceedings to determine whether an individual can be charged with an offense, transferred to either his country of origin or another country, or whether he can continue to be held should the government petition for his detention. But in this last instance, the government will have to demonstrate enough cause to hold someone as a threat.

Ultimately, Madam Speaker, this bill achieves what we are all seeking: a transparent and accountable process. Frederick Douglas once noted that "the life of the nation is secure only while the nation is honest, truthful, and virtuous." If we follow his advice in this debate, we can better protect our national security, maintain the sanctity of human rights, and hold fast to the notion that America is a nation committed to justice for all.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. HELLER. Madam Speaker, on rollcall No. 748, had I been present, I would have voted "yea".

REGARDING THE TSUNAMI IN AMERICAN SAMOA

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. BROWN of South Carolina. Madam Speaker, as the Ranking Republican Member of the Natural Resources Subcommittee of Insular Affairs, Oceans and Wildlife, which has jurisdiction over the U.S. territories, including American Samoa, I was saddened to hear of the severe devastation that occurred after a tsunami hit the island. My deepest sympathies go out to the island nation of 65,000 people.

News outlets are reporting that four tsunami waves 15 to 20 feet high roared ashore on American Samoa. Many of the island towns are located near the sea and the devastation that followed the tsunami event appears to be immense, with pictures of the island showing buildings destroyed, cars and boats displaced and the local people trying to recover. The island is without power and water at this time as it is in the early stages of the recovery effort. Sadly, it has been reported that many people have lost their lives and the casualty numbers may increase as the recovery effort expands.

Madam Speaker, it is my understanding that the airport and sea port are open and emergency supplies and assistance are en route to the island. The Coast Guard will be inspecting the sea port and is bringing in much needed medical and other necessary supplies from Hawaii. In addition, the USS *Ingram* is headed to the island to assist with medical support, rescue efforts and water needs. Shelters are open on the island to assist displaced citizens and efforts are under way to clear roadways. It will most likely take months to recover from this event and we should do all we can to help assist and support American Samoa in their recovery from this tsunami.

I had the privilege of traveling to American Samoa where I received the utmost hospitality. My thoughts and prayers are with their people as they cope with the effects of this sudden natural disaster.

IN RECOGNITION OF REVEREND FRED ROGERS UPON HIS 40TH ANNIVERSARY AS PASTOR OF MILTON FIRST ASSEMBLY OF GOD

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize the Reverend Frederick E. Rogers upon his 40th anniversary as pastor of Milton First Assembly of God in Milton, Florida. He is a true spiritual and community leader, and I am humbled to honor such a dedicated servant of God.

Pastor Rogers is a lifelong Floridian who has always been dedicated to the church. He graduated from Milton High School and received his undergraduate degree from Southeastern Bible Institute in Lakeland, Florida. In 1957, he married Jacquelyn Shelton, and the couple recently celebrated their 50th wedding anniversary. Pastor Fred and Jackie pioneered a church in Eustis, Florida, and then moved on to pastor churches in Greensboro and then Panama City. In August of 1969, they returned to Milton and began pasturing at Milton First Assembly of God.

Pastor Rogers has led a life of service. He has served in a variety of roles for the church, and is currently the Executive Presbyter in the West District of Florida. He has been a member of the Milton Kiwanis Club since 1970, and served as its president from 1977–1978. In 1977, he was named Santa Rosa county Chamber of Commerce Man of the Year for his continued dedication.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Fred Rogers on his 40 years with Milton First Assembly of God. Pastor Rogers is a Northwest Florida leader and part of the fabric of our community. My wife Vicki and I wish the best for continued growth and service to Reverend Fred Rogers, his wife Jackie, his children Andy, Robin, and Cheri, his grandchildren, and the entire Milton First Assembly of God church family.

HONORING HENRY BIENEN ON HIS RETIREMENT AS PRESIDENT OF NORTHWESTERN UNIVERSITY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor Henry Bienen on his retirement as president of Northwestern University, one of the world's top universities and my alma mater. Mr. Bienen's retirement on August 31, 2009 leaves a legacy of nearly 15 years of academic excellence and relentless institutional improvement at Northwestern.

Mr. Bienen's tenure as president yielded truly amazing results. Under his leadership, Northwestern enhanced its academic excellence, doubling its number of undergraduate applicants, raising the average SAT score for incoming freshmen by 150 points, and vastly increasing the number of National Merit Scholars. Larger investments in undergraduate research and expanded programs continue to present students with engaging and innovative learning experiences. Mr. Bienen surpassed all expectations when he led "Campaign Northwestern," raising $1.55 billion in a five-year period. Mr. Bienen also helped solidify Northwestern's financial stability by quintupling the endowment and raising research funding from outside sources by 140 percent.

Of particular interest to me, Mr. Bienen recognized the need for an even greater commitment to scientific research. He put his efforts behind Northwestern's Institute for Nanotechnology and constructed new research facilities that have made Northwestern a world leader in nanotechnology. Mr. Bienen's commitment to nanotechnology and scientific research at large went far beyond the construction of new buildings, as he was personally invested in the recruitment and hiring of distinguished researchers and instructors. His accomplishments and commitment were recognized in 2005, when Mr. Bienen was one of the first three university presidents awarded the Carnegie Corporation Academic Leadership Award for innovative leadership in higher education.

As a devoted fan of Northwestern athletics, Henry Bienen was proud of the accomplishments of the school's student-athletes. During his tenure, 17 athletic teams won Big Ten championships, including three in football and an unprecedented nine straight in women's tennis. In addition, Northwestern captured five straight NCAA national championships in women's lacrosse and Northwestern's football team went to five post-season bowl games.

I rise today, Madam Speaker, to commend the dedication, service, and indelible legacy of Henry Bienen as he retires as president of Northwestern University. I am proud to have such an exemplary model of a devoted academic and leader as a friend. I wish Henry Bienen great success in his future endeavors.

A PROCLAMATION HONORING JIM MONIGOLD FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SPACE. Madam Speaker:

Whereas, Jim Monigold showed hard work and dedication to the sport of baseball; and

Whereas, Jim Monigold was a supportive coach; and

Whereas, Jim Monigold always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Jim Monigold on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

RECOGNIZING THE PEA ISLAND LIFE-SAVING STATION

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. BUTTERFIELD. Madam Speaker, I rise to remind my colleagues about the rich history of Pea Island, North Carolina.

On January 24, 1880, Captain Richard Etheridge became the first African-American to command a United States Life-Saving Service station after being appointed as keeper of the Pea Island Life-Saving Station. At the time, Captain Etheridge was one of only eight African Americans in the entire Life-Saving Service. Because of his skill and expertise, he was promoted from the lowest rank at the neighboring Bodie Island station to take over the incompetently run station at Pea Island.

In order to avoid repeating the previous failures at the Pea Island station, Captain Etheridge developed and implemented rigorous lifesaving drills. Under his leadership and direction, the station earned a reputation as the best on the east coast. Captain Etheridge became renowned as one of the most able, prepared, innovative, courageous and resourceful lifesavers in the Service.

On October 11, 1896, Captain Etheridge and his alert Life-Saving Service crew at Pea Island station were put to the test when the E.S. Newman ran aground nearby during a hurricane. Despite the raging storm and enormous waves, the surfmen succeeded in swimming to the ship and heaving a line aboard. Starting with the ship captain's three-year-old son, all nine people aboard the schooner were rescued one by one.

On February 29, 1992, the Coast Guard Cutter Pea Island was commissioned at Norfolk, Virginia, in memory of the African American crews at Pea Island, including Captain Etheridge and his lifesavers. And in 1996, Coast Guard Rear Admiral Stephen W. Rochon successfully spearheaded the effort to award the Gold Lifesaving Medal in recognition of the daring 1896 rescue.

Captain Etheridge served at Pea Island for twenty years. In January 1900, he fell ill and died at the station. Pea Island continued to be manned by all-black crews through the Second World War. The station was decommissioned in 1947, and, in 1949, turned over to the U.S. Department of the Interior's Fish and Wildlife Service to be used in connection with the Pea Island Migratory Waterfowl Refuge.

Today, Pea Island provides nesting habitat for loggerhead sea turtles, piping plover and other shorebirds. Despite its small size, the refuge receives over 2.5 million visitors annually.

Madam Speaker, I ask my colleagues to join me in recognizing and applauding the brave efforts of the life-saving crews on Pea Island.

HONORING WESTERN CAROLINA UNIVERSITY'S ''PRIDE OF THE MOUNTAINS'' MARCHING BAND FOR RECEIVING THE SUDLER TROPHY

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SHULER. Madam Speaker, I stand before you today to recognize the outstanding success of ''Pride of the Mountains,'' the Western Carolina University Marching Band. This outstanding marching band, led by director Robert Buckner, has been awarded the 2009 Sudler Trophy. This prestigious award, made possible by the John Philip Sousa Foundation, is a world-class mark of distinction for college marching bands.

The Sudler Trophy is awarded biannually to collegiate marching bands and their directors who raise the bar for college marching bands across America. This year, the Sousa Foundation has recognized Mr. Buckner and ''Pride of the Mountains'' for their exciting and artistically outstanding performances. I believe that this national recognition of their dedication to excellence will inspire other college musicians to follow in their path.

Marching bands motivate our sports teams and their fans on the field, and ''Pride of the Mountains,'' has been energizing Western Carolina University's students and football team since 1938. ''Pride of the Mountains'' is indeed a source of pride not only for Western Carolina University, but for everyone in the mountains of Western North Carolina.

Madam Speaker, I urge my colleagues to join me in commending Western Carolina University's ''Pride of the Mountains.''

TRIBUTE TO LIEUTENANT COLONEL ROBERT GOULD

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Lieutenant Colonel Robert Gould, who will retire from the United States Army on 1 February 2010.

America has long been called the land of opportunity, and the United States Army has served as the launching pad for many young men and women to reach the highest of heights. Rob Gould enlisted in the U.S. Army in April 1984 to commence a military career that would span nearly 26 years. As an enlisted man, Rob completed the requisite school and was awarded the military occupation skill of Chaparral Air Defense Missile Crewman. He served 42 months in the enlisted ranks and achieved the rank of Sergeant before being selected for the Army's officer commissioning program, Green to Gold.

Lieutenant Colonel Gould earned his commission as an Army officer through Army's ROTC program at the University of Arkansas. As a cadet, he was awarded the Chancellor's Trophy in recognition of his selection as Outstanding Cadet of the Year. Following commissioning, Lieutenant Colonel Gould entered flight school and finished second in his class.

As an aviator, Rob proudly served his country wherever duty called. He deployed in support of operations in Somalia, and during his company command, he moved his 122 man troop from Fort Bragg, NC to Fort Polk, LA and later deployed in support of Operation Joint Guard in Bosnia-Herzegovina.

Lieutenant Colonel Robert Gould subsequently joined the Army's Acquisition Corps and earned an advanced degree at the Florida Institute of Technology. As a member of the Acquisition Corps, Lieutenant Colonel Gould completed assignments at the Army Logistics Management College and the Defense Contract Management Agency. He supported Operations Iraqi Freedom during two tours to Amman, Jordan and Baghdad, Iraq, where he served as the DCMA Officer in Charge for the International Zone.

Nearly twenty-six years of service to our country, ascension from the enlisted ranks to a field grade officer, and excellence in flying and buying for the Army demonstrate that this soldier has been, and always will be, Army Strong!

The lasting legacy Lieutenant Colonel Robert Gould has blazed over the years will be the impact on the men and women he served with and that of his family. This successful journey could not have been completed without the support of his loving wife, Cheryl, and his children, Jessica, Janna and Wesley. On behalf of the U.S. House of Representatives, the citizens of the Fourth Congressional District of Virginia, and the citizens of a grateful Nation, congratulations on your well-deserved retirement, and thank you for your service to our country.

HONORING THE 70TH ANNIVERSARY OF THE JAPANESE SOCIETY FOR RIGHTS OF AUTHORS, COMPOSERS AND PUBLISHERS

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. McMAHON. Madam Speaker, I rise today to celebrate the Japanese Society for Rights of Authors, Composers and Publishers (JASRAC) on its 70th anniversary and salute this organization for its lasting and productive international partnership with the American Society of Composers, Authors and Publishers (ASCAP) in protecting the rights of musical creators and its commitment and leadership in promoting and advancing copyright standards in Japan and around the world. I wish JASRAC much success in the future in their mission and commitment to protect the intellectual and creative property of the people of Japan.

A PROCLAMATION HONORING LUCAS RIPLEY FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SPACE. Madam Speaker:

Whereas, Lucas Ripley showed hard work and dedication to the sport of baseball; and

Whereas, Lucas Ripley was a supportive team player; and

Whereas, Lucas Ripley always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Lucas Ripley on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

NEW YORK TIMES DOWNPLAYS THE TRUTH

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SMITH of Texas. Madam Speaker, a new Pew survey has found that one-third of Mexican nationals would move to America, and more than half of them would come illegally, if they could.

But when the New York Times reported on the study, the paper injected it with one of the most common forms of bias: they treat illegal status as a circumstance that just "materialized" for illegal immigrants.

Instead of reporting that half of these individuals would come to the U.S. illegally, the Times said: "more than half . . . would move even if they did not have legal immigration documents."

Apparently, the Times just can't bring themselves to use the word "illegal." In that case, why not downplay all illegal activity? The Times could refer to burglars as "building inspectors," for example.

The fact is that those who broke U.S. laws aren't just "without documents;" they are not entitled to documents. Downplaying that fact won't change it. And, even if the news media try to hide the truth, the American people know that illegal immigrants have broken the law.

INTRODUCTION OF LEGISLATION TO AMEND SECTION 31 OF THE SMALL BUSINESS ACT WITH RESPECT TO AWARDING CONTRACT OPPORTUNITIES TO QUALIFIED HUB ZONE SMALL BUSINESS CONCERNS, AND FOR OTHER PURPOSES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. HERGER. Madam Speaker, today I introduced a bill that would level the playing field for small businesses in my Northern California Congressional District competing for federal contracts. Under current law, federal contractors are required to give first priority to businesses that are HUB Zone certified, often times precluding worthy non-HUB Zone small businesses from having a fair opportunity to compete for federal contracts.

Numerous small businesses in my Northern California Congressional District have contacted me to explain that the HUB Zone program in its current form is preventing them from bidding on contracts with the U.S. Forest Service (USFS) with a value over $100,000. For instance, an engineering firm in Redding, California, a company that had previously received USFS contracts, informed me that they are no longer able to bid for such contracts because they are not a HUB Zone certified company. They were told that USFS had changed its contracting policies based on a 2007 Government Accountability Office (GAO) report that found that the USFS was not in compliance with the small business contracting rules established by the HUB Zone Act of 1997. The new requirements stipulated that only companies with HUB Zone certification could bid for these contracts.

The limitation to HUB Zone certified companies is not in the best interest of all areas. The unemployment rate in my Northern California District exceeds 14% in some areas, but because of the way the HUB Zone criteria were written, only small portions of Redding, California are classified as a HUB Zone. The criteria are based on the long term unemployment rate for an area along with its income levels, two variables that change frequently. Secondly, the maps that define the boundaries are haphazardly drawn, resulting in different sides of a street or even offices in a building having different HUB Zone statuses. Most important, the boundary lines are rarely updated and years may pass before the boundaries note a change in an area's economic situation.

The legislation that I have introduced would provide federal contracting officers with the flexibility to select from the various types of small business classifications. In doing so, HUB Zone classified small businesses would no longer have automatic first preference for federal small business contracts. This legislation would fix the current rigid preference system and give discretion to federal contracting officers to select small businesses based solely on the circumstances of the contract and quality of the bid.

The legislation would make only a one word change to the HUB Zone statute. It takes away the automatic preference given to the HUB Zone program for federal contracts going to small businesses, thereby leveling the playing field for other small businesses. With federal law mandating that 23% of federal contracts go to small businesses, it is important that federal policy promote competition to ensure that U.S. taxpayer dollars go to the most worthy contractor.

In short, my legislation would level the playing field for small businesses in a manner that is responsible to the taxpayers while continuing to provide assistance to small businesses in economically-disadvantaged areas. I look forward to working with my colleagues to move this legislation through Congress.

CELEBRATING 40TH ANNIVERSARY OF NATIONAL WOMEN'S HALL OF FAME OF SENECA FALLS, NEW YORK

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. ARCURI. Madam Speaker, it is with great pleasure that I rise today in honor of the National Women's Hall of Fame of Seneca Falls, New York on their 40th anniversary.

It was in Wesleyan Chapel in Seneca Falls in 1848 that activists like Elizabeth Cady Stanton, Susan B. Anthony and Lucretia Mott laid the cornerstone of the Women's Rights Movement. At the conclusion of this two-day, first ever Women's Rights Convention, 68 women and 32 men signed their names to the Declaration of Sentiments, signaling their commitment to pursuing suffrage and equal rights for women. This historic event, which we remember with a statue in the rotunda here in the U.S. Capitol, paved the way for generations of women who yearned to fully participate in and contribute to American society.

In 1969, the women and men of Seneca Falls established the National Women's Hall of Fame as a permanent showcase for the extraordinary contributions of American women. Forty years later, the organization has grown to include important artifacts and 230 inductees from around the nation, as women continue to influence and shape the arts, athletics, business, education, government, humanities, philanthropy and science.

Madam Speaker, I call on my colleagues to join me in recognizing the National Women's Hall of Fame on achieving this milestone. Their anniversary provides an important opportunity to honor the many women, both past and present, whose vision and hard work have contributed so much to the strength and progress of our nation.

A PROCLAMATION HONORING LOGAN COZART FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SPACE. Madam Speaker:

Whereas, Logan Cozart showed hard work and dedication to the sport of baseball; and

Whereas, Logan Cozart was a supportive team player; and

Whereas, Logan Cozart always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Logan Cozart on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3183, ''Making appropriations for energy and water development and related agencies programs for the fiscal year ending September 30, 2010, and for other purposes.''

Requesting Member: Congressman JOHN DUNCAN

Account: Energy Efficiency and Renewable Energy

Project Amount: $500,000

Legal Name of Requesting Entity: NTRCI, 2360 Cherahala Boulevard, Knoxville, TN 37932

Description of Request: NTRCI will conduct over-the-road, heavy vehicle testing and research to validate the benefits and reliability of the Legacy rotary engine to demonstrate the capability of the Legacy engine to deliver greater fuel efficiency and thus lower consumption and reduced emissions for the $7 billion Class 8 heavy vehicle engine market.

RECOGNIZING OUR NATION'S SUBMARINE VETERANS

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. BOOZMAN. Madam Speaker, I rise today to commemorate the United States World War II Submarine Veterans and the important roles they played in the Allied victory.

Approximately 3,500 submariners gave their lives to protect the liberties and freedoms of the United States. The U.S. Submarine Force suffered the highest loss rate of the U.S. Armed Forces during World War II, losing a total of 52 American submarines in battle. The War in the Pacific could not have been won without the brave and selfless efforts of these men.

It is also a great honor to be able to attend the decommissioning ceremony for World War II Submarine Veterans, Diamond Chapter, hosted by the USS Snook Base of the United States Submarine Veterans in Rogers, Arkansas.

The recognition of our World War II submarine veterans has been long overdue. I am pleased and honored to recognize these servicemen, who risked their lives for their country and made the World War II victory possible in House Resolution 773. I thank Congressman SESTAK for his service to our country and for his leadership on this Resolution and encourage my colleagues to cosponsor this important bill.

CONGRATULING THE DALAI LAMA ON HIS TRIUMPHS FOR HUMAN RIGHTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. RANGEL. Madam Speaker, I rise today to congratulate the Dalai Lama as the first-ever Tom Lantos Human Rights Prize honoree. The award acknowledges the Dalai Lama's role as an unsung hero in the fight for human rights. He is already a Nobel Peace Prize and Congressional Gold Medal recipient.

The Dalai Lama was recognized as the reincarnation of the 13th Dalai Lama when he was two years old and enthroned at the age of 15. For more than 50 years, he has fought on behalf of Tibetan Buddhists and made history as the first Dalai Lama to travel to the West. The late Congressman Tom Lantos—who serves as the namesake for the prestigious award—was fittingly the first Congressman to invite a Dalai Lama to the U.S. Congress.

The Dalai Lama serves as a role model to us all. His courageous spirit in the fight for equal rights, democracy, freedom, and religious harmony are the things that will help not only strengthen Tibet, but the world over.

Annette Lantos and the Lantos Foundation for Human Rights and Justice are committed to recognizing and applauding individuals who continue to fight for human rights in America and abroad, in the great spirit of my former colleague Congressman Lantos. May we join them—with enthusiasm and fervor—in that endeavor.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. CAPUANO. Madam Speaker, last week I missed several rollcall votes and I wish to state for the record how I would have voted had I been present:

Rollcall No. 740—''yes''; rollcall No. 741—''yes''; rollcall No. 742—''no''; rollcall No. 743—''yes''; rollcall No. 744—''yes''; rollcall No. 745—''yes''; rollcall No. 746—''no''; rollcall No. 747—''yes''; rollcall No. 748—''yes''; rollcall No. 749—''yes''; rollcall No. 750—''yes''; rollcall No. 751—''yes''; rollcall No. 752—''yes''.

HONORING FEMALE CIVIC LEADERS OF WATERLOO

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise today to honor eight influential women of Waterloo, Ruth Anderson, BJ Furgerson, Joy Lowe, Lou Porter, Dorothy Sallis, Dorothy Turner, Anna Weems and Willie Mae Wright. These women define what it means to be a champion for equal rights.

Over the past five decades, these women have helped shape the lives of all residents of Waterloo through their efforts to ensure that equality is attained and maintained. Through their work, the city of Waterloo has become an example of moving beyond what divides the community and instead focusing on what strengthens it.

These women have made remarkable strides in bringing forth equality. They were instrumental in bringing Reverend Dr. Martin Luther King Jr. to their community, establishing and maintaining Iowa's longest running African American radio station, serving in city and county government, working tirelessly to improve the lives of children, and ensuring that the rights of all citizens of Waterloo are honored. Through their work more people are now invested in their communities and giving back to their neighbors.

These women have dedicated their lives to bringing about the sort of change that we now recognize as fundamental to a full and vibrant society. They are a constant reminder of how far we have come and that we should all strive for fairness in our work and provide opportunities for all. I am proud to represent these women in Congress and wish them well in their future endeavors.

A PROCLAMATION HONORING LOGAN GRAY FOR WINNING THE BOYS' DIVISION III STATE BASEBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SPACE. Madam Speaker:

Whereas, Logan Gray showed hard work and dedication to the sport of baseball; and

Whereas, Logan Gray was a supportive team player; and

Whereas, Logan Gray always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Logan Gray on winning the Boys' Division III State Baseball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 baseball season.

HONORING THE SERVICE AND DEDICATION OF SARAH M. TUKE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the service and dedication of Sarah R. Tuke, a member of my staff who is leaving my office to pursue the next phase in her career.

Sarah Tuke is a Tennessee native, raised in the Nashville area. After graduating from the University of Virginia with a bachelor's degree in History, she moved to St. Louis to work for a non-profit organization. Sarah quickly realized, however, that working in politics interested her more, and she returned to Tennessee to volunteer for Harold Ford Jr.'s U.S. Senate campaign in 2006.

Following the campaign, Sarah moved to Washington, D.C. to further pursue her interests in politics and the legislative process. She joined my staff in February 2007 after an internship with the House Science and Technology Committee.

From the first day she walked into my office, her enthusiasm and kind spirit impressed me and everyone she worked with. Her commitment to helping Middle Tennesseans has always been strong—I have never had a staffer with the patience and kindness that Sarah exudes, especially when answering questions from constituents and volunteering to help her co-workers with projects. She has also worked hard to understand the complexities of adoption and veterans issues, which has helped me in pursuing my legislative priorities.

Madam Speaker, if you would like to package kindheartedness, you could just put a bow on Sarah. It's Sarah's ''can-do'' attitude, combined with her genuine compassion to others that has led this wonderful individual to rise and succeed as she has done in my office.

Sarah, we're all going to miss you. I wish you the best of luck in your new position with the Japanese Embassy.

RETIREMENT OF COLONEL STEPHEN M. CHRISTIAN, UNITED STATES ARMY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. HOLT. Madam Speaker, I want to take a moment to honor a fine officer who will shortly be leaving active duty. COL Stephen M. Christian will be retiring from the United States Army on October 12, 2009, after more than 30 years of active military service, culminating as Garrison Commander for the United States Army Garrison, Fort Monmouth, New Jersey.

Colonel Christian enlisted in the Army in 1978 and in 1984 attended Officer Candidate School and was commissioned as an Air Defense Artillery Officer. Throughout his career Colonel Christian has held numerous high level command and staff positions, including tours with the 7th Infantry Division (Light) at Fort Ord, California; the 25th Infantry Division (Light) at Schofield Barracks, Hawaii; and the 10th Mountain Division at Fort Drum, New York. He commanded at the battalion level on two occasions and served two tours of duty in Afghanistan in support of Operation Enduring Freedom, during which he was awarded two Bronze Star Medals. Colonel Christian's civilian education includes a master of science in administration and a master of security strategy from the National War College, National Defense University. Colonel Christian is married to Laura Christian and they have two adult children, Captain Nicholas Christian and Leslie Roop.

Madam Speaker, our active duty families make many sacrifices for the rest of us, and this is especially true of those who make the military their career. I thank Colonel Christian for his long and honorable service to our Nation, and I wish him and his wife Laura the very best as they prepare to enter a new phase in their life journey together.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SMITH of Washington. Madam Speaker, I rise to correct my vote on the Motion to Instruct Conferees for the Fiscal Year 2010 Homeland Security Appropriations Act that was considered on the House floor on October 1, 2009.

The Motion to Instruct Conferees (rollcall No. 746) made recommendations that would prohibit the transfer of detainees currently held at Guantanamo Bay to the United States, even for prosecution. My vote in favor of this motion was a mistake and contradicts my views on our detention policies.

To be clear, I strongly support President Obama's decision to close the detention facility at Guantanamo Bay and move our detention policies forward in a responsible manner, even if that means transferring some detainees to the United States. I intended to vote ''yes'' on rollcall vote No. 663.

TRIBUTE TO FRED NELSON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. DUNCAN. Madam Speaker, I wish to pay tribute to an exemplary public servant from my District in Tennessee.

Fred Nelson recently retired as the General Manager of the Lenoir City Utilities Board in Lenoir City, Tennessee. His career is a testament to the American dream and community service.

Fred began working at the Lenoir City Utilities Board in an entry-level position for $1.90 per hour. More than four decades later, he retires following a successful tenure as General Manager. Dedicated public servants such as Fred are the seeds of any great community, and I only hope that more people follow in his footsteps.

Like many of his generation, Fred also served his country admirably in the Marine Corps in Vietnam. We owe a debt to Fred and many others who selflessly put their community and country before themselves.

Recently, the News-Herald in Lenoir City published an article commemorating Fred's service, which is reprinted below. I gladly bring the service of Fred Nelson to the attention of my colleagues and other readers of the RECORD, and I wish him all the best in his much-deserved retirement.

[From the Lenoir City (TN) News-Herald, Sept. 23–24, 2009]

NELSON SET TO RETIRE

(By Greg Wilkerson)

After a more than 43-year career with Lenoir City Utilities Board, General Manager Fred Nelson announced his retirement Monday, effective Jan. 22.

''It's been my life,'' Nelson said as he reflected on his long career.

Nelson got his start with the utility after leaving the Marine Corps in 1966.

He said his plan had been to make a career in the armed forces, but his mother did not want him to return to Vietnam, so he left to start a civilian career.

He considered a position he was offered in Florida within the space program, but ultimately decided to come to Loudon County because of an offer to work at the Hosiery Mill.

That job paid $1.80 an hour and the LCUB job paid $1.90 an hour and he's been working there ever since.

''I think the Lord's led me and actually guided me in ways I needed to go,'' he said. ''It's always been right.''

Nelson said health concerns were a major factor in his leaving. Doctors have encouraged him to retire for years because of advanced artery disease in his heart and he said he recently had his sixteenth and seventeenth stints put in.

''I'm going to start walking on the trail and try to lose weight and hopefully play golf,'' Nelson said. He also said he plans to do more travelling and see more of his out-of-town friends.

When Nelson started with LCUB he worked for about six months as a groundman before starting a four-year apprenticeship to become a lineman. He said he still pays his lineman dues to stay a part of their union.

''There's not much I haven't got to do here,'' he said.

His career has included the title of foreman, assistant superintendent, superintendent, manager of operations and in 2004, general manager.

''It's been a wonderful ride,'' he said.

He said he will miss the employees the most.

''We have a great bunch of employees and everybody is very friendly,'' Nelson said. He recognized there have been disagreements through the years but everything always gets worked out.

''If somebody was to need something, the employees are always ready to help,'' he said. ''Since I came to work at LCUB in 1966, 46 people have passed away that I worked with. I have a lot of good memories with all of them.''

Nelson was quick to thank the board for giving him the opportunity to be general manager and said he was proud of the accomplishments of the utility in the five years he's been in charge. He also attributed much of the success to his department heads.

''We've built five new substations in the last three years and we paid for them in-house without having to borrow any money,'' he said. They also haven't been to the bond market since 2001, and Nelson said they used to go every three years.

''We've really tried to buy the best equipment you can get,'' he said. ''We've had an excellent safety record.''

Nelson's wife, Judy, retired from Y–12 two years ago. They have two daughters and five grandchildren, all living in Loudon County.

HONORING THE 100TH ANNIVERSARY OF THE WEST END SILVER POINT CHURCH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the 100th anniversary of the founding of the West End Church of Christ congregation in Silver Point, Tennessee.

In 1909, Pastor George Phillip "G.P." Bowser relocated the Laurel Hill congregation to Silver Point and established the Putnam County Normal and Industrial Orphanage to provide housing, education, vocation, and religious instruction to the African American children of the region. In 1913, the school became the Silver Point Christian Institute, educating grades one through eight. A small printing press was operated by the school, which led to the development of the Christian Echo—a publication that is still printed today.

By 1915, the church and school combined into the West End Church of Christ Silver Point. A new building was constructed, which still stands to this day. In December 2007, the building was included in the National Register of Historic Places by the U.S. National Park Service.

The geographically isolated Highland Rim area of Middle Tennessee has always focused on small-scale agriculture and timber resources grouped into small towns. Farms were tended by individual families with little outside help. Until the early 20th century, these small communities in Silver Point had few religious organizations and even fewer schools. Classes were often taught in buildings that could not afford proper maintenance or enough supplies for students.

The school that Pastor Bowser established in 1915 provided the young children of the community with educational opportunities never before seen in the area. Though the school closed in 1959, the Church remains active.

Many prominent and nationally-acclaimed leaders have been personally involved with the Church, including Sam Womack, Alexander Campbell, Marshall Keeble, Henry Clay, J.S. Winston, R.N. Hogan. G.E. Stewart, and Levi Kennedy.

Through its 100 year history, the West End Church of Christ in Silver Point has provided a place of identity and congregation for the African American community of western Putnam County. I congratulate the congregation on its centennial anniversary.

SUPPORTING THE MISSION AND GOALS OF NATIONAL BREAST CANCER AWARENESS MONTH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. TOWNS. Madam Speaker, I rise today in support of the observance of National Breast Cancer Awareness Month. This October 2009, we celebrate the 25th anniversary of National Breast Cancer Awareness Month and honor those women who lost their lives to the disease, along with those who are fighting the disease and those who are survivors.

For the past quarter century, October has been dedicated to the awareness and education of breast cancer. This monthly observance, most notably marked by the color pink which is now recognized worldwide as the color of breast cancer awareness, has also allowed us to trace the tremendous milestones in science and innovation that are producing promising results to combat the disease, such as proven better treatment and lower fatality rates.

I am currently a co-sponsor of H.R. 1691: The "Breast Cancer Patient Protection Act of 2009" introduced in this Congress by my colleague from Connecticut, Rep. ROSA DELAURO. The legislation requires health plans to provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations. Currently, the legislation is before the House Committees on Energy and Commerce, Ways and Means and Education and Labor. I urge my colleagues to take steps toward bringing this legislation for a vote on the House floor as soon as possible.

This year alone, more than 190,000 new cases of invasive breast cancer are expected to be diagnosed among women in the United States, and an estimated 40,170 women are expected to die from the disease. With those statistics in mind, I encourage all women over the age of 40 to put their health first this month. That may mean taking precautionary steps, such as doing yearly mammograms and other early detection procedures.

On this silver anniversary of National Breast Cancer Awareness Month, I honor those women who are currently fighting the disease and extend to them my warmest blessings for a speedy recovery.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 2997, the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010:

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia

Address of Requesting Entity: 101 Park DeVille Drive, Suite E, Columbia, MO

Description of Request: Provide $1,339,000 for the Food and Agriculture Policy Research Institute to provide objective, quantitative economic analysis of agricultural policy alternatives. Approximately $188,000 or 14% will be used to continue a cooperative agreement with the University of Wisconsin relating to dairy policy; $340,000 or 25% will be used to conduct analysis of rangeland, cattle and hay, sheep and specialty crops with the University of Nevada—Reno; $811,000 or 61% will be divided between the University of Missouri and Iowa State University to provide a ten-year baseline and policy analysis for U.S. and world agriculture.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia

Address of Requesting Entity: 101 Park DeVille Drive, Suite E, Columbia, MO

Description of Request: Provide $595,000 for the Food and Agriculture Policy Research Institute (FAPRI) and the Agricultural and Food Policy Center (AFPC) to provide Congress with information regarding farm financial risk and farm structure and the impacts of alternative agricultural policies on these factors. Approximately $244,000 or 41% is for FAPRI at the University of Missouri to provide stochastic and deterministic baseline and policy scenarios, and $351,000 or 59% is for AFPC at Texas A&M University to provide representative farm analysis.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia Delta Research Center

Address of Requesting Entity: Highway 61, Portageville, MO 63873

Description of Request: Provide $174,000 for the University of Missouri—Delta Research Center to continue research on rice production in the mid-South. Approximately $140,610 will be for multiple personnel costs, $29,000 for materials and supplies, and $5,000 for other costs.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia

Address of Requesting Entity: 214 Middlebush Hall, Columbia, Missouri 65211

Description of Request: Provide $889,000 for the Rural Policies Institute to provide unbiased analysis and information on the challenges, needs, and opportunities in rural people and places; and to spur public dialogue and help policymakers understand the impacts of public policies and programs on rural people and places. Salaries and fringe benefits $654,000 or 74%, for Center Investments $60,000 or 7%, for conferences and events $50,000 or 6%, for consultants $25,000 or 2%, for office expenses $40,000 or 4%, for travel $60,000 or 7%.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Missouri-Columbia Delta Research Center

Address of Requesting Entity: Highway 61, Portageville, MO 63873

Description of Request: Provide $556,000 for continued soybean cyst nematode research at the University of Missouri—Delta Research Center. Of the $556,000, 85% is for salaries and benefits, the remaining 15% is for

travel, supplies, and costs for a winter seed nursery.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service—Salaries and Expenses

Legal Name of Requesting Entity: Bootheel Resource Conservation and Development, Inc.

Address of Requesting Entity: 18450 Ridgeview Lane, Dexter, MO 63841

Description of Request: Provide $207,000 to the USDA—APHIS—Wildlife Services in Southeast Missouri. Of the $207,000, 80% would be utilized for salaries and benefits, 17% for APHIS—Wildlife Services program support and 3% for vehicle maintenance and fuel. A portion of the operating budget will also be provided by local municipalities, commodity organizations and university support.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: General Provision

Legal Name of Requesting Entity: Congressional Hunger Center

Address of Requesting Entity: Hall of States Building, 400 North Capitol Street, NW., Suite G100, Washington, DC 20001

Description of Request: Provide $3,000,000 for the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program. Of the $3,000,000 in funding 54% would be for salaries, benefits, healthcare and other costs associated with the Emerson National Hunger Fellowship Program and 46% for similar costs associated with the Mickey Leland International Hunger Fellowship Program.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: Agriculture Research Service—Salaries and Expenses

Legal Name of Requesting Entity: University of Missouri Center for Agroforestry

Address of Requesting Entity: 203 Anheuser-Busch Natural Resources Building, Columbia, Missouri, 65211

Description of Request: Provide $660,000 to support research on viable alternative production and protection options to help revitalize the economic and environmental health of rural farms and communities in Missouri and surrounding states. Approximately, $438,882 [or 66%] is for salary and fringe to support professional track faculty, research associates, field research specialists, graduate and undergraduate students; $201,982 [or 31%] for materials and supplies in support of laboratory and field-based research on campus and at five MU farms and centers; $19,137 [or 3%] for travel.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—Research and Education Activities

Legal Name of Requesting Entity: Center for Grapevine Biotechnology at Missouri State University

Address of Requesting Entity: 9740 Red Spring Road, Mountain Grove, Missouri, 65711

Description of Request: Provide $422,000 to research the ability of wild grapevines to defend themselves against pathogens, and their capacity to synthesize health-promoting properties. Of the funds available 46% for salary and benefits, 21% for other direct costs including materials and supplies, and 25% for F&A.

TRIBUTE TO BILL HARRISON

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. WESTMORELAND. Madam Speaker, I rise today to pay tribute to Bill Harrison, the recently retired president of the Coweta County Development Authority, who died September 29 after a battle with cancer.

I had the great privilege of knowing Bill personally. He was a professional, a dedicated husband and father, an avid outdoorsman, and an all-around great guy.

He put his heart and soul into bringing new businesses and opportunities to Coweta County, and that's how he and I became acquainted. He would take business recruits under his wing like a mother hen. He would often bring them into my district office personally, assuring they had a friendly, familiar face in the room and that they got all of their needs met and all of their questions answered. He also saw to it that nothing got lost in translation between us Georgians and our international business partners.

As the Newnan Times-Herald reported upon his death, ''Harrison assisted with locations or expansions of numerous companies, including PetSmart, SYGMA Networking, Kingwasong, Winpak Films, D&H Distribution, and MC Precast. He considered the planned location of the Cancer Treatment Centers of America to Coweta County the highlight of his professional career.''

It's fitting that his crowning achievement will be a center to fight the ravages of cancer, the disease that took him from us much too soon. The cancer treatment center will bring at least 500 new jobs and hundreds of millions of dollars in economic impact for Coweta County.

When Bill retired this summer, the Times-Herald editorialized: ''Bill Harrison is a good guy. If he were in an old western movie, he would be wearing a white hat. . . . When Harrison took the economic development job in Coweta, our community's industry-recruiting effort was a mess. It was fragmented. There was no single go-to person or organization. It had gotten so bad that prospects would simply look elsewhere. That changed after Harrison was hired to preside over the Development Authority and that group became the go-to agency here.''

Bill was more than a fierce advocate for the community; he was also a beloved figure. On a web site set up for his family, more than 2,000 people expressed their condolences.

All of Coweta County mourns the loss of our dear friend Bill Harrison. Our thoughts and prayers are with his wife of 43 years, Virginia Heitzman Harrison, and their family.

CONGRATULATIONS TO HOWARD CHO, PRESIDENT OF CVE TECHNOLOGY GROUP IN PLANO

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, congratulations are in order for Howard Cho, president of CVE Technology Group in Plano.

It is an honor and a privilege to salute him for winning the distinguished Minority Manufacturer of the Year Award. Presented on behalf of the United States Department of Commerce's Minority Business Development Agency, this prestigious award pays tribute to the minority entrepreneurs who have demonstrated industry leadership, business success, and community impact.

Founded by President Cho in New Jersey in 1986, the company specializes in consumer electronics, has revenues of $50 million and employs over 1,200 people. In 2002, CVE Technology Group relocated to Plano, Texas, where it now provides refurbishment of cell phones and remanufacturing business with Samsung Telecommunications America, LLC. CVE plans for more growth through continued cellular phone manufacturing, expanding their operation and sales revenue.

In fact, the city of Plano honored Mr. Cho and the company with a citation creating ''CVE Technology Group Day.''

Economic data demonstrates minority-owned firms are poised to generate long-term employment and economic growth in their communities. Howard Cho's CVE Technology Group in Plano is a shining example of that.

Congratulations again, and thank you, to Mr. Cho and CVE Technology Group in Plano, Texas. I salute you.

TRIBUTE TO BEN LEWIS ATUAHENE

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. PERRIELLO. Madam Speaker, Ben Lewis Atuahene—also known as Kofi Kwarteng—was born to Dora Yaa Akyea Kyerematen and Samuel Kwadwo Atuahene on January 23, 1942 in Kumasi, Ghana. He attended Ghana National Secondary School in Cape Coast and briefly worked at the President's Castle in Ghana before moving to London, England in 1965 to study law. In 1969, he was admitted to the Honorable Society of the Inner Temple, and was called to the Bar in 1971. During that same time he met and married the love of his life, Beatrice Achampong, in London. They later moved to New York in 1972, where they started their family. Opportunities arose for the couple in California and they moved with their two daughters, Nannette and Bernadette, to Los Angeles in 1976, where he began work as legal counsel for C & R Clothiers in Culver City. In 1984, he passed the California Bar and immediately began the independent law practice he ran until his untimely death. Ben was an invaluable asset to the Ghanaian community and touched the lives of thousands of people through his legal practice, philanthropy, and mentorship. Ben's untiring generosity, strength of character, determination to succeed, and desire to make those around him realize their full potential survive in his daughters, Nannette and Bernadette, and his grandchildren, Abdeena, Alieu, Alim, and Afia Nyarko. He is also survived by brothers, Yaw Kankam, Oppong, Frimpong, Dixon, Kwame, Ernest, and sister, Eva Atuahene, as well as extended family both here and abroad. Ben will be deeply missed by his family and his

community, where he served as a guide, a counselor, and a friend.

HONORING SOUTH PADRE ISLAND CHIEF OF POLICE ROBERT RODRIGUEZ ON HIS RETIREMENT

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the service and dedication of Police Chief Robert Rodriguez for his service and commitment to the Town of South Padre Island, where he worked for 25 years, and retired from the police force on September 1, 2009.

Chief Rodriguez has been instrumental in working during the years with the many law enforcement agencies in the Rio Grande Valley as each of the town's police officers, including him, strove to serve and protect South Texans and guests who visit South Padre Island year-round.

During the past few years, Chief Rodriguez, along with those that call South Texas home, has seen South Padre Island grow. We have seen new development come in, new businesses open, and hotels and condominiums constructed.

Through these significant changes, we know South Padre Island continues to evolve even after suffering from great loss in revenues and services brought about by Hurricane Dolly. South Padre Island continues to accommodate, protect, and serve its many residents and tourists.

Chief Rodriguez has been able to adjust his staff and manpower to the growing needs of South Padre Island. On any given day, you can spot Chief Rodriguez, while on or off duty, visiting with locals and residents. He works around the clock.

In 1984, he began his work for the Town of South Padre Island as a dispatcher, and later was promoted to the police force. From then on, Chief Rodriguez has climbed the ranks within the South Padre Island Police Department and on August 18, 2000, he was sworn in as police chief.

Chief Rodriguez has been instrumental in his work with South Padre Island, and although I am sad to see him leave, I know he is ready to enjoy his much needed retirement with his family, friends and loved ones.

Madam Speaker, I ask my colleagues to please join me in commemorating the service of Chief Robert Rodriguez, who served the Town of South Padre Island, the State of Texas, and the United States of America, in his capacity of law enforcement officer for 25 years.

HONORING COL. JIM MUDD

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a true leader, dedicated public servant, and a dear friend, Col. Jim Mudd, Collier County Manager.

Jim served his country honorably for 26 years in the U.S. Army, achieving the rank of Colonel and retiring as the Commander and District Engineer of the U.S. Army Engineer District in Rock Island, Illinois. He graduated from the U.S. Military Academy at West Point in 1974 and earned a Master's degree in operations research from the Naval Postgraduate School in 1982. He was formerly Assistant Director of Civil Works, Central Region, U.S. Army Corps of Engineers, Washington, D.C., and Chief of the Assessment Division, U.S. Central Command, MacDill Air Force Base, Florida, and Riyadh, Saudi Arabia. He is also a veteran of the Gulf War. He and his wife Annette have two children who are also serving in the armed services. His son Ryan is a Lieutenant in the U.S. Navy and his daughter Kati is a Captain and physician in the U.S. Army.

After completing his military service in 2000, he moved to Collier County where he became the Public Utilities manager followed by nine months as the Deputy County Manager and eventually earning the top leadership position as County Manager on July 15, 2002.

Throughout the years I have had the privilege of working with Jim to advance the needs of Collier County and the Southwest Florida Community. He has been committed to the people of Collier County for almost a decade even continuing his service after being diagnosed with brain cancer. Through this most difficult battle of his life Jim has shown grace and dignity. He has dedicated his life to his country and to the people of Southwest Florida and truly embodies the spirit of public service. Speaker, I ask that you join me in thanking County Manager Jim Mudd for his service to this country and the people of Southwest Florida. It is an honor to know such a great man, and a personal privilege to call him a friend.

THE RETIREMENT OF PAUL COWEN AS CHIEF OF STAFF TO STATE SENATOR EDDIE LUCIO, JR.

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the dedication of Paul Cowen, who is retiring after 20 years as Chief of Staff to State Sen. Eddie Lucio, Jr.

Paul has worked day in and day out with our office on policy that has greatly impacted South Texas. His vision, perseverance and commitment to helping the less fortunate is remarkable.

In 1989, Paul got a call from then-candidate Eddie Lucio, Jr., the soon-to-be Senator asked Paul if he would run his campaign for the Texas 27th Senatorial District, Paul agreed. The rest is history.

Paul is one of 10 children of Louis and Virginia Cowen. He has been married to Tamara Cowen for 37 years and has three children: Tara Jean, Jonathan Paul, and Timothy Patrick. I take this time on the House Floor to wish Paul a happy retirement, and at the same time, thank him for the many lives he impacted and changed through his work in the Texas Legislature alongside Sen. Lucio.

Although Paul will no longer be Chief of Staff to Sen. Lucio, he will forever remain in the hearts and souls of those he impacted.

Today, I ask that my colleagues join me in commemorating the retirement of Paul Cowen as Chief of Staff to Sen. Eddie Lucio, Jr. I wish you the best of luck, amigo.

ACCEPTANCE OF STATUE OF HELEN KELLER PRESENTED BY THE PEOPLE OF ALABAMA

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the Congressional Tribute commending the dedication of the statue of Helen Keller.

The life of Helen Keller is one that we continue to praise because of her tenacious spirit. Having her sight and hearing stolen by illness as an infant in rural Alabama did not stop her from accomplishing incredible feats. Ms. Keller is not only a champion for the blind and deaf in the United States, but also worldwide. Her miraculous breakthrough came at a simple well-pump, learning the spelling of the word "water" as it ran over her hand. From this moment, she went on to graduate from Radcliffe College, author several books and be awarded the Presidential Medal of Freedom.

As a Representative, as a woman, and as a nurse, I can appreciate the societal and medical challenges Ms. Keller overcame to become the triumphant figure that she is. Young women have a great role model in Helen Keller. She has also inspired medical professionals and humanitarians across the globe to fight preventable blindness and malnutrition.

It is with great respect for this American hero that I urge my colleagues to join me in supporting the Congressional Tribute commending the dedication of the statue of Helen Keller.

TRIBUTE TO ART VAN FURNITURE

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. UPTON. Madam Speaker, I rise today to pay tribute to Art Van Furniture. Throughout the month of October, Mr. Art Van Elslander and Art Van Furniture are celebrating 50 years as a family-owned and Michigan-based company.

In my district, the city of Kalamazoo is home to an Art Van Furniture store that has been dedicated to supplying guests with quality furniture and superior customer service. They have continued to provide jobs and revenue to the local economy during a time when Southwest Michigan has needed it most.

As Michigan's largest furniture retailer with 32 locations, Art Van Furniture has brought recognition and notoriety to our State by receiving numerous distinguished honors. One recent accolade was the 2009 Retailer of the Year Award from Furniture Today, a furniture industry publication. In acknowledgment of their green efforts, the Michigan Retailers Association named Art Van Furniture a 2007

GreenTailer. This inaugural honor is given to retailers who are protecting the environment by adopting energy conservation and Earth-friendly practices.

Providing continual and vital economic growth to local communities statewide by employing more than 2,500 Michiganders, Art Van Furniture has been continually named one of West Michigan's 101 Best and Brightest places to work. Furthermore, Art Van Furniture has an exceptional record of giving back to area charities and communities through a variety of generous financial contributions.

Again, it is my honor to rise today in honor of Art Van Furniture on the monumental occasion of its 50th anniversary. Congratulations and best wishes for another five decades.

TRIBUTE TO THE CONGREGATION GEMILUTH CHASSODIM

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. ALEXANDER. Madam Speaker, I rise today to pay tribute to the Congregation Gemiluth Chassodim of Alexandria, LA, originally known as the Hebrew Benevolent Society of Rapides. Chartered on October 2, 1859, the congregation recently celebrated its 150th anniversary of distinguished service to the Jewish community, as well as to providing faithful dedication to the Alexandria area.

The congregation first held religious services in various private homes with lay leadership. The initial Jewish sanctuary was built in 1870, and the first rabbi, Marx Klein, came in 1873. On October 14, 1873, the young congregation became one of the original charter members of the Union of American Hebrew Congregations, presently known as the Union for Reform Judaism, which today represents 900 affiliate congregations in the United States and abroad. The present sanctuary was constructed in 1952.

The congregation has been served by 23 rabbis and 33 board presidents. It grew to a peak of nearly 300 families during the mid-twentieth century.

Many members of the Temple have held various leadership roles in civic and charitable organizations throughout Central Louisiana. In addition, they have made significant contributions in the fields of medicine, law, government, social services, education and the cultural life of the region.

The Temple, the Rabbi and individual members continue to play an integral part in achieving better interfaith understanding, working to strengthen the quality of life for all citizens in the communities of the region.

Madam Speaker, I ask my colleagues to join with me in commending the Congregation Gemiluth Chassodim.

INTRODUCTION OF THE PROTECTING RESORT CITIES FROM DISCRIMINATION ACT OF 2009

HON. HARRY E. MITCHELL

OF ARIZONIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. MITCHELL. Madam Speaker, earlier today I, along with Representative DEAN HELLER of Nevada introduced the Protecting Resort Cities from Discrimination Act of 2009.

If enacted, the bill would prohibit federal agencies from discriminating against cities like Scottsdale, Arizona, and Reno and Las Vegas, Nevada, simply because they are great places to visit.

Scottsdale, and resort destination cities like it, are reeling right now—not just from an economic downturn, but from stigma. Business travelers are reluctant to avail themselves of the great facilities and great value we have to offer, out of fear that they will be accused of inappropriately vacationing on the company dime.

In Arizona, some are calling it the "AIG effect."

As a result, an already difficult situation has become dire.

Earlier this year, the Arizona Republic reported that, in Scottsdale alone, an estimated 80 events and business meetings had been canceled and local resorts had lost a combined $23.9 million from groups fearing a public-relations backlash.

Scottsdale's hotel occupancy is down nearly 12 percent, and revenue per available room is down nearly 30 percent.

The ripple effect this has had on our economy is even worse. Restaurants, suppliers—you name it—they're all suffering.

And it doesn't help when the federal government tells the business community that they're afraid of giving us their business, too.

Cities like Scottsdale, Reno and Las Vegas should have every bit as much right to win federal meeting and conference business as anywhere else. If we can provide the right facilities at the right price, we shouldn't be punished because we also happen to be great places to visit.

If enacted, the Protecting Resort Cities from Discrimination Act would stop that from happening. The bipartisan bill would prohibit federal agencies from discriminating against cities that are perceived to be resort or vacation destinations when planning events, meetings or conferences.

I want to assure my colleagues that nothing in this bill will encourage federal agencies to undertake any additional or unnecessary travel. I firmly believe that federal agencies have an obligation to ensure that tax dollars are not wasted or misused.

All this bill would do is ensure that, when appropriate, cities like Scottsdale have a right to compete.

I want to thank Rep. HELLER for his partnership on this legislation and I urge my colleagues to support it.

H.R. 3590, SERVICEMEMBERS HOME OWNERSHIP TAX ACT OF 2009

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. AL GREEN of Texas. Madam Speaker, I extend my support to H.R. 3590, the Service Members Home Ownership Tax Act of 2009, and thank my friend from New York, Mr. RANGEL, for introducing this legislation.

When Congress passed the first-time homebuyer tax credit in the American Recovery and Reinvestment Act in January of this year, it sought to reverse the downturn in the housing market by helping qualified homebuyers purchase their first home with a maximum $8,000 tax credit. To ensure that the credit benefitted ordinary Americans and not speculators, we required that borrowers who took advantage of the credit repay it if they sold their home within three years of the purchase date.

At the time, we thought this was good policy. However, it is clear now that an exception should have been made for our servicemen and women and their families, who are often required by federal orders to redeploy overseas within a three-year period. The chance for us to correct this oversight has now come.

The Service Members Home Ownership Tax Act amends the federal tax code to provide an exemption for members of the military, CIA, and Department of State that would not require them to repay the homebuyer tax credit if they are called for overseas duty and are forced to sell their homes within three years of purchasing it. It also extends for one year the deadline for utilizing the first-time homebuyer tax credit for service members who served outside the country for at least 90 days in 2009. This provision would help returning veterans take full advantage of the tax credit, which is set to expire on November 30, 2009.

In exchange for service in war zones abroad and the sacrifices that our servicemen and women make everyday, it is only fair that our military families be able to take full advantage of the programs we enact in Congress. The Service Members Home Ownership Tax Act of 2009 is deficit neutral and reaffirms our commitment to our men and women in uniform. I am proud to provide my support to H.R. 3590.

"BRINGING HER LIGHT"—IN HONOR OF HELEN KELLER AND THE UNVEILING OF HER STATUE AT THE UNITED STATES CAPITOL

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. ADERHOLT. Madam Speaker, I rise today to honor an American heroine, Helen Keller, on the occasion of the unveiling of her statue at The United States Capitol on Wednesday, October 7th 2009, in the Great Rotunda. Born in Tuscumbia Alabama, Helen would rise up to be one of the greatest daughters of the South. Stricken at the age of 19 months as a baby, losing both her hearing and her sight. Against all odds, armed with but only her will, courage and persistence, would come out of the dark to teach the world. And become admired for her shining example of faith and courage. Providing hope to all and championing the betterment of others. I ask that this poem penned by Albert Caswell of the Capitol Guide Service be placed in the RECORD.

BRINGING HER LIGHT

Out of the darkness . . .
Into the light . . .
From out of the darkness . . .
Can so come the light . . .
From out of such silence . . .
Can so come one's soul . . .
A voice heard, so sounding . . . so very bright, to behold!
All in the Keller, the color of one's soul . . .

Of which so ignites . . .
All in it's brightness . . .
All in it's brilliance . . .
As ever so there, so Bringing Her Light . . . with but her glow . . .
Of the one who could not so see . . .
And yet, saw even clearer . . . all in what hope can so be . . .
Of the one who could not so hear . . .
And yet, heard all of those answers . . . so very clear . . .
Lessons, for woman and mankind . . . to help win that fight . . .
Inspiring us all, with but her heart and her mind . . .
A Miracle Worker . . .
Showing us all . . .
How faith and courage, all in ones soul . . . ever burns bright to behold . . .
While, coming out of the darkest . . . out of that night . . .
That, against all odds . . .
Only, with ones soul . . .
Can ones heart, so be heard and so seen . . . so all in its light!
Coming Out of The Darkness!
Bringing Her Light!

INTRODUCTION OF THE SMALL BUSINESS TAX EQUALIZATION AND COMPLIANCE ACT

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Ms. BERKLEY. Madam Speaker, I am very pleased to re-introduce the Small Business Tax Equalization and Compliance Act, legislation that would extend the existing tip tax credit—the 45(b) credit—to employers in the salon industry and at the same time encourage tax compliance through education and improved tip reporting requirements. This legislation makes needed changes to the tax code to help support a vital and growing sector of America's economy, the salon industry.

The salon industry is one of America's most diverse industries and home to a large number of entry-level jobs, but with room for advancement and opportunities that go far beyond minimum-wage. The industry is also a significant employer of women, particularly working mothers who need flexibility in their work schedules.

In 1993, Congress formally recognized that employers should not be responsible for paying FICA taxes on income that was not paid by them, and granted the restaurant industry a dollar-for-dollar tax credit on the employer's share of FICA taxes paid on tip income above the minimum wage. Much like restaurants, salon employees receive a large portion of their income in the form of tips. As a matter of tax fairness, it is time to extend similar treatment to the salon industry.

My bill also includes provisions to improve tip reporting to ensure that all salons—whether the traditional employer-employee model or the non-employer salons where independent contractors report their own tips—are fully complying with reporting requirements.

I believe that small businesses are the backbone of the American economy, and salons are an important part of the small business community. Eighty-two percent of salon establishments have fewer than 10 employees and 98 percent of salons are single-unit operations. Extending the tip tax credit to these small businesses would provide much needed tax relief, particularly in these challenging economic times, and allow them to reinvest in their businesses, employees, and communities.

A strong economic recovery will depend on the health and strength of our small business sector. It is imperative that we work to ensure our tax rules governing this sector are fair, simple, and encourage compliance. I urge all of my colleagues to join me in supporting this legislation.

PERSONAL EXPLANATION

HON. JOHN. A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. YARMUTH. Madam Speaker, I was unable to cast the recorded votes for Rollcall 741, H. Res. 16, On Motion to Suspend the Rules and Agree. Had I been present I would have voted ''yes'' for this measure. Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD immediately following these votes.

CELEBRATING THE 25TH ANNIVERSARY OF GOODRICH AEROSTRUCTURES IN FOLEY, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. BONNER. Madam Speaker, I want to extend my congratulations to Goodrich Aerostructures Original Equipment Manufacturer and the Alabama Service Center on their 25th anniversary in Foley, Alabama. For a quarter of a century the hard working men and women of Goodrich have been manufacturing, assembling, maintaining, repairing, and servicing aircraft engine components and structures such as nacelles, pylons, fan and inlet cowls, and thrust reversers for both military and commercial aircraft.

Goodrich Aerostructures, originally known as Rohr Industries, became part of the Baldwin County community in 1984. In December 2006, Goodrich began an expansion project to increase its size in Foley to more than 425,000 square feet. Since 2005, Goodrich Aerostructures has become the second largest employer in Foley with more than 800 people working at the facility. Most recently, the Aerostructures team in Foley was recognized by General Electric for delivering its 500th CF34–10 nacelle; they have also received production contracts to supply the pylons and nacelle systems for the Air Force C–5 Galaxy strategic airlifter as part of the Reliability Enhancement and Re-engining Program and, for eight consecutive years, workers at Goodrich in Foley have been recognized by the FAA with Aviation Maintenance Technician (AMT) awards.

As a good corporate citizen, Goodrich has been a leader in the Foley community. Goodrich has partnered with Alabama Industrial Development Training to offer training classes with more than 900 graduates. Earlier this year, the United Way of Baldwin County recognized Goodrich as the top contributing industry in the county. Goodrich is also recognized for supporting education, arts, and civic activities in the local community such as the Baldwin County Sheriff's Boys Ranch in Summerdale, Community Hospice for Baldwin County, and putting together and sending care packages to family members and friends of employees who are serving our country in Iraq and Afghanistan.

Madam Speaker, I am proud to represent the working families of Goodrich Aerostructures in Foley, and I ask my colleagues to join me in offering heartfelt congratulations on 25 years of dedication, hard work, and leadership in the community. Needless to say, I wish them much continued success in the future.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3326, Department of Defense Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S10121–S10169

Measures Introduced: Five bills and five resolutions were introduced, as follows: S. 1754–1758, S. Res. 303–306, and S. Con. Res. 45. **Page S10162**

Measures Passed:

Department of Defense Appropriations Act: By 93 yeas to 7 nays (Vote No. 315), Senate passed H.R. 3326, making appropriations for the Department of Defense 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 S10143–59**

Adopted:

Inhofe Modified Amendment No. 2618, to ensure sustainment, readiness, and acquisition of ammunition for all United States military services in order to meet long term peacetime and wartime requirements. **Page S10149**

By 68 yeas to 30 nays (Vote No. 308), Franken Amendment No. 2588, to prohibit the use of funds for any Federal contract with Halliburton Company, KBR, Inc., any of their subsidiaries or affiliates, or any other contracting party if such contractor or a subcontractor at any tier under such contract requires that employees or independent contractors sign mandatory arbitration clauses regarding certain claims. **Pages S10143, S10146–48, S10149–50**

By 91 yeas to 7 nays (Vote No. 309), Franken (for Bond/Leahy) Amendment No. 2596, to limit the early retirement of tactical aircraft. **Pages S10143, S10150–51**

Sanders/Dorgan Amendment No. 2601, to make available from Overseas Contingency Operations $20,000,000 for outreach and reintegration services under the Yellow Ribbon Reintegration Program. **Pages S10143, S10152**

By 77 yeas to 21 nays (Vote No. 313), Inouye Amendment No. 2623, to provide full and open competition for congressionally directed spending items. **Pages S10154–55**

Lieberman Modified Amendment No. 2616, Relating to the two-stage ground-based interceptor missile. **Pages S10144, S10155–56**

Inouye (for Bingaman/Udall (NM)) Amendment No. 2605, to make available from Research, Development, Test, and Evaluation, Air Force, $5,000,000 to carry out evaluations and analyses of certain laser systems. **Pages S10156–57**

Rejected:

By 38 yeas to 60 nays (Vote No. 307), Barrasso Amendment No. 2567, to prohibit the use of funds for the Center on Climate Change and National Security of the Central Intelligence Agency. **Pages S10143, S10148–49**

By 28 yeas to 70 nays (Vote No. 310), Coburn Amendment No. 2565, to ensure transparency and accountability by providing that each member of Congress and the Secretary of Defense has the ability to review $1,500,000,000 in taxpayer funds allocated to the National Guard and Reserve components of the Armed Forces. **Pages S10143, S10151–52**

By 25 yeas to 73 nays (Vote No. 311), Franken (for Coburn) Amendment No. 2566, to restore $166,000,000 for the Armed Forces to prepare for and conduct combat operations, by eliminating low-priority congressionally directed spending items for all operations and maintenance accounts. **Pages S10143, S10148, S10152**

By 30 yeas to 68 nays (Vote No. 312), McCain Amendment No. 2580, to strike amounts available for procurement of C–17 aircraft in excess of the amount requested by the President in the budget for fiscal year 2010. **Pages S10153–54**

McCain Amendment No. 2560, to require that earmarks for for-profit entities be subject to full and open competition. **Page S10155**

By 43 yeas to 55 nays (Vote No. 314), McCain Amendment No. 2583, to strike funding for the MARIAH Hypersonic Wind Tunnel Development Program. **Page S10155**

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 Inouye, Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Specter, Cochran, Bond, McConnell, Shelby, Gregg, Hutchison, Bennett, and Brownback.

Page S10159

Commemorating Canonization of Father Damien de Veuster, SS.CC.: Senate agreed to S. Res. 304, commemorating the canonization of Father Damien de Veuster, SS.CC. to sainthood.

Pages S10166–67

Support for Victims of Natural Disasters: Senate agreed to S. Res. 305, expressing support for the victims of the natural disasters in Indonesia, Samoa, American Samoa, Tonga, Vietnam, Cambodia, and the Philippines. **Pages S10167–68**

National Childhood Lead Poisoning Prevention Week: Senate agreed to S. Res. 306, designating the week of October 18 through October 24, 2009, as "National Childhood Lead Poisoning Prevention Week". **Page S10168**

U.S. Citizens in Iran: Senate agreed to S. Con. Res. 45, encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible. **Page S10168**

Commerce, Justice, Science, and Related Agencies Appropriations Act—Agreement: A unanimous-consent agreement was reached providing that at approximately 10:30 a.m., on Wednesday, October 7, 2009, Senate resume consideration of H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010. **Page S10168**

Nomination Confirmed: Senate confirmed the following nomination:

By 72 yeas 22 nays (Vote No. EX. 306), Thomas E. Perez, of Maryland, to be an Assistant Attorney General. **Pages S10122–36, S10169**

Cloture Motion—Agreement: A unanimous-consent agreement was reached providing that the previously scheduled vote on the motion to invoke cloture on the nomination, be vitiated. **Page S10136**

Nominations Received: Senate received the following nominations:

Mary John Miller, of Maryland, to be an Assistant Secretary of the Treasury.

Michael F. Mundaca, of New York, to be an Assistant Secretary of the Treasury.

Denny Chin, of New York, to be United States Circuit Judge for the Second Circuit.

O. Rogeriee Thompson, of Rhode Island, to be United States Circuit Judge for the First Circuit.

Page S10169

Messages from the House: **Page S10162**

Measures Placed on the Calendar: **Pages S10121, S10162**

Additional Cosponsors: **Page S10162**

Statements on Introduced Bills/Resolutions: **Pages S10164–66**

Additional Statements: **Pages S10161–64**

Amendments Submitted: **Page S10166**

Authorities for Committees to Meet: **Page S10166**

Record Votes: Ten record votes were taken today. (Total—315) **Pages S10136, S10149–52, S10154–55, S10158–59**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:34 p.m., until 9:30 a.m. on Wednesday, October 7, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10168.)

Committee Meetings

(Committees not listed did not meet)

U.S. POLICY OPTIONS FOR MINIMIZING THREATS FROM IRAN

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine minimizing potential threats from Iran, focusing on administration perspectives on economic sanctions and other United States policy options, after receiving testimony from Senators Brownback and Casey; James B. Steinberg, Deputy Secretary of State; Stuart Levey, Under Secretary of the Treasury for Terrorism and Financial Intelligence; and Daniel O. Hill, Acting Under Secretary of Commerce for Industry and Security.

EXPORT SUCCESS FOR SMALL AND MEDIUM-SIZED BUSINESS

Committee on Commerce, Science, and Transportation: Subcommittee on Competitiveness, Innovation, and Export Promotion concluded a hearing to examine promoting export success for small and medium-sized businesses, after receiving testimony from Rochelle J. Lipsitz, Acting Assistant Secretary of Commerce for Trade Promotion and Director General, United States and Foreign Commercial Service, International Trade Administration; Alice P. Albright, Executive Vice President and Chief Operating Officer, Export-

Import Bank of the United States; Tom J. Wollin, Mattracks, Inc., Karlstad, Minnesota; Liz J. Reilly, United States Chamber of Commerce, Washington, D.C.; and Bradley E. Pierce, Restaurant Equipment World, Orlando, Florida.

INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE

Committee on Foreign Relations: Committee concluded a hearing to examine Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (Treaty Doc. 110–21), after receiving testimony from Keith Loken, Assistant Legal Adviser for Private International Law, Office of the Legal Adviser, Department of State; Vicki Turetsky, Commissioner, Office of Child Support Enforcement, Department of Health and Human Services; Alisha Griffin, New Jersey Department of Human Services Office of Child Support Services, Trenton; and Battle R. Robinson, Delaware Uniform Law Commissioner, Georgetown.

HUMAN RIGHTS VIOLATORS

Committee on the Judiciary: Subcommittee on Human Rights and the Law concluded a hearing to examine accountability for human rights violators, after receiving testimony from Lanny A. Breuer, Assistant Attorney General, Criminal Division, Department of Justice; John Morton, Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement; David T. Donahue, Deputy Assistant Secretary of State for Visa Services, Bureau of Consular Affairs; and Arthur M. Cummings II, Executive Assistant Director—National Security Branch, Federal Bureau of Investigation, Department of Justice.

EXECUTIVE BRANCH CZARS

Committee on the Judiciary: Subcommittee on the Constitution concluded a hearing to examine the history and legality of executive branch ''czars'', after receiving testimony from T.J. Halstead, Deputy Assistant Director, American Law Division, Congressional Research Service, Library of Congress; John C. Harrison, University of Virginia School of Law, Charlottesville; Tuan Samahon, Villanova University School of Law, Villanova, Pennsylvania; Matthew Spalding, The Heritage Foundation, Washington, D.C.; and Bradley H. Patterson, Bethesda, Maryland.

RECOVERY ACT

Committee on Small Business and Entrepreneurship: Committee concluded a hearing to examine the Recovery Act for small businesses, focusing on what is working and what comes next, after receiving testimony from Eric R. Zarnikow, Associated Administrator, Office of Capitol Access, and Joseph G. Jordan, Associate Administrator, Government Contracting and Business Development, both of the Small Business Administration; Brenda DeGraffenreid, Supervisory Acquisition Manager, Office of Small and Disadvantaged Business Utilization, Department of Energy; Sally Rockey, Acting Deputy Director for Extramural Research, National Institutes of Health, Department of Health and Human Services; and Linda B. Oliver, Acting Director, Office of Small Business Programs, Office of the Under Secretary of Defense.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 3719–3735; and 9 resolutions, H. Con. Res. 194–195; and H. Res. 796–798, 800–803, were introduced. **Pages H10518–19**

Additional Cosponsors: **Pages H10519–21**

Reports Filed: Reports were filed today as follows:

H. Res. 719, commending Russ Meyer on his induction into the National Aviation Hall of Fame, with an amendment (H. Rept. 111–282);

H. Con. Res. 138, recognizing the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas (H. Rept. 111–283);

H.R. 3371, to amend title 49, United States Code, to improve airline safety and pilot training (H. Rept. 111–284);

H. Res. 465, recognizing the Atlantic Intracoastal Waterway Association on the occasion of its 10th anniversary, with amendments (H. Rept. 111–285);

H.R. 3305, to designate the Federal building and United States courthouse located at 224 South Boulder Avenue in Tulsa, Oklahoma, as the ''H. Dale Cook Federal Building and United States Courthouse'' (H. Rept. 111–286); and

H. Res. 799, providing for consideration of the conference report to accompany the bill (H.R. 2997)

making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010 (H. Rept. 111–287).

Page H10518

Speaker: Read a letter from the Speaker wherein she appointed Representative Schrader to act as Speaker Pro Tempore for today. **Page H10461**

Recess: The House recessed at 12:48 p.m. and reconvened at 2 p.m. **Page H10463**

Chaplain: The prayer was offered by the Guest Chaplain, Pastor Greg Schannep, Faith Fellowship, Fort Hood, Texas. **Page H10463**

Ronald Reagan Centennial Commission—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Ronald Reagan Centennial Commission: Representatives Foster and Moore (KS).

Page H10464

Suspensions: The House agreed to suspend the rules and agree to the following measures:

Expressing support for designation of the week of September 13, 2009, as Adult Education and Family Literacy Week: H. Res. 707, amended, to express support for designation of the week of September 13, 2009, as Adult Education and Family Literacy Week, by a ⅔ yea-and-nay vote of 412 yeas with none voting "nay", Roll No. 755;

Pages H10465–68, H10486

Agreed to amend the title so as to read: "Expressing support for designation of the week of October 18, 2009, as National Adult Education and Family Literacy Week.". **Page H10486**

Supporting the goals and ideals of Campus Fire Safety Month: H. Res. 167, to express the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month;

Pages H10468–70

Expressing support for designation of October 8, 2009, as national Jumpstart's "Read for the Record Day": H. Res. 741, amended, to express support for designation of October 8, 2009, as national Jumpstart's "Read for the Record Day"; and

Pages H10471–73

Supporting the goals and ideals of "National Estuaries Day": H. Res. 710, to support the goals and ideals of "National Estuaries Day". **Pages H10474–75**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Recognizing that country music has made a tremendous contribution to American life and culture: H. Res. 650, to recognize that country music has made a tremendous contribution to American life and culture and to declare country music to be a uniquely American art form; **Pages H10470–71**

Recognizing the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem: H. Res. 701, to recognize the Dyke Marsh Wildlife Preserve as a unique and precious ecosystem; and **Pages H10473–74**

Honoring the people of Shanksville, Pennsylvania, and the Flight 93 Ambassadors for their efforts in creating the Flight 93 temporary memorial: H. Res. 795, to honor the people of Shanksville, Pennsylvania, and the Flight 93 Ambassadors for their efforts in creating the Flight 93 temporary memorial and to encourage the completion of the National Park Service Flight 93 National Memorial by the 10th anniversary of September 11, 2001.

Pages H10475–77

Recess: The House recessed at 3:29 p.m. and reconvened at 5:30 p.m. **Page H10477**

National Defense Authorization Act for Fiscal Year 2010—Motion to go to Conference: The House agreed to the Skelton motion to disagree to the Senate amendment and agree to a conference on H.R. 2647, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, and to expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees. **Pages H10477–86**

Agreed to the Skelton motion to close portions of the conference by a yea-and-nay vote of 405 yeas to 7 nays, Roll No. 753. **Pages H10484–85**

Rejected the Forbes motion to instruct conferees by a yea-and-nay vote of 178 yeas to 234 nays, Roll No. 754. **Pages H10485–86**

Later, the Chair appointed the following conferees: From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Representatives Skelton, Spratt, Ortiz, Taylor, Abercrombie, Reyes, Snyder, Smith (WA), Loretta Sanchez, McIntyre, Brady (PA), Andrews, Davis (CA), Langevin, Larsen (WA), Cooper, Marshall, Bordallo, McKeon, Bartlett, Thornberry, Jones, Akin, Forbes, Miller (FL), Wilson (SC), LoBiondo, Bishop (UT), Turner and Wittman. **Page H10488**

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Representatives Reyes, Schiff and Hoekstra.

Page H10488

Pursuant to clause 11 of rule I, the Chair removes the gentleman from Texas, Mr. Reyes, as a conferee from the Permanent Select Committee on Intelligence on H.R. 2647 and appoints the gentleman from Florida, Mr. Alcee Hastings, to fill the vacancy. **Page H10505**

From the Committee on Education and Labor, for consideration of secs. 243, 551–553, 585, 2833 and 2834 of the House bill and secs. 531–534 and 3136 of the Senate amendment, and modifications committed to conference: Representatives Woolsey, Altmire and Biggert. **Page H10488**

From the Committee on Energy and Commerce, for consideration of secs. 247, 315 and 601 of the House bill and secs. 311, 601, 2835 and 3118 of the Senate amendment, and modifications committed to conference: Representatives Waxman, Markey (MA) and Barton (TX). **Page H10488**

From the Committee on Foreign Affairs, for consideration of secs. 812, 907, 912, 1011, 1013, 1046, 1201, 1211, 1213–1215, 1226, 1230A, 1231, 1236, 1239, 1240, title XIII, secs. 1513, 1516, 1517, and 2903 of the House bill and secs. 1021, 1023, 1201–1203, 1205–1208, 1211–1214, Subtitle D of title XII, title XIII and sec. 1517 of the Senate amendment, and modifications committed to conference: Representatives Berman, Ackerman and Ros-Lehtinen. **Page H10489**

From the Committee on Homeland Security, for consideration of sec. 1101 of the House bill, and modifications committed to conference: Representatives Thompson (MS), Titus and Bilirakis. **Page H10489**

From the Committee on House Administration, for consideration of Subtitle H of title V of the Senate amendment, and modifications committed to conference: Representatives Capuano, Gonzalez and Lungren (CA). **Page H10489**

From the Committee on the Judiciary, for consideration of secs. 583, 584, 1021 and 1604 of the House bill and secs. 821, 911, 1031, 1033, 1056, 1086 and Division E of the Senate amendment, and modifications committed to conference: Representatives Nadler (NY), Zoe Lofgren (CA) and Gohmert. **Page H10489**

From the Committee on Natural Resources, for consideration of secs. 1091 and 2308 of the Senate amendment, and modifications committed to conference: Representatives Rahall, Faleomavaega and Hastings (WA). **Page H10489**

From the Committee on Oversight and Government Reform, for consideration of secs. 321, 322, 326–329, 335, 537, 666, 814, 815, 834, 1101–1107, 1110–1113 and title II of Division D of the House bill and secs. 323, 323A–323C, 814, 822, 824, 901, 911, 1056, 1086, 1101–1105 and 1162 of the Senate amendment, and modifications committed to conference: Representatives Towns, Lynch and Fortenberry. **Page H10489**

From the Committee on Science and Technology, for consideration of secs. 248, 819, 836, and 911 of the House bill and secs. 801, 814, 833, 834, 912 and Division F of the Senate amendment, and modifications committed to conference: Representatives Gordon (TN), Wu and Smith (NE). **Page H10489**

From the Committee on Small Business, for consideration of sec. 830 of the House bill and secs. 833, 834, 838, 1090 and Division F of the Senate amendment, and modifications committed to conference: Representatives Velázquez, Nye and Graves. **Page H10489**

From the Committee on Transportation and Infrastructure, for consideration of secs. 315, 601 and 2811 of the House bill and secs. 311, 601, 933, 2835, 3301, 6002, 6007, 6008, 6012 and 6013 of the Senate amendment, and modifications committed to conference: Representatives Cummings, Richardson and Mica. **Page H10489**

From the Committee on Veterans Affairs, for consideration of secs. 525, 583, 584 and sec. 121 of Division D of the House bill and secs. 573–575, 617, 711, Subtitle E of title X, secs. 1084 and 1085 of the Senate amendment, and modifications committed to conference: Representatives Rodriguez, Donnelly (IN) and Buyer. **Page H10489**

Providing for the acceptance of a statue of Helen Keller, presented by the people of Alabama: The House agreed to S. Con. Res. 42, to provide for the acceptance of a statue of Helen Keller, presented by the people of Alabama. **Pages H10486–87**

Senate Messages: Messages received from the Senate by the Clerk and subsequently presented to the House today appear on page H10464.

Senate Referrals: S. 251 was referred to the Committee on Energy and Commerce and the Committee on the Judiciary; S. Con. Res. 43 was referred to the Committee on House Administration; and S. Con. Res. 42 was held at the desk. **Page H10464**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H10484–85, H10485–86 and H10486. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 11:46 p.m.

Committee Meetings

CAPITAL MARKETS REGULATORY REFORM

Committee on Financial Services: Held a hearing entitled ''Capital Markets Regulatory Reform: Strengthening Investor Protection, Enhancing Oversight of Private Pools of Capital and Creating a National Insurance Office.'' Testimony was heard from Denise Voigt Crawford, Securities Commissioner, Securities Administration Board, State of Texas; and public witnesses.

CONFERENCE REPORT—AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Rules: Committee granted, by a nonrecord vote, a rule providing for consideration of the conference report to accompany H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010. The rule waives all points of order against the conference report on H.R. 2997 and against its consideration. Finally, the rule provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate and one motion to recommit if applicable. Testimony was heard from Representatives DeLauro, Kingston and Latham.

LONG ISLAND SOUND—PROTECTING AND RESTORING AMERICA'S GREAT WATERS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Protecting and Restoring America's Great Waters: The Long Island Sound. Testimony was heard from Mark Tedesco, Director, Long Island Sound Office, EPA; Amey Marcella, Commissioner, Department of Environmental Protection, State of Connecticut; Peter Scully, Regional Director, Long Island Sound Regional Office, Department of Environmental Conservation, State of New York, and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 7, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: 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: Subcommittee on Communications and Technology, to hold hearings to examine reauthorization of the Satellite Home Viewer Extension and Reauthorization Act of 2004, 10 a.m., SR–253.

Committee on Foreign Relations: Subcommittee on Near Eastern and South and Central Asian Affairs, to hold hearings to examine the proposed agreement between the United States and the United Arab Emirates on civilian nuclear cooperation, 10 a.m., SD–419.

Full Committee, to hold hearings to examine Al-Qaeda, focusing on Afghanistan, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider the nominations of M. Patricia Smith, of New York, to be Solicitor, Joseph A. Main, of Virginia, to be Assistant Secretary for Mine Safety and Health, and William E. Spriggs, of Virginia, to be Assistant Secretary for Policy, all of the Department of Labor, and Regina M. Benjamin, of Alabama, to be Surgeon General of the Public Health Service, Department of Health and Human Services, and any pending nominations, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine the 2010 census, focusing on a status update of key decennial operations, 3 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine workplace fairness, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit, Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General, Department of Justice, and Ketanji Brown Jackson, of Maryland, to be a Member of the United States Sentencing Commission, 4 p.m., SD–226.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Energy and Research, hearing to review implementation of the conservation title of the 2008 Farm Bill, 10 a.m., 1300 Longworth.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''Growing U.S. Trade in Green Technology,'' 10 a.m., 2322 Rayburn.

Subcommittee on Health, hearing on the following bills: H.R. 1740, Breast Cancer Education and Awareness Requires Learning Young Act of 2009; H.R. 1691, Breast Cancer Patient Protection Act of 2009; H.R. 2279, Eliminating Disparities in Breast Cancer Treatment Act of 2009; H.R. 995, Mammogram and MRI Availability Act of 2009; and H.R. 2042, Better Screening Test for Women Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled '' Reform of the Over-the-Counter Derivative Market: Limiting Risk and Ensuring Fairness,'' 10 a.m., 2128 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 1478, Carmelo Rodriguez Military Medical Accountability Act of 2009; H.R. 42, Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent Act; H.R. 1425, Wartime Treatment Study Act; H.R. 1110, PHONE Act of 2009; and H.R. 3237, To enact certain laws relating to national and commercial space programs as title 51, United States Code, ''National and Commercial Space Programs,'' 1:30 p.m., 2141 Rayburn.

Committee on Natural Resources, oversight hearing entitled ''Native American Graves Protection and Repatriation Act (NAGPRA),'' 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, hearing entitled ''Medicaid's Efforts to Reform Since the Preventable Death of Deamonte Driver: A Progress Report,'' 2 p.m., 2154 Rayburn.

Committee on Science and Technology, to mark up the following bills: H.R. 3650, Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2009; H.R. 3585. Solar Technology Roadmap Act; and H.R. 3598, Energy and Water Research Integration Act, 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''The State of the Nation's Housing Sector: An Examination of the First Time Buyer's Credit and Future Policies to Sustain a Recovery.'' 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Qualifications and Credentialing of Mariners: A Continuing Examination, 1 p.m., 2167 Rayburn.

Committee on Ways and Means, Subcommittee on Select Revenue Measurers, hearing on tax incentives for distressed communities, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Oversight and Investigations, executive, briefing on Peru Update, 10 a.m., 334 HVC.

Joint Meetings

Conference: meeting of conferees on H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, 1 p.m., S–127, Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, October 7

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will resume consideration of H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 7

House Chamber

Program for Wednesday: Consideration of the following suspensions: (1) H.R. 3590—Service Members Home Ownership Tax Act; (2) H.R. 1016—Veterans Health Care Budget Reform and Transparency Act; (3) S. 1717—To authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010; (4) H.R. 3547—The ''Rex E. Lee Post Office Building'' Designation Act; (5) H.R. 2174—The ''Clyde Hichborn Post Office'' Designation Act; (6) H.R. 2092—Kingman and Heritage Islands Act; and (7) S.J. Res. 12—A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously. Consideration of the conference report to accompany H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Subject to a Rule).

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