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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SERRANO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 8, 2009.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Todd Jones, First Presbyterian Church, Nashville, Tennessee, offered the following prayer:

Eternal God, before Whom generations rise and pass away, we give thanks today for this Nation, ''conceived in liberty and dedicated to the proposition that all men are created equal,'' that all bear some mark of the Divine image. So bless this body of legislators with wisdom and a passion ''to do justice, to love kindness and to walk humbly with Thee.''

Guide and direct their work, O Lord, that it may bring blessing and honor to this land and lead to an increase of freedom, a deepening of joy, and enrich the health and welfare of all her citizens. Grant that a large-hearted and clear-minded spirit may prevail and that our Nation's common good may be served and strengthened by the actions of this body.

Establish this Nation in righteousness, O God, and grant that we may be makers of peace, artisans of goodness, and keepers of the bright light of freedom.

We pray this in the name of the Living God, the Creator and Redeemer of all that is or ever shall be.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Alabama (Mr. GRIFFITH) come forward and lead the House in the Pledge of Allegiance.

Mr. GRIFFITH led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1037. An act direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 942. An act to prevent abuse of Government charge cards.

WELCOMING REV. TODD JONES, FIRST PRESBYTERIAN CHURCH, NASHVILLE, TENNESSEE

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee, Congressman COOPER, is recognized for 1 minute.

There was no objection.

Mr. COOPER. Mr. Speaker, I would like to welcome to the Chamber today Rev. Dr. Todd Jones and his wife, Connie. Dr. Jones is the reverend at the First Presbyterian Church in Nashville, Tennessee. He has led that congregation since 2002. He is a native of Pennsylvania who was educated at the University of Pittsburgh and went on to get his degree from Princeton Theological Seminary. After that, he did a 1-year fellowship in Scotland at the University of Edinburgh.

He first pastored at churches in South Carolina, where he had attended Presbyterian College. We feel very graced to have his presence in Nashville, Tennessee. He does a superb job, and he is very active in the community.

For example, he is on the board of the Boy Scouts as well as Goodwill Industries. So we are very thankful for his leading this body in prayer today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

MISSILE DEFENSE DECISIONS

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

Mr. GRIFFITH. Mr. Speaker, I rise today to address the American people about the current situation in the Middle East. On September 28, Iran launched and tested a Shahab-3 missile which has a range of 1,200 kilometers and puts American soldiers and our allies in the Middle East in danger. These tests must be met with stern opposition.

Having recently returned from Israel and Egypt, I had the opportunity to meet with officials and members of the

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defense community who are directly involved in their missile defense decisions. I was able to see firsthand the stability and security that American missile systems provide for our allies. Recently, the administration announced a change of plans, eliminating missile silos in Poland and radar in the Czech Republic, which raised concerns both in our missile defense community and among our international allies. Clearly this logic must be questioned as a successful launch of the long-range Shahab-3 missile shows that we must protect our allies in the region and, most importantly, the eastern United States.

These Iranian tests demonstrate a need for ground-based interceptors, if not on Poland, then on the eastern coast of the United States. American safety and security is essential to our soldiers abroad and citizens at home. Because national defense is a nonpartisan issue, we in Congress will work together to make sure our decisions are well thought out and executed.

OPEN UP THE OUTER CONTINENTAL SHELF

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

Mr. SMITH of Nebraska. Mr. Speaker, in October 2008, just a year ago, Congress lifted the decades-long ban on energy exploration off America's coasts, clearing the way for expanded domestic oil and gas exploration. Unfortunately, instead of moving forward with a plan to explore the Outer Continental Shelf, this administration has stopped progress by instituting an extended 6-month public comment period.

Now the Obama administration has indicated offshore exploration may not happen until 2012, meaning what was a mere 6-month delay for comments has now become 3-year ban or could become a 3-year ban on offshore drilling.

Mr. Speaker, Americans are still waiting for expanded oil and gas exploration. With unemployment nearing 10 percent and our Nation's deficit topping $9 trillion, it is simply irresponsible to continue this de facto ban on American energy protection. We need to take an all-of-the-above approach when it comes to our energy portfolio, an approach which includes developing American offshore energy resources.

HEALTH CARE STATUS QUO IS UNAFFORDABLE

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

Ms. SCHWARTZ. Since 2000, families in Pennsylvania have seen a 100 percent increase in their health premiums. Nearly one in five Pennsylvania families pay more than 10 percent of their income on health care. This is simply unaffordable for middle class Americans.

As we advance health care reform, we must ensure that Americans have access to meaningful, affordable health coverage, and we can do that by expanding private and public insurance options available to individuals and small groups so meaningful coverage is more affordable; by establishing consumer protections, including ending preexisting condition exclusions; setting commonsense policies to expand options for insurance coverage, including allowing young adults to stay on their parents' insurance policy; ensuring that Americans know what their insurance coverage truly means, by eliminating confusing terminology which results in consumers paying for expenses that they thought were covered, and putting a reasonable limit on insurer overhead and profits so that more of our premium dollars are used on health care.

The status quo is unaffordable. That is why the President and Congress are committed to passing a health care reform that benefits all of us.

ROBERT CLENNEY—TEXAS LAWMAN

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

Mr. POE of Texas. Mr. Speaker, Highlands, Texas, lost a lawman to a tragic traffic collision last Saturday night. Harris County Precinct 3 Deputy Constable Robert Clenney was hit by a car from behind and spun into oncoming traffic where he again was hit head-on by a pickup truck. He was 38 years of age. To make matters worse, the driver who hit Deputy Clenney's SUV from behind fled the scene. Police are now searching for the hit-and-run scoundrel.

Deputy Clenney was a beloved husband and father of two young daughters. His wife, Denise, says her husband had always wanted to be a lawman. It was his dream, and he achieved that dream. He had been a deputy constable for 11 months when he lost his life.

Lawmen are a special breed of people. They run toward trouble when others are running to safety. They protect people, property and the community. These first responders hold evildoers accountable to our laws. Deputy Clenney will be buried this Saturday in Texas. We will always be grateful for folks like Deputy Clenney, grateful for his service and his sacrifice. We pray God's peace to his family after their loss of this Texas lawman.

And that's just the way it is.

YOUNG ADULT HEALTH CARE COVERAGE ACT

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

Mrs. DAHLKEMPER. Mr. Speaker, today I rise to speak on behalf of the age group that boasts the highest uninsured rate in our country, our young adults. Young adults, those between 19 and 29 years old, are more frequently without insurance than any other age group. At 31 percent uninsured, nearly one in three 18- to 29-year-olds are without health insurance. This gap in coverage occurs when young people graduate from school or reach an age limit imposed by insurance companies that do not allow them access to their parents' health insurance plans.

Young adults entering the workforce often take jobs that lack benefits or cannot afford them on their own. The Young Adult Health Care Coverage Act would give these young adults access to their parents' health insurance during these transition years when it is so difficult to maintain coverage on their own. This bill is a no-cost bipartisan solution to the problem of young adults without health insurance.

I urge my colleagues to support this bill and to support health care reform to provide quality health care for all Americans.

FANG ZHENG

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

Mr. PITTS. Mr. Speaker, yesterday I had the honor to celebrate with Fang Zheng, a man from China who recently walked for the first time in 20 years. Twenty years ago, I remember the whole world was watching on TV with such hope as peaceful demonstrators poured into Tiananmen Square in China, calling for freedom. Fang was among those brave activists. When the tanks rolled in to break up the demonstration, one of them rolled over him, causing him to lose both of his legs. This young man, who had been an Olympic hopeful, was now wheelchair-bound.

Last year he finally was able to travel to the United States and seek asylum. Moved by his story, the owners of a prosthesis center that worked with wounded war veterans offered to design him new legs; and yesterday here in the Capitol, these new legs allowed him to dance with his wife for the first time ever.

That celebration was a powerful symbol that the American people have not forgotten the Chinese struggle for freedom and the courage of people like Fang Zheng who speak out and who long to enjoy the same freedoms we hold so dear. You can see his story on YouTube.

THE NEED FOR A HEALTH CARE PUBLIC OPTION

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

Mr. SARBANES. Mr. Speaker, I just wanted to congratulate the American people on how savvy and smart they

are when it comes to this health care reform effort. A survey was done recently, and the question was asked, Do you support an individual mandate, which is the requirement that people purchase insurance coverage? In answer to that, there was some ambivalence. People weren't so sure. Then they asked the question this way, they said, What if we give you a public option, would you support an individual mandate? And a clear majority said, Absolutely, we would.

Now let's think about that for a minute. What they were saying was, Don't force us to go purchase insurance coverage if we have to buy it from the same old cast of characters that's been jerking us around for decades. But if you give us a real option, then it absolutely makes common sense to require that.

So once again Americans have demonstrated they understand this problem. They understand why we need to have a public option in the mix, and that's what we're going to push forward with in this legislation.

FIX GOVERNMENT-RUN HEALTH CARE BEFORE ENACTING ANY NEW REFORMS

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, as we discuss the issue of health care, one thing that's brought up often is, Why not let the government run health care? After all, we already have Medicaid, Medicaid, TRICARE and the VA.

Here is a true story: a gentleman in his eighties needs a motorized wheelchair, so he gets a medical exam. A few dozen pages of paperwork are filled out, and 3 or 4 months go by, waiting for the wheelchair to arrive. Unfortunately, during that time, the medical exam expired after 60 days and has to be repeated. Again, more billing, a couple dozen pages of that, and he gets his $25,000 wheelchair. Unfortunately, by that time, he is in hospice care and can barely use it. And here is the other tragedy: it goes into storage. It can't be used. It cannot be returned, and it's a big waste of money in many ways.

It's not atypical for issues with Medicare and Medicaid. They, quite frankly, will pay for this sort of expense but will not pay for the care it takes to prevent these sorts of problems. Before we take on more health care and $1 trillion more spending, shouldn't we fix those things we are already responsible for? I think that would save a lot of money, make a lot of sense, and save a lot of lives.

WE NEED HEALTH CARE IN AMERICA

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

Mr. COHEN. Mr. Speaker, on Monday in my office in Memphis, I had citizens come visit me. Two parents had children with spina bifida. They explained the love they had for their child, but the expenses it is causing them because our system of Medicaid is not sufficient in Tennessee to really give them the benefits they need, and how much it costs them.

Another person came to my office to tell me that I had saved her life. Well, I hadn't saved her life, but she would have been cut off of TennCare, our Medicaid system. And but for 10 days when we got them back on, she wouldn't have got the transplant that did save her life.

Do we need health care in America? I think those stories and stories like them say we do. I was gratified last night doing a teletown hall meeting in my district where 83 percent of the respondents said they supported President Obama's health care plan. The Ninth Congressional District of Tennessee gets it. I hope America gets it.

□ 1015

MASSIVE MEDICARE CUTS IN THE BAUCUS HEALTH CARE REFORM BILL

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

Mr. KIRK. Mr. Speaker, Senator BAUCUS's health care bill is out, and the nonpartisan Congressional Budget Office has reported it has 15 major surprises in it. Massive cuts to Medicare.

You can see here that the bill cuts $133 billion out of Medicare Advantage, forcing 3 million seniors out of their choices; $128 billion is going to be cut for Medicare for hospitals; home health is cut, part D; skilled nursing is cut; hospice is cut; medical imaging, wheelchairs are cut.

So we now see how this is so-called paid for, on the back of senior health care.

I urge seniors to read this Baucus bill and learn about its massive Medicare cuts.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 808 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 808

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany 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. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, the rule provides for consideration of the conference report to accompany H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. The rule waives all points of order against the conference report and against its consideration. The rule provides that the previous question shall be considered as ordered without any intervening motion except 1 hour of debate and, if applicable, one motion to recommit.

The bill was introduced on June 2, 2009, by Chairman IKE SKELTON and referred to the Committee on Armed Services. The committee marked up the bill on June 16, 2009, and ordered it favorably reported, as amended, by voice vote June 16, 2009.

The Committee on Rules reported a structured rule making in order 69 amendments, which then passed the floor 222–202. And today we have the conference report that we have now concurred with the Senate.

Despite any differences about our ongoing missions in Afghanistan or Iraq, we all agree that funds that have already been approved as part of the annual spending plans should not be held up for any reason, not with our troops in harm's way.

The bill authorizes $550.2 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy and also authorizes $130 billion for overseas contingency operations for fiscal year 2010.

For our service men and women, it authorizes a pay raise of 3.4 percent for the military, expands TRICARE health coverage for Reserve members, bars fee increases on TRICARE inpatient care

for 1 year, and provides $2.2 billion for housing programs to improve the quality of life for our servicepersons' families.

On Afghanistan, the bill responds to concerns raised by Members of both parties and requires an assessment of progress in Afghanistan and Pakistan toward security and stability. It also bans permanent bases in Afghanistan and provides funds to train and equip the Afghan National Security Forces, the ANSF.

There is also language in the bill that requires a reporting system to register and track all the U.S. defense items that are provided to Afghanistan and Pakistan, to help combat waste and fraud. This is especially important in light of recent news stories showing that millions of dollars destined for Pakistan to battle militants in al Qaeda have been diverted to either the domestic economy or ''for other purposes.'' In fact, between 2002 and 2008, while al Qaeda regrouped, only $500 million of the $6.6 billion in American aid actually made it to the Pakistani military, according to two Army generals quoted in an Associated Press story from earlier this week. I will insert that story into the RECORD.

BILLIONS IN U.S. AID NEVER REACHED PAKISTAN ARMY

(By Kathy Gannon)

ISLAMABAD, PAKISTAN.—The United States has long suspected that much of the billions of dollars it has sent Pakistan to battle militants has been diverted to the domestic economy and other causes, such as fighting India.

Now the scope and longevity of the misuse is becoming clear: Between 2002 and 2008, while al-Qaida regrouped, only $500 million of the $6.6 billion in American aid actually made it to the Pakistani military, two army generals tell The Associated Press.

The account of the generals, who asked to remain anonymous because military rules forbid them from speaking publicly, was backed up by other retired and active generals, former bureaucrats and government ministers.

At the time of the siphoning, Pervez Musharraf, a Washington ally, served as both chief of staff and president, making it easier to divert money intended for the military to bolster his sagging image at home through economic subsidies.

''The army itself got very little,'' said retired Gen. Mahmud Durrani, who was Pakistan's ambassador to the U.S. under Musharraf. ''It went to things like subsidies, which is why everything looked hunky-dory. The military was financing the war on terror out of its own budget.''

Generals and ministers say the diversion of the money hurt the military in very real ways:

Helicopters critical to the battle in rugged border regions were not available. At one point in 2007, more than 200 soldiers were trapped by insurgents in the tribal regions without a helicopter lift to rescue them.

The limited night vision equipment given to the army was taken away every three months for inventory and returned three weeks later.

Equipment was broken, and training was lacking. It was not until 2007 that money was given to the Frontier Corps, the front-line force, for training.

The details on misuse of American aid come as Washington again promises Pakistan money. Legislation to triple general aid to Pakistan cleared Congress last week. The legislation also authorizes ''such sums as are necessary'' for military assistance to Pakistan, upon several conditions. The conditions include certification that Pakistan is cooperating in stopping the proliferation of nuclear weapons, that Pakistan is making a sustained commitment to combating terrorist groups and that Pakistan security forces are not subverting the country's political or judicial processes.

The U.S. is also insisting on more accountability for reimbursing money spent. For example, Pakistan is still waiting for $1.7 billion for which it has billed the United States under a Coalition Support Fund to reimburse allies for money spent on the war on terror.

But the U.S. still can't follow what happens to the money it doles out.

''We don't have a mechanism for tracking the money after we have given it to them,'' Pentagon spokesman Lt. Col. Mark Wright said in a telephone interview.

Musharraf's spokesman, retired Gen. Rashid Quereshi, flatly denied that his former boss had shortchanged the army. He did not address the specific charges. ''He has answered these questions. He has answered all the questions,'' the spokesman said. Musharraf took power in a bloodless coup in 1999 and resigned in August 2008.

The misuse of funding helps to explain how al-Qaida, dismantled in Afghanistan in 2001, was able to regroup, grow and take on the weak Pakistani army. Even today, the army complains of inadequate equipment to battle Taliban entrenched in tribal regions.

For its part, Washington did not ask many questions of a leader, Musharraf, whom it considered an ally, according to a U.S. Government Accountability Office report released last year.

Pakistan has received more money from the fund than any other nation. It is also the least expensive war front. The amount the U.S. spends per soldier per month is just $928, compared with $76,870 in Afghanistan and $85,640 in Iraq.

Yet by 2008, the United States had provided Pakistan with $8.6 billion in military money, and more than $12 billion in all.

''The army was sending in the bills,'' said one general who asked not to be identified because it is against military rules to speak publicly. ''The army was taking from its coffers to pay for the war effort—the access roads construction, the fuel, everything. . . . This is the reality—the army got peanuts.''

Some of the money from the U.S. even went to buying weapons from the United States better suited to fighting India than in the border regions of Afghanistan—armor-piercing tow missiles, sophisticated surveillance equipment, air-to-air missiles, maritime patrol aircraft, anti-ship missiles and F–16 fighter aircraft.

''Pakistan insisted and America agreed. Pakistan said we also have a threat from other sources,'' Durrani said, referring to India, ''and we have to strengthen our overall capacity. ''The money was used to buy and support capability against India.''

The army also suffered from mismanagement, Durrani said. As an example, he cited Pakistani attempts to buy badly needed attack helicopters.

Pakistan asked for Cobra helicopters because it knows how to maintain them, he said. But the helicopters were old, and to make them battle-ready, the Pentagon sent them to a company that had no experience with Cobras and took two years, he said.

As a result, in 2007, Pakistan had only one working helicopter—a debilitating handicap in the battle against insurgents who hide, train and attack from the hulking mountains that run like a seam along the Afghan-Pakistani border.

The army was also frustrated about not getting more money. Military spokesman Gen. Athar Abbas said the U.S. gave nothing to offset the cost of Pakistan's dead and wounded in the war on terror. He estimated 1,800 Pakistani soldiers had been killed since 2003 and 4,800 more wounded, most of them seriously.

The hospital and rehabilitation costs for the wounded have come to more than $25 million, Abbas said. Pakistan's military also gives land to the widows of the dead, educates their children and provides health care.

''These costs do not appear anywhere,'' he said. ''There is no U.S. compensation for the casualties, assistance with aid to the grieving families.''

Even while money was being siphoned off for other purposes on Pakistan's end, the U.S. imposed little control over or even had specific knowledge of what went where, according to reports by the U.S. Government Accountability Office. The reports covered 2002 through 2008.

The reports found that the Pentagon often ignored its own oversight rules, didn't get adequate documents and doled out money without asking for an explanation.

For more than a year, the Pentagon paid Pakistan's navy $19,000 a month per vehicle just for repair costs on a fleet of fewer than 20 vehicles. Monthly food bills doubled for no apparent reason, and for a year the Pentagon paid the bills without checking, according to the report.

Daniyal Aziz, a minister in Musharraf's government, said he warned U.S. officials that the money they were giving his government was being misused, but to no avail.

''They both deserved each other, Musharraf and the Americans,'' he said.

Within this bill is authorization for 30 F–35 Joint Strike Fighter aircraft and the continued development and procurement of the F136 Joint Strike Fighter competitive engine but does not authorize the advance procurement of F–22 aircraft.

It authorizes $6.7 billion for Mine Resistant Ambush Protected, MRAP, vehicles and fully funds the new MRAP all-terrain variant requirement for Afghanistan. We've seen far too many reports of our troops dying because their vehicles are ripped apart by roadside bombs. We can and will do better to protect them from these risks.

Under the provisions of this bill, the military will increase by 30,000 Army troops, 8,100 marines, 14,650 Air Force personnel, and 2,477 Navy sailors in 2010. It also authorizes an additional 30,000 Army troops in fiscal years 2011 and 2012.

The bill provides support for the plan to increase the size of our civilian workforce so that we can reduce DOD's reliance on contractors for core acquisition functions. This is also a most important point to cut down on fraud and waste. The bill also provides DOD with the needed flexibility to reform the DOD hiring process to reduce the fraud and abuse through enhanced contractor oversight, which is long overdue.

The bill speaks to vessels carrying DOD cargo in high piracy risk areas by requiring that they be equipped with appropriate nonlethal defense measures. And it strengthens the DOD's

ability to face threats and vulnerabilities by improving research and promoting military and civilian cyber workforce development.

It improves accountability and oversight in awarding defense contracts by providing the Defense Department the authority to require return of award and incentive fees. The bill prohibits a company from being awarded future contracts if its action leads to a servicemember's death or severe injury. This, of course, is in response to the number of soldiers who were electrocuted by bad plumbing work.

To address concerns about the treatment of detainees, the bill bans interrogation of detainees by contractors and requires the Department of Defense to give the International Committee of the Red Cross prompt access to detainees held at the Bagram Theater Internment Facility in Afghanistan.

In addition, the bill reforms the Military Commissions Act to clarify rules and improve trial procedures to make military commissions fair and effective, and puts new revisions into place that would forbid the use of statements alleged to have been secured through cruel, inhuman, or degrading treatment.

Finally, the bill provides the accused with the enhanced ability to select his own counsel and to make hearsay evidence harder to use in court. It improves procedures for the handling of classified information while also permitting military commissions to continue existing cases for 90 days or until revisions have been made to supporting court manuals and handbooks.

The bill matches the administration's request for $9.3 billion for missile defense programs and provides the resources necessary to meet threats facing the United States, our deployed forces, and our friends and allies, and provides $2.2 billion to support the Department of Energy's nonproliferation programs. It strengthens the Stockpile Stewardship Program to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground testing.

Further, the bill provides technical and financial support to local law enforcement and prosecutors that they can more aggressively try violent crimes which are motivated by the victim's race, color, religion, national origin, gender, sexual orientation, gender identity, or disability; expands the ability of Federal prosecutors to try similar types of cases in Federal court if State or local officials are unable or unwilling to prosecute these cases; and criminalizes attacks against U.S. servicemembers because of their service to their country.

I want to address one last point. The bill includes new hate crimes legislation that will prohibit offenses based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person. This kind of far-reaching protection is important for America, and I am proud to support it.

There are still far too many incidences of violence in and around our schools and churches. During the last 10 years, 69 persons have been killed or injured at church and another 122 children have died in or around their school. The numbers are devastating. One has only to look at the beating death of Chicago teenager Derrion Albert outside his high school, an honor student, to see how devastating it is to see violence in our schools. I hope this bill can help bring an end to that sorrow.

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

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend, the distinguished chairwoman, Ms. SLAUGHTER, for the time, and I yield myself such time as I may consume.

Today the House will consider the bipartisan conference report for the 2010 National Defense Authorization legislation. With this important legislation, I think we are sending the message to our men and women in uniform that we support them and that we deeply appreciate their service.

The conference report authorizes over $550 billion for the activities of the Department of Defense. It also provides approximately $130 billion to support our combat operations in Afghanistan, in Iraq, and other fronts of the war on international terrorism.

I wish to commend both the Armed Services Committee chairman, Mr. SKELTON, and the ranking member, Mr. MCKEON, both good friends and admired colleagues, for their commitment that they have demonstrated in this legislation to put partisanship aside in order to get this important legislation to the President.

While I support the conference report, I know it is not perfect. No human endeavor is. But I believe that the conference report will strengthen our national security and help modernize our military. It will provide servicemembers and their families with improved health care, support, and quality-of-life programs. I'm pleased that it includes the House-passed 3.4 percent pay raise for our troops instead of the lower request that had come from the President.

Furthering our commitment to our troops, the bill extends TRICARE eligibility to Reserve members so they can receive full TRICARE coverage 180 days before they go on active duty and will prevent increases in copayments for inpatient care at civilian hospitals under TRICARE. The bill provides over $2 billion for family housing programs to expand and improve the quality of military housing.

The legislation authorizes the expansion of our military by 30,000 Army troops, 8,100 marines, and over 14,000 Air Force personnel and approximately 2,500 members of the Navy.

□ 1030

I would like to thank the members of the conference committee for including my request for authorization for funding for the finalization of construction of a new permanent headquarters for the United States Southern Command that is located in the congressional district that I am honored to represent. Currently, the Department of Defense is leasing the land for SOUTHCOM from a private individual. The funds authorized in this legislation will be used to complete construction of the new headquarters on land adjacent to the current location and lease it from the State of Florida for the sum of $1 per year.

This provision is extremely important to my community because SOUTHCOM personnel and supporting services have contributed over $1.2 billion and over 20,000 jobs to south Florida's economy.

As a supporter of the Matthew Shepard Hate Crimes Prevention Act, I am pleased to see that it was included in the underlying legislation, though I wish that the provision would have been expanded to include also more serious penalties for crimes against members of the armed services and their families. There are people who hate our armed services for what they symbolize, and our armed services, I think, deserve the additional protection from crimes of violence.

There are aspects of this legislation, obviously, with which I disagree, Mr. Speaker. Since the beginning of military aviation, the United States has very wisely invested in our military air superiority. In recent military operations, we've clearly seen that our investments pay off. Our military air superiority saves the lives of our men and women in uniform, and it saves the lives of countless civilians. That's why I am very disappointed that the underlying legislation fails to include funding for the F–22, the world's most advanced fighter plane and one that we may very well need in future operations. Obviously not against ragtag terrorists, but against the superpowers of the future.

I hope and pray that this short-sighted decision will not hurt the long-term safety of our Nation and our men and women in uniform.

I also have deep reservations about the decision to block full funding restoration for missile defense. This unwise decision, in my opinion, comes at a time when the demented despot of North Korea continues to mock global condemnation of his nuclear program and threatens the United States and our friends and allies with destruction.

The Iranian tyranny, while it continues to massacre its people in the streets perhaps today in a less public manner than a few months ago, nevertheless continues to massacre its people. It also threatens to wipe Israel off the face of the map. It's clear to me that the world faces a grave and I believe imminent threat from the dictatorships in North Korea and Iran, and now is not the time to cut missile defense. Unfortunately, because of the request from the executive branch and

acquiescence here on the part of the leadership, it is occurring, and I think it is a mistake.

I would have liked to have seen included in this legislation section 1226 of the Senate version of the bill, which would have required a report to Congress on the Republic of China's—that's free China, Taiwan—defense capabilities. That report would have greatly enhanced the ability of Congress and the administration to assess their obligations to sell defense articles as required under the Taiwan Relations Act, ''as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.''

The peace in that area has been maintained because this Congress, throughout the decades ever since the betrayal of Taiwan, this Congress has insisted on the United States selling, making available for purchase by the Republic of China, the military equipment and technology necessary to deter an armed attack. So I am sorry that that provision that was in the Senate legislation is not included in the final conference report.

Again, despite the aspects of the legislation with which I do not agree, I feel that overall this legislation is necessary and that we pass it. Obviously although it's not perfect, it helps modernize and it supports our military forces. It provides our men and women in uniform with support they need and deserve.

So I would ask my colleagues, as I have done, to look further than the aspects with which one may disagree within the legislation and pass it.

I reserve the balance of my time

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Colorado, a member of the Rules Committee, Mr. POLIS.

Mr. POLIS. Mr. Speaker, I rise today in support of the rule and the bill. I would like to thank Chairwoman SLAUGHTER for the time on the rule as well as House Armed Services Chairman SKELTON and Ranking Member MCKEON for their tireless work on this bill. Their job is not easy.

Our Nation faces a war on two fronts and growing threats to our security here and abroad. As our economy struggles to recover from a meltdown, the resources we have available to devote to these problems are under increasing pressure.

It's time we bring our troops home from both Iraq and Afghanistan. I commend President Obama and his efforts to end our military presence in Iraq and look forward to helping him achieve this goal soon.

I am concerned, however, about the possible increase of troops in Afghanistan. We cannot achieve peace through the occupation of an entire country. The occupation of Afghanistan will not help us defeat the very real threat of al Qaeda. We need to take a new look at our policy, moving towards targeted operations against al Qaeda rather than the occupation of an entire country. And this can only come about through discussion and debate.

We need an exit strategy for Afghanistan, a plan for peace. This bill promotes such a plan by requiring assessment of goals in Afghanistan with timelines and by increasing numbers in the Afghan National Security Forces to prepare for the transition.

Recognizing, however, that this authorization will inevitably continue war efforts inherited from the previous administration, I take great pause in deciding to support it. But at its heart, this authorization is about more than our policy towards Iraq and Afghanistan.

Mr. Speaker, I strongly support this authorization today because, in doing so, Congress finally—after nearly a decade of debate—has the opportunity to pass historic hate crimes legislation. My home State of Colorado has long had hate crimes legislation on the books, including gays and lesbians, and I am proud to stand before you as a representative of the Second Congressional District and as an original cosponsor of the Local Law Enforcement Hate Crimes Prevention Act of 2009 which is included in this Defense authorization bill.

Our hate crimes legislation expands Federal jurisdiction to investigate and prosecute hate crimes and provides law enforcement with another means of ensuring that the safety and rights of all Americans are protected. It offers Federal protection for victims of hate crimes targeted because of their race, color, religion, national origin, sexual orientation, gender, gender identity, or disability, as well as protecting men and women who proudly wear the uniform of the United States from hate crimes. It also provides assistance to State and local law enforcement agencies and amends Federal law to aid in the prosecution of bias-motivated crimes.

Hate crimes are not limited to the LGBT community. They occur every day in every State and perpetuate a climate of fear throughout minority communities. What makes these crimes so odious is that they are not just crimes against individuals; they're crimes against entire communities and create environments of fear in entire communities.

There is a difference between burning a cross on the lawn of an African American family and an act of simple arson. This legislation clarifies that our country has zero tolerance for hate crimes.

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

Ms. SLAUGHTER. I yield the gentleman 20 additional seconds.

Mr. POLIS. I rise in support today—despite my opposition to the war—of the 2009 reauthorization bill. And I thank Chairman SKELTON and Ranking Member MCKEON for including the hate crimes bill and bringing this historic legislation to the floor of the House and to the desk of the President of the United States of America.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished leader from Missouri, Mr. BLUNT.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding.

I rise in strong opposition to this rule. This rule, for the first time that I am aware of, allows the Defense authorization bill to become a vehicle where other social legislation is finalized, where the country's laws are changed, where those of us who have always voted for the Defense authorization bill now have a choice of voting for a bill that includes something that we've always voted against. And even if it was something that I was for, I don't think this rule should move forward in a way that changes the law so that we would, in the future, have two classifications of criminals and two classifications of victims.

Criminals should be prosecuted to the fullest extent of the law. Victims should be protected to the fullest extent of the law, and it should not, Mr. Speaker, happen in the Defense authorization bill. To use this bill in this way is a step in the wrong direction, and I am afraid it's the first step in that wrong direction where every bill to defend the country, every bill to find out what our enemies are up to, every bill to fund our troops, every bill to take care of their families will become a vehicle for other social legislation that has nothing to do with defense. That should not be in this bill.

This rule should allow a vote that takes it out of the bill, at the very least, and it sets a very terrible preference, Mr. Speaker.

I urge this rule be rejected so we can move forward with a Defense authorization bill like every Defense authorization bill for at least a decade that dealt with defense and those who defend our country.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentlelady for her courtesy and the time.

Mr. Speaker, I rise in support of the rule for H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

In addition to the bill's robust support of our national defense and national security programs, H.R. 2647 includes several key Federal employee initiatives which will come under my jurisdiction as the chairman of the Federal Workforce, Postal Service, and District of Columbia Subcommittee. I am pleased to report that the bill significantly enhances the Federal Government's recruitment and retention capabilities, as well as further bolstering agency management and worker productivity.

The underlying bill will now allow the Federal Employees Retirement System to provide employees with retirement credit for unused sick time. Under the current system, we have half of our employees that are allowed to get credit for unused sick time, and the

others are encouraged to use their sick time whether they need it or not.

Under this new bill, Federal workers, managers, and agencies will have the flexibility they have long called for. This is a great change in our personnel management system.

Additionally, this legislation fixes a civil service retirement annuity calculation problem for those employees who wish to phase down to part-time at the end of their working careers. Under the existing system, senior employees—many times our most valuable senior employees—are forced to simply retire and not work part-time at the end of their career in order to train their successors, because the calculation would hurt their pension if they work part-time at the end of their career. This change will obviously correct that inequity.

The Office of Personnel Management supports that as a way to retain the skill-set and knowledge of employees who are nearing the end of their careers and who want to work part time to help train future agency leaders.

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

Ms. SLAUGHTER. Mr. Speaker, I will yield 1 minute to the gentleman.

Mr. LYNCH. Also included is a provision that allows D.C. court employees to be compensated for lost retirement credits when those workers were involuntarily transferred to Federal service.

H.R. 2647 will also terminate DOD's disastrous so-called pay-for-performance personnel system.

I would like to extend my gratitude to IKE SKELTON, chairman of the Armed Services Committee, and BUCK MCKEON, the ranking member, as well as Members JIM MORAN from Virginia, Mr. CONNOLLY from Virginia, Mr. VAN HOLLEN from Maryland, and Congresswoman ELEANOR HOLMES NORTON from the District of Columbia, and Majority Leader STENY HOYER for their efforts on behalf of the Federal workforce.

Mr. Speaker, I conclude my remarks by thanking Chairwoman SLAUGHTER for the time and restating my support for the rule.

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Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 5 minutes to my friend, the great Texan, Judge CARTER.

Mr. CARTER. Mr. Speaker, I have the distinct honor and privilege to represent 52,000 fighting American soldiers, men and women. As we stand here on the floor of this House today, 25,000 of my soldiers that I represent from Fort Hood, Texas, are engaged in combat against an enemy of the United States. And we have lost hundreds of soldiers from Fort Hood; and we have had thousands of soldiers, men and women, injured from Fort Hood fighting for freedom and doing their duty and accomplishing their mission.

I have always supported the United States military in every form or fashion, and I have always been a crusader for the authorization bill that gives those tools that gives my fighting men and women that fight for Fort Hood and fight for Texas and fight for America the opportunity to do their mission, accomplish their goals and maintain freedom.

But I'm in a dilemma today, as are many, many of my colleagues because we seem to be following a code of secrecy that seems to be the new mode in this Congress. When you have something you don't want to talk about out in public, you hide it somewhere. And so we're looking today on the fact that we've added to the bill that's designed to protect the men and women of the United States military and keep them safe, we've added a criminal justice issue having to do with hate crimes.

In 20 years on the bench as a criminal judge, at a felony level in Texas, I've spent an inordinate amount of time protecting the rights of the individual and protecting the rights of the defendant. I believe that we have created a justice system in America that blindly treats everyone equally. There are those who disagree, and I understand that debate.

But that debate should be resolved in a one-on-one confrontation between those who think the justice system treats all fairly and those who do not, and if hate crimes is the solution to that bill, if we thought crimes are what we want in America, then I think we should go forward independently on a hate crimes bill. And I think those who support hate crimes should have the courage to come out from underneath the cover of the United States serviceman and step up and say, this is a problem in America and it needs to be solved, and here's how we solve it.

Let us discuss it as men and women who represent the American people, and let us vote as our constituents would have us vote on the issue before us, hate crimes. Let's not hide that issue behind that American soldier who, at this very moment, is patrolling over in Iraq and putting his life on the line. This is an awful thing to do to the American soldier because it is taking him and having his Representative have to be in a quandary to support the military because someone is plugging in a bill that they might disagree with.

I believe every victim is entitled to be protected by the law. No matter who they are or what they do, they are entitled, as a victim, to be protected under the law and their rights to be part of the criminal justice system. And I believe the sentencing process that we give to our judges and our juries it is very important that they have choices to make and they can take into consideration evidence of why the event occurred, whatever that why may be.

But I think, to stick in here a controversial issue, which goes farther than just what the crime is, but what was that person thinking, or what are we going to presume that person was thinking, and if anybody ever talked to him on this subject, do we presume that they shall be considered aiding and abetting in this criminal offense. And it has issues that affect the religious freedom of the United States.

These are issues that should be talked about independently. It's time for the United States Congress to address this type of thing and other things openly and forthwith, and not hide them in another bill and force people to vote against their conscience. I'm ashamed of what we're doing here today, Mr. Speaker. I think we can protect these innocents that we're talking about using the fact that our Constitution tells us to and demand that kind of behavior from our justice system without going into thought crimes, hate crimes, and infringement upon States' rights.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, as one of the House conferees of this report, I have no confusion in terms of why I'm here and what we're doing to support the troops. I rise in strong support of this rule and the conference report of H.R. 2647, and I will submit my full statement for the RECORD.

I thank Chairman SKELTON for his continued skillful leadership, for the Speaker appointing me as a conferee, and Mr. OBERSTAR for recommending me. What is the report about? There's no covers here. The report is clear. It's about restoring and enhancing the readiness of our troops and the equipment. It's about taking care of our military personnel, and it also authorizes needed investments to keep our Nation strong.

So let's talk about what that means. Troops, enabling that the Department of Defense would have 213 C–17s so we can support our men and women; that our military families would not have to wait on a 3.4 percent military raise that they've long deserved. But let me focus my final moment on why and what my specialty is and what I think is so important in this bill, talking about port security as national security.

When we consider the provision that is in this bill, port security, infrastructure, development program, it will enable our ports to finally come up to speed where we can be competitive, as well as the economic engine that we reside in.

Now, let's talk about the ports. The role of our ports is not just economics. It's to connect the ports. That's the point. And when you look at 14 commercial ports currently in the United States, two of which are in my area, they are called strategic ports for that very reason. When you look at Operation Enduring Freedom, that was the largest area where we had the sealift tonnage and troops that were moved through the ports to enable us to respond.

So when we talk about this Defense authorization bill, it's quite clear why

we're here today. We're here to talk about our troops, to prepare them and to give them the resources that they so richly deserve. Currently, our ports are struggling without enough money for the Army Corps to do the proper dredging.

I urge my colleagues to support this, and I stand in support of Ms. SLAUGHTER as we move forward on this rule.

Mr. Speaker, as one of the House conferees on this report, I rise in strong support of the rule and the underlying Conference Report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, which provides $550.2 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy.

I thank Chairman SKELTON for his skillful leadership in shepherding this legislation to the floor. I also wish to express my appreciation to Speaker PELOSI for appointing me as a conferee. And I cannot say how much it means to me to have the confidence of my chairman, Mr. OBERSTAR, who recommended me to the Speaker. Mr. Speaker, I support the conference report for three reasons: (1) it restores and enhances the readiness of our troops, equipment, and defense infrastructure; (2) it takes care of our military personnel and their families; and (3) it authorizes the needed investments to keep our nation strong, safe, and respected in the world.

Let me briefly highlight some of the key provisions. This legislation:

TROOP AND EQUIPMENT READINESS

Increases the size of our overstretched military by 30,000 Army troops, 8,100 Marines, 14,650 Air Force personnel, and 2,477 Navy sailors as requested by the President and Commander-in-Chief;

Provides $6.9 billion to address equipment shortfalls in the National Guard and Reserves;

Provides $4.7 billion for training opportunities for the Army;

Adds $350 million for Army trainee barracks construction and $200 million to support National Guard and Reserve military construction projects;

Requires DoD to maintain a strategic airlift fleet of 316 aircraft, an increase of 24 over previous requirement, which should help bring us closer to the goal of maintaining the full complement—at least 213—of C–17's, the incomparable and irreplaceable air transport that is assembled in my congressional district.

HELP FOR MILITARY FAMILIES

Provides a 3.4 percent military pay raise;

Prohibits fee increases on TRICARE inpatient care for 1 year;

Provides $2.2 billion for family housing programs;

Adds $276 million to support the Housing Assistance Program that helps service members forced to sell their homes at a significant loss;

Provides travel and transportation for three designated persons, including non-family members, to visit hospitalized service members.

IRAQ, AFGHANISTAN, AND PAKISTAN

Bans permanent bases in Iraq and prohibits U.S. control of Iraqi oil;

Requires report on responsible redeployment of U.S. forces from Iraq;

Bans permanent bases in Afghanistan;

Requires reports to assess progress toward security and stability in Afghanistan and in Pakistan;

Requires a system to register and track all U.S. defense articles provided to Afghanistan and Pakistan;

Directs GAO to provide separate reports assessing the strategic plans for Iraq and Afghanistan.

PORT SECURITY AND NATIONAL SECURITY

Mr. Speaker, in my remaining time let me discuss an additional reason why I support the conference report. Working together constructively, the conferees were able to reach agreement and included in the Conference Report provisions establishing a port infrastructure development program. Let me explain why this is a significant, constructive, and necessary enhancement to the bill. The subject is very important but I will be brief.

ECONOMIC SIGNIFICANCE OF AMERICAN PORTS

Our Nation's ports are vital to the economic health and prosperity of our Nation. According to the International Trade Administration, last year U.S. exports of goods and services grew by 12 percent to $1.84 trillion, while imports increased by 7.4 percent to $2.52 trillion. Exports accounted for 13.1 percent of U.S. Gross Domestic Product in 2008. To put that in historical context, in 2003, exports were 9.5 percent of GDP; in 1969 they were only 5.3 percent.

The Port of Long Beach and Los Angeles is the busiest container port in the United States. This port complex is the fifth busiest port in the world, moving $260 billion in total trade and handling 14.33 million 20-foot containers in 2009. This represents approximately 40 percent of all the containers entering the United States. More than 886,000 jobs in California are directly or indirectly related to the international trade activities at the ports.

According to the U.S. Coast Guard, there are 360 commercial ports that provide approximately 3,200 cargo and passenger handling facilities. The importance of our ports is only going to continue to grow. The Department of Transportation estimates that by 2035, the volume of freight shipped on the U.S. transportation system will increase more than 48 percent—and much of this freight enters the U.S through our ports.

NATIONAL SECURITY CONSIDERATIONS

While it is undeniable that the international trade handled by the Nation's ports is a major engine driving our economy, public and commercial ports serve another critical function that is vital to our national security. Mr. Speaker, it is an understatement to say that in times of war, ''the role of ports is to connect the forts.''

During wartime and national emergencies, the Defense Department designates two dozen ports to support the mobilization, deployment, and resupply of U.S. forces during major conflicts. Commercial port facilities routinely ship military cargo and many U.S. ports host major naval installations. Indeed, 14 commercial ports—including the Port of Long Beach and Los Angeles—are deemed so critical to the defense and security of the Nation that they have been designated as ''strategic ports.'' The others are: Tacoma, Wash.; Oakland, Calif.; San Diego, Calif.; Corpus Christi, Texas; Beaumont, Texas; Jacksonville, Fla.; Savannah, Ga.; Charleston, S.C.; Wilmington, N.C.; Morehead City, N.C.; Hampton Roads Area Ports, Va.; Philadelphia, Pa. and the New York/New Jersey Port Complex.

U.S. public and commercial ports have been indispensable in the deployment of troops and material for Operations Enduring Freedom and Iraqi Freedom since the conflicts began there in early 2001. The Military Sealift Command, MSC, and the Military Traffic Management Command, MTMC, use public ports to preposition mobility forces and assets and provide global surface deployment command, together with control and distribution operations, to meet national security objectives in peace and war.

According to the Department of Defense, the total sealift tonnage moved in the first 6 months of Operation Iraqi Freedom and the deployment and redeployment of approximately 240,000 troops and their equipment was part of the largest troop rotation since World War II. Sealift tonnage passing through the Nation's ports accounted for approximately 84 percent of the total Operation Iraqi Freedom cargo shipped during this period.

THE CRITICAL ROLE OF PORT INFRASTRUCTURE TO NATIONAL SECURITY

Commercial ports are a linchpin of the economy and a critical component of our national defense. But Mr. Speaker, there is a problem. It is simple and it is stark: Our ports are increasingly less capable of fulfilling their vital functions because we have not invested sufficient resources to maintain and modernize them. Port infrastructure is rapidly falling into a dangerous state of disrepair.

For too long we have neglected to make the critical investments necessary to ensure the United States remains the world leader in goods movement. Consequently, today in Long Beach and other ports around the country we find growing congestion, dangerous roads and safety hazards, increasing levels of pollution and other environmental problems in our communities, especially those near freight corridors like the Alameda Corridor in my home district.

The situation is not much better when it comes to the dredging of our ports and harbors. Global competition has led to the deployment of larger vessels capable of carrying increased tonnage but requiring deeper ports and harbors. That means frequent and better dredging.

However, according to the Army Corps of Engineers only 160 dredging contracts were awarded last year to dredge 146,747,977 cubic yards of sediment. This is not nearly enough. According to the Department of Transportation, in several strategic ports dredging must be increased as much as 45 to 50 feet to accommodate the larger commercial vessels dominating the shipping industry.

Instead of using funds to maintain and dredge our harbors, we have used more than half the funds collected for that purpose by the Harbor Maintenance Fund to support the budget deficit instead of eliminating the port infrastructure deficit. Currently, the HMT Fund has a surplus of approximately $4,600,000,000. In fiscal year 2009, more than $1.6 billion was collected by only $710 million, 43.7 percent, was appropriated for dredging operations.

Mr. Speaker, when it comes to port infrastructure the current states of affairs is simply intolerable. We are placing our commercial enterprises at a competitive disadvantage in the global economy. Worse, we are putting our national security at risk.

That is why I have been working to correct this problem since I have been in the Congress. Recently, I introduced three bills:

1. H.R. 3447, "Harbor Maintenance Trust Fund Reform Act," which would provide a reliable and guaranteed source of funding for harbor dredging;

2. H.R. 3446, the "Clean Low-Emission Authorization Nationwide (CLEAN) Ports Act of 2009," which will lead to a reduction in pollution levels plaguing port communities by establishing a grant program to assist port authorities to acquire fuel efficient and low-emission vehicles, equipment and systems; and

3. H.R. 2355, the "Making Opportunity via Efficient and More Effective National Transportation Act of 2009" ("Movement Act"), which provides funding for infrastructure projects that will improve the movement of goods, mitigate environmental damage caused by the movement of goods, and enhance the security of transported goods.

I will discuss these proposals in more detail at another time. But it suffices for now to say that what each of my bills has in common with the provision we have included in the Conference Report is that they all recognize the critical importance of making the necessary investments in port infrastructure to ensure that ports are capable of moving goods efficiently, absorbing new capacity, remaining competitive, and fulfilling its national defense function.

CONCLUSION

In conclusion, Mr. Speaker, I support the Conference Report because it restores and enhances the readiness of our troops, equipment, and defense infrastructure. It takes care of our military personnel and their families. And it authorizes the needed investments to keep our Nation strong, safe, and respected in the world. That is why I was proud to have been selected as a member of the Conference and to have signed the Conference Report. I urge my colleagues to join me in supporting the rule and in voting for the bill on final passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 7 minutes to my friend, the great leader from Indiana, Mr. PENCE.

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

Mr. PENCE. Mr. Speaker, I rise in opposition to this rule and in opposition to the hate crimes provisions and the balance of the National Defense Authorization Act for Fiscal Year 2010.

Throughout my nearly 9 years in Congress, I've been down range with our troops every year, in Afghanistan and Iraq. I've also supported every Defense authorization bill that has come before this body, and so I rise with a heavy heart today to say that I will break that personal tradition in opposing this bill.

Now, no one doubts that the National Defense Authorization Act for Fiscal Year 2010 is an important piece of legislation whose essential elements will provide for our troops the critical resources they need to accomplish their mission. However, the majority in this Congress has cynically included hate crimes provisions in this legislation that threaten the very freedoms of speech and religion that draw our soldiers into the uniform of this Nation.

Men and women throughout our history have put on the uniform for a variety of reasons, some out of a sense of patriotism, some out of a sense of love for their families, love for their country, a sense of duty; but in every single case, I would offer that, from the American Revolution forward, every American who has put on the uniform of this country has done so to defend freedom. Therefore, the very idea that we would erode the freedoms for which our soldiers wear the uniform in a bill that is designed to provide resources those soldiers need to get the job done and come home safe is unconscionable.

It is simply inappropriate to use the Defense bill as a vehicle for divisive liberal social policies wholly unrelated to our country's national security. Here, the Democrats in the majority, with the assent of this administration, are piling liberal social priorities on to the backs of our soldiers. This is disturbing, I suspect, to millions of Americans and counterproductive to the legislative process.

But on to the substance of hate crimes. I find myself in strong agreement this day with Thomas Jefferson who said, and I quote, ''Legislative powers of government reach actions only, not opinions.'' And he actually connected that very principle with the foundation and rationale for the First Amendment. The hate crimes provisions in this legislation, as before, are antithetical to those First Amendment traditions and unnecessary. Violent attacks on people are already illegal, regardless of the motive behind them. And there's no evidence that the underlying violent crimes at issue here are not being fully and aggressively prosecuted under current law.

Therefore, in a practical sense, hate crimes serve no purpose. But they instead penalize people for thoughts, beliefs and attitude and send us down that very slope that Thomas Jefferson warned against. Now, some of these thoughts and beliefs and attitudes, racism, sexism, bias against people because of their sexual preferences, I find abhorrent. I disdain discrimination. I disdain bigotry. But these hate crimes provisions, including those that will be added to Federal law today, are broad enough to encompass legitimate beliefs, and protecting the rights of freedom and speech and religion must be first and foremost and paramount on the floor of this chamber.

To put it quite simply, adding hate crimes provisions in this Defense bill puts us on a slippery slope of deeming particular groups as more important than others under our system of justice. Singling out particular groups of victims erodes our longstanding legal principle of equal protection under the law as well. The First Amendment of the Constitution provides that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. America was founded on the notion that the government should not interfere with the religious practices or expressions of our people.

But there is a real possibility that these provisions in this Defense bill having to do with hate crimes and sexual preference could have that effect. These provisions, as written, could result in a chilling effect against religious leaders in this country. As has been previously stated by Judge CARTER of Texas, under section two of title 18 of the U.S. Code today, an individual may be held criminally liable who aids, abets, counsels, commands or induces or procures in the commission of a Federal crime.

Therefore, to put a fine point on it, any pastor, preacher, priest, rabbi, or imam who may give a sermon out of their moral traditions about sexual practices could presumably, under this legislation, be found to have aided, abetted or induced in the commission of a Federal crime. This will have a chilling effect on religious expression from the pulpits, in our temples, in our mosques and in our churches; and it must be undone.

So let me say, as I close, the provisions added to this legislation threaten religious freedom by criminalizing thought. It is simply wrong to further criminalize thought and chill religious expressions of Americans. But let me also say, as I said before, a Defense authorization bill ought to be about the national defense. And here we have, in this majority, in an effort, presumably, any effort to move liberal social policies at home, a willingness to pile unrelated liberal priorities on the backs of an effort to advance our national security. And that's unconscionable.

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Let's remember what our soldiers are fighting for. Let's remember why they put on the uniform. They wear the uniform to defend freedom. So let's take a stand for freedom today and let's take a stand for a legislative process that has genuine integrity to purpose.

I urge my colleagues to vote against the rule, and I sadly urge my colleagues to vote against the Defense authorization bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Thank you to the gentlelady from New York. I rise today to strongly support the rule and the underlying bill, the conference report on the National Defense Authorization Act. I'm grateful to Chairwoman SLAUGHTER for the time to speak, and Chairman SKELTON and the ranking member for crafting a bill that protects our national security in a fiscally responsible way.

This morning, I would like to focus on section 1077, which allows the Department of Veterans Affairs to provide veterans with service dogs that can facilitate treatment of their physical and mental disabilities.

I first introduced the bipartisan Wounded Warrior K–9 Corps Act in July, and I'm proud to have worked out this language in this bill to help keep

America's promise to our disabled veterans. The men and women who have served this country and are injured deserve our full and complete support when they return home, and that means doing everything we can to improve their quality of life after their service.

I have seen these programs where they provide service dogs in action. I have witnessed the growth of disabled veterans after working with a guide dog or an animal that can assist them with physical therapy, their mental health, and even their job. These programs succeed, and they're another important way we can strongly stand behind our veterans and their families.

I'd like to thank Senator AL FRANKEN of Minnesota and ED WHITFIELD of Kentucky, who were my indispensable partners in this bipartisan effort. I'd like to also acknowledge David Kildee of the House Armed Services Committee staff, and the Armed Services Committee staff, whose assistance proved crucial in this effort.

Finally, this effort would not be possible without Irwin Stovroff, former World War II POW and someone who's a personal friend and my constituent. He is a guardian angel to many disabled veterans and wounded warriors who depend on him for their service dogs and their quality of life.

I urge my colleagues to support this measure, the conference report, and the rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding. I do not plan to support the rule or the underlying legislation. I have some of the concerns that were raised earlier about adding items that don't belong in a Defense bill. We simply shouldn't do that.

But I do rise in support of a provision contained in the Defense authorization conference report that will hopefully shed some light on the process by which earmarks are competitively awarded by the Department of Defense.

Section 1062 of the report represents a compromise between language in the Senate's version of the bill and an amendment dealing with earmarks that I was able to successfully offer in the House bill.

The practice of earmarking, as we all know, has come under significant scrutiny in the media with the advent of the PMA Group scandal when it was revealed earlier this year. Yet, since that time, Congress has taken very little action to actually deal with the root cause of this problem.

The Defense authorization bill, the Defense appropriation bill each contain hundreds of—in one case more than a thousand—individual earmarks, many of which—in fact, in the Defense appropriation bill, more than half of the earmarks are going to for-profit entities. We simply cannot continue to do that.

No Member of Congress should have the ability to provide a sole-source or no-bid contract to their campaign contractors. Until we address the root of that problem, we're going to have problems like this.

A while ago, I worked with the Department of Defense—or, in fact, I've been working with them for several months now—to try to see where these earmarks are going and to see what process they have by which they are competitively bid. I should note that I'm skeptical that this language will do very much good because the Department of Defense tells us now that they follow a process by which earmarks are competitively bid; yet, I provided the Department with a subset of roughly 160 earmarks in the FY 2008 legislation and asked for information regarding the competitive practices used to award these earmarks.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman an additional 20 seconds.

Mr. FLAKE. After an initial review, though apparently consistent with competitive requirements, it was found that, with uncanny alignment, these earmarks actually went to their intended recipients.

So we have much more work here to do, and I hope in the coming months we can fix this problem completely. Members of Congress shouldn't have the ability to award no-bid contracts to their campaign contributors.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. I rise in strong support of the conference report on the National Defense Authorization Act. This bill is what Americans have been waiting for. There's a military pay raise of 3.4 percent to say thank you to our troops. We prohibit fee increases on TRICARE patients for 1 year, something many of my constituents have worried about; increases the size of the military and relieves the burden on so many of our troops. It provides money for the National Guard and for Reserve construction projects, saying thank you to the National Guard and recognizing their hard work. It prevents permanent bases in Afghanistan and Iraq.

I'm also pleased that my amendment to repeal the National Security Personnel System has been included in the conference report. The Department of Defense employees will be returned to the previous system, the one that 80 percent of them liked and approved because it was a fairer system.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 2 minutes to my distinguished friend from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, I rise in opposition to both this rule and the underlying conference report. The American people need to understand the sea change that's taking place with this rule and this conference report. It's the first time we have allowed social policy and the budget to drive our defense posture instead of our defense posture driving the budget. We have men today that are fighting and dying in Afghanistan, and they have no plan.

Now, the law doesn't require that the administration have a plan. Common sense does. Fairness does. But what the law did require was on this report they have a shipbuilding plan so America knows what we're doing with their ships, how they're building, and that they certify that this budget, this authorization bill will meet. And this administration just refused to do it.

The law also requires that they have an aviation plan that just makes sense. But the law requires them to give us a plan to say what they're going to do with our planes and the certification that this conference report does it. They just refuse to do it.

When they sent the report over, they issued a gag order to members in the Pentagon where they couldn't even talk to Congress to tell them where they were putting dollars and which programs they were cutting, and that was just wrong. And then they have labeled their social agenda and overlaid it into a Defense authorization bill.

Mr. Speaker, the American people deserve better, and I hope we will defeat this rule and defeat the underlying conference report.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Ms. SLAUGHTER. I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentlewoman and I thank her for her hard work on this and every other piece of legislation that this body votes on.

Mr. Speaker, I rise today in support of the conference report of the National Defense Authorization Act. I'm pleased to see that the conference report includes an important provision which would require a study on providing Federal retirement benefits to former Air America employees.

From 1950 to 1976, Air America was a government corporation owned and operated by the CIA that supported America's missions during the cold war. The corporation conducted flight operations in various countries, including China, Korea, and Vietnam, on behalf of the Department of Defense and the CIA.

The CIA conducted Air America operations in secret and did not acknowledge that Air America was a government corporation. Therefore, those Air America employees have never received their government retirement benefits.

This noncontroversial Air America provision included in section 1057 of the

conference report simply requires a report from the Director of National Intelligence on the visibility of correcting this oversight and retroactively giving these employees Civil Service Retirement System benefits. It is only right. It is only fair. Air America employees served their country with distinction, often at great risk to themselves. They earned these benefits.

This, in addition to so many other parts of this bill, make it well worth voting for, and I urge my colleagues to support this legislation.

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself such time as I may consume.

Over the last few months, the American people have written and called their Members of Congress or they've made their opinions known at town hall meetings to ask their Congressmen whether they will pledge to read bills before they vote on them. The reason is that the people really were outraged, often finding out the majority leadership forced Congress to vote on a number of sweeping and very expensive bills without giving Members time to understand or really even to read the bills.

For example, we were forced to vote on the final so-called ''stimulus'' bill, on the omnibus appropriations bill, and on cap-and-trade with less than 24 hours to read the bills; in some instances, much less than 24 hours. And that's no way to run this House. Our constituents are rightly upset.

A recent survey found that 83 percent of Americans believe legislation should be posted online in final form and available for everyone to read before Congress votes on legislation.

You would think, Mr. Speaker, this would not be an issue, as the distinguished Speaker is on record as saying, ''Members should have at least 24 hours to examine bills and conference reports before floor consideration.'' It's even on her Web site; yet, time and time again, the distinguished Speaker and majority leadership have refused to live up to their pledge. That is why a bipartisan group of 182 Members have signed a discharge petition to consider a bill that would require that all legislation and conference reports be made available to Members of Congress and the general public for 72 hours before they be brought to the House floor for a vote.

That's why today I will be asking for a ''no'' vote on the previous question so that we can amend this rule and allow the House to consider that legislation, H. Res. 544, a bipartisan bill by my colleagues, Representatives BAIRD and CULBERSON.

I know that Members are concerned that this motion may jeopardize the Department of Defense Authorization Act. But I want to make clear, the motion I am making provides for separate consideration of the Baird-Culberson bill within 3 days. So we can pass the Defense authorization bill today and then, once we are done, consider H. Res. 544.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and the extraneous materials immediately prior to the vote on the previous question.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I have an amendment to the rule at the desk.

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

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

At the end of the resolution, add the following:

''SEC. 2. Upon the adoption of the conference report the House shall be considered to have adopted the concurrent resolution (H. Con. Res. 196) making corrections in the enrollment of the bill H.R. 2647.''

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 808

OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, insert the following new section:

SEC. 3. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and the resolution and ask for a ''yes'' vote.

The SPEAKER pro tempore. The question is on ordering the previous question on the amendment and the resolution.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on the amendment and the resolution will be followed by 5-minute votes on the amendment to H. Res. 808, if ordered; adoption of H. Res. 808; motion to suspend the rules on H. Res. 650, H.J. Res. 26, and H.R. 3590.

The vote was taken by electronic device, and there were—yeas 237, nays 187, not voting 8, as follows:

[Roll No. 764]

YEAS—237

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

NAYS—187

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

NOT VOTING—8

Carney
Johnson, Sam
Kaptur
Maloney
Neugebauer
Oberstar
Sutton
Tsongas

□ 1146

Messrs. BOREN, CASTLE, KUCINICH and Ms. GRANGER changed their vote from ''yea'' to ''nay.''

Mr. PASCRELL changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 234, noes 188, not voting 10, as follows:

[Roll No. 765]

AYES—234

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

NOES—188

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus

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

NOT VOTING—10

Capps
Carney
Johnson (GA)
Johnson, Sam
Kaptur
Maloney
Neugebauer
Oberstar
Rodriguez
Tsongas

□ 1153

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE CONTRIBUTION OF COUNTRY MUSIC TO AMERICAN LIFE AND CULTURE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 650, 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. 650.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 766]

YEAS—421

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
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
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
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
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Carney
Honda
Johnson, Sam
Kaptur
Klein (FL)
Maloney
Moran (VA)
Neugebauer
Oberstar
Schwartz
Tsongas

□ 1201

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROCLAIMING CASIMIR PULASKI TO BE AN HONORARY CITIZEN OF THE UNITED STATES POSTHUMOUSLY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the joint resolution, H.J. Res. 26, on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the joint resolution, H.J. Res. 26.

This will be a 5-minute vote.

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

[Roll No. 767]

YEAS—422

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
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
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
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
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
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—10

Abercrombie
Carney
Hinojosa
Johnson, Sam
Kaptur
Maloney
Moran (VA)
Neugebauer
Schock
Tsongas

□ 1208

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3590, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. BLUMENAUER) that the House suspend the rules and pass the bill, H.R. 3590.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 768]

YEAS—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
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)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
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)
Massa
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri

Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Carney
Conyers
Cuellar
Johnson, Sam
Kaptur
Maloney
Marshall
McCarthy (NY)
Moran (VA)
Murtha
Neugebauer
Pingree (ME)
Radanovich
Smith (TX)
Speier
Tsongas

□ 1215

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CUELLAR. Mr. Speaker, on rollcall No. 768, had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, pursuant to House Resolution 808, I call up the conference report on 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 808, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 7, 2009, at page H10565.)

□ 1215

POINT OF ORDER

Mr. PRICE of Georgia. Mr. Speaker, I raise a point of order against H.R. 2647.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. Pursuant to clause 10 of rule XXII that states that nongermane items may not be included in conference reports and that this bill contains a nongermane item in the hate crimes legislation that was included in it, I raise a point of order against H.R. 2647.

The SPEAKER pro tempore. Pursuant to House Resolution 808, all points of order against the conference report are waived.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, many Members have grave concerns about the thought-crimes legislation that's included in H.R. 2647. Is there any way for any Member to gain a separate vote on the thought-crimes legislation included in H.R. 2647 under the rule?

The SPEAKER pro tempore. A conference report is considered as a whole.

Mr. PRICE of Georgia. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PRICE of Georgia. Mr. Speaker, because thought-crimes legislation is included in H.R. 2647, is there any remedy that a Member of the House has for gaining access to have a separate vote on the thought-crimes legislation?

The SPEAKER pro tempore. A conference report is considered as a whole.

Mr. PRICE of Georgia. I thank the Speaker.

The SPEAKER pro tempore. Pursuant to House Resolution 808, all points of order against the conference report are waived.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report currently under consideration.

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

There was no objection.

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

Mr. Speaker, I am pleased to bring before the House the conference report on H.R. 2647, the National Defense Authorization Act for fiscal year 2010. I especially want to thank my ranking member, my good friend, BUCK MCKEON, the gentleman from California, our partners in the Senate, Senator CARL LEVIN and Senator JOHN MCCAIN, and all the conferees from the Armed Services and 13 other committees who have made this conference report a reality.

Mr. MCKEON, brand new as ranking member of our committee, hit the ground running and has done yeoman's work, and I particularly wish to single him out and express my appreciation for the work he has done to help bring this to the floor.

Mr. Speaker, this bill has a base of $550 billion for the United States military. This has $130 billion for the wars in Afghanistan and in Iraq, which total $680 billion.

Mr. Speaker, we are at war. This is a deadly serious moment in this body. This bill is critical for national security, and I am pleased to say this bill gets it right.

The conference report provides several major victories for our troops and their families, and the bill strikes a right balance between our focus on the immediate fights in Afghanistan and Iraq and the long-term needs of our military.

The vast majority of this bill has bipartisan support. The bill provides almost $20 billion combined for Army and Marine Corps reset and equipment shortfalls in the Guard and Reserves. It has $550 million for Army barracks and Guard and Reserve infrastructure. To boost readiness and reduce the strain on our forces, the bill increases the size of the military all across four services and authorizes an additional 30,000 Army troops in fiscal years 2011 and 2012.

This bill reflects our effort to recognize 2009 as the Year of the Military Family by providing a 3.4 percent pay raise for all servicemembers. The bill also extends the authority of the Defense Department to offer bonuses and incentive pay. It expands TRICARE health coverage. It prohibits fee increases on TRICARE inpatient care for a year, provides for $2.2 billion for family housing programs and improves the benefits available to wounded warriors.

To ensure our strategy in Afghanistan and neighboring Pakistan is effective, this bill requires the President to assess U.S. efforts and report on the progress. The bill authorizes funds to train and equip the Afghan National Security Forces and authorize the Pakistan Counterinsurgency Fund. The bill improves accountability and oversight of U.S. assistance. The bill also requires the Secretary of Defense to submit a report on the responsible redeployment of U.S. forces out of Iraq.

On acquisition reform, the conference report supports the plan to increase the size of the acquisition workforce and reduce reliance on contractors for acquisition functions.

It eliminates waste, fraud, and abuse through better contract oversight. The bill also repeals the National Security

Personnel System, returning employees to the general schedule over 2 years while providing additional flexibility for hiring and personnel management.

The conference agreement prohibits the release of Guantanamo Bay detainees into the United States, its territories and possessions, and restricts detainee transfers until after the President has submitted a plan to Congress.

The conference report revises the Military Commissions Act to make military commissions fair and effective and ensure that convictions stick.

Let me briefly address two difficult aspects of the conference report.

First, I am disappointed, and so very disappointed, that we were not able to retain the House's provision implementing the President's proposal on concurrent receipt for disabled military retirees. The Armed Services Committee fought hard with the assistance of our leadership and many other committees to pay for that proposal. The Senate's budget rules, however, would not support a solution. And I urge the President to work with us in a way to pay for this, which will meet the budgetary rules of both the House and the Senate.

Finally, regarding the Hate Crimes Prevention Act, I have said several times that I would have preferred it to have been enacted as a stand-alone bill, not on this Defense bill. But it's important to note that the conferees included important sentencing guidelines for crimes against military servicemembers and added protections for the first amendment rights of preachers and ministers to that bill.

I might add, Mr. Speaker, that the Senate passed its version of the bill with the hate crimes provision by a vote of 87–7, which is a strong bipartisan vote in the United States Senate.

Whatever one's position on hate crimes, I believe that the enormous good done in this legislation merits its support by every Member of the House.

Mr. Speaker, we are at war. We should support the troops. We should support their families. We should make sure that they have the finest equipment and training possible. That's what this bill does. This bill will support our troops in the field and their families at home and meet our Nation's immediate military requirements and preserve the ability to deter and respond to future threats.

I urge the House to vote for this conference report and move it to the President's desk as soon as possible.

I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, as legislators, we meet once again to address a wide range of important national security activities undertaken by the Departments of Defense and Energy.

We all take our legislative responsibilities very seriously. This is especially true during a time of war, and it's always true of my good friend and colleague, Armed Services Committee Chairman IKE SKELTON, the gentleman from Missouri. I commend Chairman SKELTON for shepherding this bill through the conference process. IKE, you've done a remarkable job.

As most of you in the Chamber know, this conference report contains hate crimes legislation. This is anathema to me. I am opposed to hate crimes legislation, and I am especially opposed to the procedure of putting it on a Defense bill—especially in time of war, using our troops to get this legislation passed. It's not germane to the work of the committee and needlessly introduces a partisan matter in an otherwise bipartisan bill.

I've consistently opposed the passage of hate crimes legislation personally, and I continue to oppose it today. Unfortunately, congressional Democrats made the political decision to attach the hate crimes legislation to this bill. I oppose, as I said, using the men and women of the military as a leverage to pass this partisan legislation.

What should have been included in the bill is concurrent receipts. The House bill included a one-year expansion of concurrent receipts of military disability retired pay and veterans' disability compensation for our medically retired veterans. The House provision should have prevailed over the Senate procedural hurdles. We owe this to our veterans.

Though flawed, this bill has my support.

This conference report authorizes over $550 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy. Additionally, the legislation authorizes over $129 billion in supplemental funding to support operations in Iraq, Afghanistan, and elsewhere in the global war on terror.

This bill rightfully acknowledges that the United States has a vital national security interest in ensuring that Afghanistan does not once again become a safe haven for terrorists and supports a comprehensive counterinsurgency strategy that is adequately resourced and funded by Congress.

The conference report supports our strategy in Afghanistan in a number of ways. The bill authorizes $1.3 billion for the Commander's Emergency Response Program, which is unique authority critical to implementing General McChrystal's counterinsurgency operations. Additionally, the conference report authorizes $7.4 billion for the Afghan Security Forces Fund. These funds are the key to increasing the size and professionalism of the Afghan National Security Forces.

Finally, this bill reauthorizes expired DOD contingency construction authority to rapidly authorize and build facilities needed to support the war in Afghanistan.

With respect to Iraq, the report ensures that the Congress will support the President's plan to redeploy combat forces while providing our commanders on the ground the flexibility to hold hard-fought security gains and to ensure the safety of our forces.

Mr. Speaker, as Members of Congress, we owe our soldiers, sailors, airmen, and marines the very best available equipment, training, and support in order to provide them with the best possible tools to undertake their mission. The provisions in this bill go a considerable way in demonstrating this support. In particular, the House provision prevailed in a couple of critical areas.

This bill funds the alternate engine for the Joint Strike Fighter, provides $430 million in RDT&E for continued development of the F136 engine, and provides $130 million for F136 engine procurement. Finally, the conference report includes a multi-year procurement contract for additional F–18s.

As a Nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make to protect our freedom. I am pleased that this legislation includes a 3.4 percent pay raise, which is a half percentage point above the President's request. We also increase active duty end strength by 55,227 over fiscal year 2009 levels. This is essential for easing the burden on our current forces.

□ 1230

I'm pleased that this conference report prohibits any increases to TRICARE Prime and TRICARE Standard health care fees. Finally, the bill increases from $500 to $1,100 the maximum monthly supplemental subsistence allowance paid by DOD to low-income members with dependents, so that military members need not rely on food stamps.

In closing, Mr. Speaker, I want to say to my fellow Republicans, I understand your opposition to the inclusion of hate crimes in the Defense authorization bill. I committed to each of you that this vote should be a vote of conscience, and I understand you're on the horns of a dilemma. I understand your opposition to hate crimes, and I understand this terrible position you've been put in. But I know that if you vote against this bill because of the hate crimes legislation, it does not diminish in any way your support of the troops and the men and women in our Armed Forces.

When I became ranking member of the Armed Services Committee, I made a commitment to each of you and our men and women in uniform and their families that I would do everything in my power to provide our soldiers, sailors, airmen and marines with the support they desperately need and deserve. As the ranking member of the Armed Services Committee, so long as America's sons and daughters are under fire in combat, fighting for our country, I have the obligation to support them first above everything else.

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

Mr. SKELTON. Mr. Speaker, I commend the gentleman from California (Mr. MCKEON) for his straightforward

commitment to the young men and women in American uniform. At this time I yield 3 minutes to my colleague, my friend, the chairman of the Subcommittee on Readiness, the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I rise in support of the conference report for H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. This is, my friends, a very, very good bill; and we cannot ignore the fact that we are fighting two wars. We're fighting a war in Afghanistan and a war in Iraq. The conference report before us today reflects our efforts to strengthen the readiness posture of our Armed Forces. It authorizes a total of $244.5 billion for operations and maintenance, including $4.7 billion for Army training, $13 billion for Army and Marine Corps equipment reset, and $255.3 million for prepositioned stocks.

The conference report adds $70 million to address Navy aviation depot maintenance. It provides $350 million to replace rundown Army barracks, and adds $200 million for National Guard and Reserve construction projects. It funds the 2005 BRAC account at $7.4 billion and adds $100 million to address the environmental issues at bases closed prior to 2005.

The conference report expands the Homeowners Assistance Program and provides $300 million to help ensure that servicemembers who were forced to move during the real estate downturn are not severely affected financially. The conference report supports energy security by authorizing $12.3 million for energy conservation projects on military installations and programs that enable the Defense Department to reduce energy used during times of peak demand.

The conference report repeals the NSPS and transitions DOD civilian employees back to the General Schedule by January 1, 2012. At the same time, it provides the Department flexibilities to ensure efficient hiring and effective personnel management. The conference report allows FERS employees to receive credit for unused sick leave toward their retirement annuity. It provides locality pay for Federal workers in Hawaii, Alaska and the United States territories.

My friends, this is a good conference report that reflects our bipartisan desire to improve readiness and balance the many priorities of our military around the world and domestically. My friends, I urge you to support this bill. It is a good bill and it gives our troops what they deserve and they need.

Mr. MCKEON. I am happy to yield, at this time, to the gentleman from Maryland, ranking member on the Air, Land Subcommittee, Mr. BARTLETT, such time as he may consume.

Mr. BARTLETT. Mr. Speaker, I want to thank my subcommittee chairman, Mr. ABERCROMBIE, as well as HASC chairman IKE SKELTON and Ranking Member BUCK MCKEON for their collaborative leadership drafting this vital bill. I also thank the staff members who serve us so well. Thank you, thank you.

Overall, this is an excellent conference report. That is why I'm appalled that my colleagues would violate House rules and pervert this annual national military strategy bill by including the totally unrelated partisan Senate amendment. With deep regret, I resolutely urge my colleagues to vote ''no'' on this conference report. I've dedicated almost 40 years to protecting the lives of the men and women who serve in our military. For 20 years I invented and worked on defense projects to provide them lifesaving equipment, including 19 military patents.

I've been honored to serve for 17 years on the Armed Services Committee with colleagues who have worked tirelessly to achieve our bipartisan goals of providing rules and equipment so that our soldiers, airmen, marines, sailors, and the civilians who support them will succeed in their missions and return home safe.

There isn't time to review all provisions, but highlights of the Air and Land Forces portions which I worked on so hard with Chairman ABERCROMBIE include 30 F–35 aircraft and an increase of $430 million in research and development for continued F136 engine development and $130 million for F136 engine procurement; an additional $600 million, for a total of $6.9 billion to reduce equipment shortfalls in our National Guard and Reserves; inclusion of my proposed requirements for DOD to establish specific budget line items within the procurement and research, development, test and evaluation accounts for body armor.

This will improve accountability, increase transparency, as well as facilitate the advancement of lighter weight technologies. $6.7 billion for Mine Resistant Ambush Protected vehicles, $1.2 billion above the President's request. $2.45 billion for the President's request for Future Combat Systems communications network and spin-out equipment sets expected to continue as separate programs in fiscal year 2010.

I would like to especially thank Chairman ABERCROMBIE for his leadership and relentless efforts to ensure continued funding for the F–35 alternate engine program. My unavoidable and regrettable ''no'' vote is due solely to the inclusion of this extraneous amendment. It violates House rules. It sets a dangerous precedent by including an extraneous and nongermane bill in Congress' annual national defense strategy and policy bill.

Mr. SKELTON. Mr. Speaker, I yield 3½ minutes to my friend, the chairwoman of the Subcommittee on Military Personnel, the gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in support of H.R. 2647, the National Defense Authorization Act of Fiscal Year 2010. As the chairwoman of the Military Personnel Subcommittee, I'm proud to speak for this bill which continues our commitment to our men and women in uniform and their dedicated families. I want to recognize the ranking member on the subcommittee, Representative JOE WILSON, for his support and assistance.

Mr. Speaker, I would also like to recognize the chairman of the House Armed Services Committee, IKE SKELTON, and the ranking member, BUCK MCKEON, for their leadership. These gentlemen exercised extraordinary direction in order to complete another solid Defense authorization bill. I urge my colleagues in the House to vote for this conference report as it provides vital, and I mean vital, support for the armed services during this time of conflict and especially for their families, their families, who face the daily stress and strains of 8 years of war.

Let me highlight a few of the important programs and policies in the conference report which reflect that this has been deemed the year of the military family. The bill provides for a 3.4 percent pay raise. It makes mandatory face-to-face mental health screening for all returning servicemembers. To help schools with large enrollments of military children, it provides $30 million for Impact Aid, as well as funds to assist military children with severe disabilities.

To that end, it also establishes an Office of Community Support for Military Families with Special Needs. The report expands TRICARE eligibility when it comes to dental programs and provides TRICARE for Reservists called to duty 180 days before they reactivate. It also allows Reserve retirees and their families to buy into TRICARE Standard coverage, and it prohibits an increase in TRICARE fees for inpatient care for 1 year.

To reduce the strain on our forces, the conference report authorizes an additional end-strength increase for the Army for 2010 and makes further increases possible. It also sets up a program to account for missing persons from conflicts beginning with World War II.

Mr. Speaker, we have a moral and constitutional responsibility to ensure that those who volunteer to defend our Nation have the training and equipment they need to successfully execute their mission. The bill before us recognizes the sacrifices that those in uniform, survivors, retirees and their families are making on behalf of our Nation.

Mr. Speaker, before I yield back, I would also like to express my support for the inclusion of language to strengthen our Federal hate crime laws in this conference report. Hate crimes perpetuate and reinforce historic discrimination and persecution against particular groups. They are committed not simply to harm one particular victim, but to send a message of threat and intimidation to others. Left unchecked, crimes of this kind threaten to unravel the very fabric of American

society that our servicemembers fight to protect.

Mr. MCKEON. Mr. Speaker, I am happy now to yield to the gentleman from Missouri (Mr. AKIN), ranking member on the Sea Power Subcommittee, 2 minutes.

Mr. AKIN. Mr. Speaker, the bill that's before us today is a product of hundreds and hundreds of hours of hearings, all kinds of work by Members and staff, and by and large it's a good product. It's a political product. It has trade-offs here and there to try to balance one requirement against the other; and it is, once again, a reflection of a committee that I have been honored to be able to serve on for 9 years, a committee that has been largely bipartisan, a committee that has focused on solving problems, defending our Nation, and supporting our troops.

And in all of those regards, this bill is fine, except for there is an elephant the room. The elephant in the room was an invention of the Senate. They decided to put onto a bill that is focused on supporting our troops their own liberal social agenda of hate crimes legislation. Now, they claim they have the votes to pass that so why don't they pass it somewhere else? Instead, they put it on the backs of our service men and women and expect to use a blackmail kind of approach to have us, to dare us to vote against adding something that's totally extraneous to defense of this Nation on the backs of our service people.

A number of us are saying, as much as we support our troops, as much as we support the hard work of this committee, we believe that this is a poison pill, poisonous enough in fact that we refuse to be blackmailed into voting for a piece of social agenda that has no place in this bill. This is the kind of shenanigans that makes the American public irate. This is the kind of thing, like passing 300 pages of amendments at 3 in the morning, that makes the public nauseous.

And I, for one, as much as I support our troops, indeed, I even have a son going to Afghanistan in 3 weeks, as much as I support him and the rest of our troops, I will not allow us to be blackmailed into voting for something totally extraneous on this bill; and that's the reason why I will not support the bill.

Mr. SKELTON. I wish to remind my fellow Missourian that the United States Senate voted for the Defense bill with the inclusion of the section that he objects to by 87 votes to 7, a strong bipartisan vote.

I now yield 3 minutes to my friend, the chairman of the subcommittee on Strategic Forces, Mr. LANGEVIN.

□ 1245

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

Mr. LANGEVIN. I thank the gentleman for yielding. Mr. Speaker, I rise in strong support of the conference agreement on H.R. 2647, the 2010 National Defense Authorization Act. I'd like to personally thank Chairman SKELTON for his outstanding leadership in bringing this bill to the floor and always looking out for our troops, as he always has in the course of his career. I also want to recognize the leadership of Ranking Member MCKEON.

As chairman of the Strategic Forces Subcommittee, I'm proud of the provisions this legislation includes to sustain and modernize our strategic weapons systems.

In the area of nuclear weapons, the conference agreement increases funding for the Stockpile Stewardship Program by $48.7 million and establishes important new guidelines for nuclear weapons stewardship, including a new Stockpile Management Program. The program clarifies that changes to the U.S. nuclear weapons stockpile must be limited to sustaining current capabilities and requires that any changes use weapons components that can be certified without nuclear testing.

Now, regarding ballistic missile defense, this Congress has made this program a priority. The conference agreement fully funds the administration's request of $9.3 billion for missile defense programs. It authorizes $1.8 billion for Aegis Ballistic Missile Defense, adding $23 million for additional SM–3 missiles, and authorizes $1.1 billion for the Theater High Altitude Area Defense system, or THAAD. These amounts reflect an increase in the funding for these proven systems by $900 million over the FY 2009 levels.

The bill also authorizes up to $309 million for the recently announced European missile defense plan if the Secretary of Defense certifies that the system is operationally effective and cost effective in providing protection for Europe and the United States.

Further, the bill includes over $1 billion to test, sustain, and improve the existing Ground-based Midcourse Defense system, and includes a provision requiring the Department to establish a plan to maintain its operational effectiveness of the system over the course of its service life.

Within the strategic intelligence programs, the conference agreement requires the Department of Energy to develop a plan to ensure that our national security laboratories have sufficient funding and technical abilities to monitor, analyze, and evaluate foreign nuclear weapons activities and requires the Department of Defense to assess gaps in U.S. intelligence for foreign ballistic missile programs and prepare a plan to ensure our intelligence centers can sufficiently address these shortfalls.

Lastly, in addition to our national security priorities, I am pleased that the Federal hate crimes legislation is included in this bill to allow law enforcement to more aggressively pursue individuals who commit violent crimes that are motivated by a person's religion, disability, or sexual orientation.

Finally, I urge my colleagues to support this important legislation. I, again, thank Chairman SKELTON for his outstanding leadership on bringing this bill to the floor and shepherding it through the process. It clearly shows that this Congress is clearly behind our Nation's military and our warfighters.

Mr. MCKEON. I'm happy to yield, at this time, 1½ minutes to our conference chairman, the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the ranking member for yielding, and I thank the ranking member and the distinguished chairman of this committee for their work on the defense elements of this legislation, but I rise with a heavy heart to express my opposition to the National Defense Authorization Act because today's vote isn't just all about providing for the national defense.

Because of actions taken in the United States Senate, unrelated, divisive, liberal social policies have been added to this legislation in the form of hate crimes. For that reason, I must oppose it.

The majority in this Congress and in the Senate has included hate crimes provisions in this legislation that have nothing to do with our national defense and will threaten the very freedoms of speech and freedom of religion that draws the American soldier into the uniform in the first place. Thomas Jefferson said it best: ''Legislative powers should reach actions only and not opinions.''

The reality is that by expanding the Federal definition of hate crimes, as this legislation does, we will generate a chilling effect on religious leaders in this country. Pastors, preachers, rabbis, and imams will now hesitate to speak about the sexual traditions and teachings of their faith for fear of being found culpable under the aiding, abetting, or inducing provisions of current law, and that must not be. It is just simply wrong to use a bill that's designed to support our troops to erode the very freedoms for which they fight.

As a result, I urge my colleagues to oppose this bill.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, a member of the Committee on Armed Services, the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today to express my views on the final conference report on the National Defense Authorization Act for Fiscal Year 2010. I want to thank Chairman SKELTON and Ranking Member MCKEON for working so closely with me on a compromise to H.R. 44, the Guam World War II Loyalty Recognition Act. I also want to thank Erin Conaton, Paul Arcangeli, Dave Sienicki, Eryn Robinson, Vickie Plunkett, Julie Unmacht, and Andrew Hunter.

Unfortunately, I was disappointed that H.R. 44 was not included in the

final Defense authorization bill, but I'm confident that the commitments made by the House and the Senate conferees to hold hearings and to readdress war claims in next year's Defense bill will be honored and that further debate on this important legislation will bring us closer to finally passing this bill.

I, again, want to thank my colleagues in the House who have supported including H.R. 44: Speaker PELOSI, Majority Leader HOYER, Congressman LARSON of our caucus, Members across the aisle, and many others.

Finally, Mr. Speaker, the conference committee report has significant funding commitments for the military buildup, and I thank the committee for this.

Mr. MCKEON. I'm happy to yield, at this time, 2 minutes to the Republican whip, the gentleman from Virginia (Mr. CANTOR).

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

Mr. CANTOR. I thank the gentleman from California and also salute the gentleman from Missouri.

Mr. Speaker, today could have been and should have been marked by bipartisan support for our troops, but instead has become something very different.

The sole purpose of the Department of Defense authorization legislation is to authorize funds to ensure a strong national defense, but today it is being used as a vehicle to force hate crimes legislation through the House, and it is with deep regret that I'm left with no choice but to oppose it.

This legislation and this vote is a political ploy and symbolic of everything that is wrong with Washington. Those who support the Federal criminalization of hate crimes should demand that it be removed from this legislation and be considered solely upon its own merit, not that of our national defense.

I believe that all Americans should be protected from violent crime and viewed equally under the law, and the truth of the matter is that all violent crimes are hateful. Thought crimes are no different.

Our message is simple: All Republicans support our troops, and the issue of hate crimes has nothing to do with our national defense.

One must really question the priorities of this majority. We must not, should not treat our service men and women as political pawns in their effort to force a social agenda upon the court system and the American people.

Mr. SKELTON. I yield 3 minutes to my friend, my colleague, the chairman of the Subcommittee on Seapower and Expeditionary Forces, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. Let me begin by thanking our chairman and ranking member for the phenomenal job they've done.

Let me begin by telling the gentleman from Virginia that I agree with much of what he said. I would also remind the gentleman from Virginia that, like him, I voted to send those young men and women to Iraq and Afghanistan. With that vote came my commitment to equip them, to pay them, to take care of their families should something bad happen to them, to provide them with the very best equipment.

The one thing that every American can agree on is we have the world's best Army. We have the world's best Navy. We have the world's best Marine Corps. We have the world's best Air Force. This bill keeps it that way.

I regret that the other body, by a vote of 87–7, put some language in there that should never be in this bill. But the bottom line is, come November, sometime between Thanksgiving and Christmas, I'm going to be visiting at least 7,000 Mississippians, to the best of my ability trying to see every one of them that I voted to send there. And when I look them in the eye, I want them to know that I voted in support of them over the reservations of one small part of this bill.

The bill does a lot of good things for our Navy. It pays for seven new ships: a DDG–51 class destroyer, the best Destroyer in the world, one that we're going to build for at least another decade; two Littoral Combat Ships; two T–AKE dry cargo ships; a Joint High Speed Vessel; and a *Virginia* class submarine.

It includes language to see to it that our next generation of carrier, with the all-important electromagnetic launch system, will have the proper oversight so that it is delivered on time and on budget. It includes language to see that the Littoral Combat system that, to date, has been poorly handled will be done better in the future with a 10-ship buy, followed by a 5-ship buy, at the best price for whoever is willing to make that ship.

It funds the F–18E/F program, the world's best fighter, except for the F–22, and, quite frankly, a lot more affordable fighter than the F–22.

Lastly, it includes $6 billion for the most important weapon in our inventory at the moment, and that is the next generation of mine resistant vehicles. Look at the casualty list from Afghanistan. Almost every casualty is a result of an improvised explosive device on a vehicle that is not mine resistant.

The magnificent vehicles that we have built that work so well in Iraq and have saved so many lives in Iraq were, unfortunately, too big and too bulky for the terrain in Afghanistan. That's why we have to come up with a second-generation vehicle. This bill funds 5,000 of those vehicles that when they are delivered, from day one, will start saving lives and bring our friends and our family members back home with their limbs.

So, Mr. Speaker, again, like many of you, I have very, very, very deep concerns and, in fact, anger over some language that was included in this bill. But that is not enough to keep me from voting for funding the troops that serve our Nation so well, giving them the equipment they deserve.

Mr. MCKEON. Mr. Speaker, I'm happy to yield at this time 1½ minutes to the ranking member on the Terrorism, Unconventional Threats and Capabilities Subcommittee, the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, it is with great disappointment and, really, sadness today that I rise to inform my colleagues that I, too, will be voting against the Defense authorization conference report.

As the ranking member of the Terrorism, Unconventional Threats and Capabilities Subcommittee, the underlying bill does, in fact, carry a tremendous amount of good things that will help our troops and our Armed Forces, providing what they need as a warfighter to better face today's security challenges.

We have extended to the Secretary of Defense the authority to offer rewards for those individuals who provide information and nonlethal assistance in support of the Department's combating terrorism efforts. We increased the authorization level for Special Operations Command's 1208 authority.

But this is a big thing to many of us. The hate crimes bill is not at all germane to this piece of legislation. The House passed it as a standalone piece of legislation. Our authorization bill, I believe, should not be used as a vehicle to forward this controversial and unconventional—and I think unconstitutional—piece of legislation that attacks our First Amendment rights.

□ 1300

The fiscal year 2010 National Defense bill started off as a bipartisan bill. Unfortunately, it has ended up in an extremely partisan fashion. The outstanding work of this committee, I think, is being belittled.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, the gentleman from New Jersey (Mr. ANDREWS), a member of the Armed Services Committee.

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

Mr. ANDREWS. Mr. Speaker, there is not a word in this bill that silences a religious voice or a voice of conscience because of the hate crimes legislation. What there is in this bill is a very important choice that my friend, Mr. TAYLOR, just talked about a minute ago. A few years ago, we discovered to our horror that when vehicles drove over roadside bombs, the floors of the vehicles were not capable of stopping the explosion from killing the troops inside. That problem has manifested itself again in Afghanistan on rugged terrain. This bill funds 5,000 vehicles that will protect the lives of the young Americans who travel that rough terrain.

The choice is not about House procedure or civil rights arguments. The choice is yes or no. For those 5,000 vehicles, for those troops who travel that rough terrain, yes or no. The right vote is ''yes.'' The way to honor our commitment is ''yes.'' I would urge both Republicans and Democrats to vote ''yes.''

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself 2 minutes.

(Mr. WILSON of South Carolina asked and was given permission to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the conference report increases active and reserve component end-strengths; provides a 3.4 percent pay raise; prohibits increases in TRICARE Prime and Standard cost shares; improves the ability of servicemembers to vote and have their votes counted; and provides numerous improvements to assist wounded warriors.

As a veteran myself and father of four sons serving in the military, I know this is an important bill. However, this conference report falls short of what should be done on behalf of our military and our military families. I am disappointed that the conference report fails to adopt a House provision to allow for concurrent receipt of military disability retired pay and veterans' disability compensation for all disability retirees regardless of disability rating percentage or years of service.

There are numerous explanations for why we did not adopt this paid-for provision, including that the President did not provide the proper offsets, or that the Senate objected to the proposed offsets for the mandatory spending.

In my view, these reasons do not justify inaction on this issue. It sends the wrong message to our military and veterans that this provision was kept out of the conference report.

It is past time we stop talking about support for concurrent receipt and repeals of the offset in the Survivor Benefit Plan-Dependency Indemnity Compensation SBP-DIC offset, the tragic widow's tax. It is time for action to do the right thing now to remove these unfair burdens on widows and disabled military veterans. Sadly, billions of dollars for Cash for Clunkers but lack of consideration for widows and disabled veterans.

Mr. Speaker, the conference report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, has many provisions that improve the strengths and quality of life of active duty and reserve personnel and their families. It increases active and reserve component end-strengths; provides a 3.4% pay raise; prohibits increases in TRICARE Prime and Standard cost shares; improves the ability of service members to vote and have their votes be counted; and provides numerous improvements to assist wounded service members. As a veteran myself, and a father of four sons today in the military, I know this is an important bill. I am the ranking Republican serving on the Military Personnel Subcommittee led by Chairwoman SUSAN DAVIS who I know is devoted to our troops and families.

There are, however, areas where this conference report falls short of what should be done on behalf of our military and their families. I am disappointed that the conference report fails to adopt a House provision, based on the President's proposal, to allow for concurrent receipt of military disability retired pay and veterans' disability compensation for all Chapter 61 disability retirees regardless of disability rating percentage or years of service.

There are numerous explanations for why we did not adopt this paid-for provision, including that the President did not provide the proper offsets, or that the Senate objected to the proposed offsets for the mandatory spending. There are also concerns that the Senate could not muster enough votes on this veterans' issue to overcome a budget point of order against the provision on the floor.

In my view, all these reasons do not justify inaction on this issue. It appears that if this provision had been given the level of priority it demands, leadership both in the House and in the Senate would have found a way to adopt it in the conference report. Just as they found $3 billion of borrowed money for cash for clunkers in a matter of hours.

The House proposal, based on President Obama's budget request, was paid for, even though it was a flawed proposal to start with. It provided only nine months of concurrent receipt benefits which means they would have expired before the House and Senate could have completed another defense authorization bill to extend the benefit.

If the House Democratic leadership had wanted to, it could have found the funding necessary to offset a fully funded benefit ($5.2B over 10 years), or, as a minimum, to fund at least 12 to 18 months of benefit to ensure Congress had time to act again.

It sends the wrong message to our military and veterans that this provision was kept out of the conference report. It sends the wrong message in particular when the objection is a procedural matter—a budgetary point of order—that has been ignored by the Senate in previous instances. In fact, the last time it did arise was when we passed TRICARE for Life and there were votes necessary to defeat the budget point of order.

It should be noted that we had avenues that could have been pursued to address this budgetary concern—namely allowing House repeal of the deepwater drilling to stand as a spending offset. Unfortunately, that option and this opportunity to take action on this issue were not supported.

The bottom line is this. The failure to adopt this provision sends the wrong message to our disabled military veterans that we would not take a modest first step in providing concurrent receipt for all disabled military personnel.

It is past time we stop talking about support for concurrent receipt and repeals of the offset in the Survivor Benefit Plan—Dependency Indemnity Compensation, (SBP–DIC offset) the so-called tragic widow's tax. It is time for action to do the right thing to remove these unfair burdens on widows and disabled military veterans. Sadly, billions for cash for clunkers, but lack of consideration for widows.

I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend, my colleague, a member of the Armed Services Committee, the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Thank you, Mr. Chairman.

Mr. Speaker, I want to second what the gentleman from New Jersey said just a minute ago. I'm not going to get into the details of the Armed Services authorization part of this bill except to simply say that we do an awful lot of very important good things for our soldiers, their families and for the defense of this country in this bill. It would take an awful lot, an awful lot for me to vote against the bill because something that is nongermane has been included in the bill.

Now I did vote to keep hate crimes out of the bill. That didn't work. I can't tell you how often in this Chamber I have had to vote on bills that included things I didn't want in the bill. It is rare that we have a bill, a large bill, that doesn't include all kinds of things I would prefer to not be in the bill.

There is something that I think is very important to point out about the hate crimes legislation that is in the bill. It's language that was added by Senator Sam Brownback on the Senate side, and it's language which addresses the principal concern that I hear from my constituents about hate crimes legislation. My constituents don't mind putting people in jail for being violent with other folks. They don't have a problem with that at all. They don't have a problem with increasing sentences, not one whit. The longer the better. If you're a criminal, you do the time, and as far as my folks are concerned, you can do more time.

The worry was that somehow the right of individuals, of pastors and others to criticize behavior, to talk about sin, that somehow that right would be infringed upon, that free speech would be chilled. And I have to thank Senator BROWNBACK because in the bill we have language that takes care of that issue.

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

Mr. SKELTON. I yield the gentleman 1 additional minute.

Mr. MARSHALL. Thank you, Mr. Chairman.

On pages 1366 and 1367 of the bill, it states:

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes any rights under the First Amendment to the Constitution of the United States. Nor shall anything in this division, or an amendment made by this division, be construed or applied in a manner that substantially burdens a person's exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, or association, unless the Government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest, if such exercise of religion, speech, expression, or association

was not intended to plan or prepare for an act of physical violence; or incite an imminent act of physical violence against another.

My folks don't want people planning or preparing for physical violence. They don't want people inciting physical violence against other folks. They want people to be free to criticize, to argue, to speak and to condemn sin. I think Senator BROWNBACK has hit it exactly right.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), the former mayor of Dayton, Ohio.

Mr. TURNER. Mr. Speaker, I would like to thank Chairman SKELTON and Ranking Member MCKEON for their leadership and their steadfast support for our men and women in uniform.

The portion of this bill that relates to our strategic forces legislation reflects broad bipartisan agreement. The conference report retains a provision to establish the stockpile management program, strengthen the stockpile stewardship program and preserve the intellectual infrastructure.

I am pleased that the report includes a provision on the START follow-on treaty, which makes it clear that the treaty should not include limitations on missile defense or advanced conventional weapons; and that the enhanced safety, security and reliability of the nuclear weapons stockpile and modernization of the nuclear weapons complex are key to enabling further stockpile reductions.

I am disappointed that the conference sustains the President's cut of $1.2 billion to our missile defense systems. These cuts come despite significant activity in Iran and North Korea's ballistic missile and nuclear weapons programs.

I introduced a provision which would have increased funds for the European missile defense sites in Poland and the Czech Republic and open the door to an alternative only if the Secretary of Defense certified that it was at least as cost effective and operationally available as the Czech and Polish-based system. Unfortunately, my amendment was diluted as the Defense bill passed. However, I still expect the administration to address its intent.

In missile defense, I am pleased that the report authorizes an increase of $20 million to sustain the GMD industrial base and $23 million for additional SM–3 interceptors.

In another area, I am concerned that this report does not include the House-passed language protecting child custody arrangements for servicemembers. I want to thank Chairman SKELTON for his bipartisan support on this issue. The language which I offered has consistently been opposed by the Senate and the Department of Defense, although it has passed the House four times.

While the report includes a study to be undertaken by March 31, 2010, studying this issue and waiting for States to enact custody protections is not a strategy to solve this problem. Our men and women in uniform serve in a Federal military and deserve Federal action on this issue.

I appreciate the work that has been done on this bill.

Mr. SKELTON. May I inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from Missouri has 5½ minutes remaining. The gentleman from South Carolina has 11 minutes remaining.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I thank the gentleman.

Mr. Speaker, I rise in support of this conference report with some serious reservations. This legislation will finally enact the Local Law Enforcement Hate Crimes Prevention Act. That is a historic, albeit long overdue, accomplishment.

I am concerned, however, about the section dealing with military commissions. President Obama's goal, which I share, is a system that is fair, legitimate and effective. But we already have that in the Uniform Code of Military Justice and our Article III courts. We should use these existing tools and stop insisting on a new and inevitably second-class military commissions system. But given the existing Military Commissions Act of 2006, which allows for the admission of statements obtained through the use of cruel, inhuman and degrading interrogation methods, we should support the improvements in this bill—placing further limits on the use of coerced testimony and hearsay; expanding the scope of appellate review to include review of facts and not just law; and taking greater account of the need for adequate defense counsel and resources. These changes do not go far enough, and additional changes suggested by the Judiciary Committee—including a sunset provision, a voluntariness requirement for all statements, a different appeals structure, and a prohibition on the trial of child soldiers by military commission—should have been adopted. Nonetheless, I support the improvements made by this conference report with the hope that we can make further progress in the future.

I urge my colleagues to vote for this conference report.

Mr. Speaker, whether it is because of the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity, or disability of the victim, these violent acts causing death or bodily injury target not just an individual but an entire group. These crimes do, and are often intended to, spread terror among all members of the group.

Today, we have the opportunity to do the right thing. I hope we can agree to do so.

I am concerned, however, about the section dealing with military commissions It makes some important improvements, but in some key ways the system will remain at odds with our best traditions.

When President Obama initially suspended use of military commissions, I was optimistic that we had seen the end of this flawed system. President Obama has since signaled his intent to revive the commissions, and has called for reforms that would bring them in line with the rule of law. President Obama's goal which I share, is a system that is fair, legitimate, and effective. But we already have that in the Uniform Code of Military Justice and our Article III courts. We should use these existing tools and stop insisting on a new and inevitably second-class military commission system.

But, given the existing Military Commissions Act of 2006, which can be used to try detainees and allows for the admission of statements obtained through the use of cruel, inhuman, and degrading interrogation methods, we should support the improvements in this bill. This bill improves existing law by placing further limits on the use of coerced testimony and hearsay, expanding the scope of appellate review to include review of facts and not just law, and taking greater account of the need for adequate defense counsel and resources. These changes do not go far enough, and additional changes suggested by the Judiciary Committee—including a sunset provision, a limitation on the use of military commissions for Guantanamo detainees, a voluntariness requirement for all statements, a different appeals structure, and a prohibition on the trial of child soldiers by military commission—should have been adopted. Nonetheless, I support the improvements made by this conference report, with the hope that we can make further progress in the future.

So I will support this conference report, mindful that our work is not done. I urge my colleagues to do the same.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 2 minutes to Congressman WITTMAN who represents America's historic First District of Virginia.

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

Mr. WITTMAN. Mr. Speaker, I rise today to speak on the conference report for H.R. 2647, the National Defense Authorization Act.

The members of the House Armed Services Committee are dedicated to supporting our servicemembers and their families, and as such, this bill includes an appropriate increase in military pay and improves veterans care.

I am pleased to see that the bill makes progress towards strengthening our naval presence on the high seas. We must continue to develop the industrial base and promote shipbuilding to establish a floor, not a ceiling, of 313 ships in our Navy.

I do, though, remain troubled by the absence of a 30-year shipbuilding plan and a 30-year military aviation plan. Without these, critical perspective is lost. The bill provides a temporary waiver for the number of carriers to dip below 11, but my reservations remain. Maintaining 11 aircraft carriers is essential to maintaining our long-term naval superiority.

The strategic risk we accept in this Defense authorization bill is also of particular importance. As we consider

strategic threats urgently facing our country today, it is troubling that the bill reduces missile defense funding by $1.2 billion.

This bill also includes $46 million for channel dredging at Naval Station Mayport, Florida. It is fiscally irresponsible to spend money on dredging and preparing to homeport a nuclear aircraft carrier prior to the conclusion of the Quadrennial Defense Review.

Unfortunately, the Senate also added a provision to expand the Federal jurisdiction over hate crimes. Proponents of this provision are using this national security bill to get this legislation to the President's desk through the back door, a tactic we have seen repeated over the last 9 months. This bill is about national security, not social legislation. To use the circumstances of our sons and daughters in harm's way to legislate on social issues is unconscionable. We should not use a bill in support of our servicemembers to promote social legislation. I urge my colleagues to continue in the future to work towards a better alternative.

I would like to thank my colleagues, Ranking Member MCKEON and Chairman SKELTON, for their work in bringing this bill to the floor. But we can do better, and we must.

Mr. SKELTON. I yield 1½ minutes to my friend and chairman of the committee on Oversight and Government Reform, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Thank you very much, Chairman SKELTON.

As chairman of the Oversight and Government Reform Committee, I rise in support of the conference agreement on the National Defense Authorization Act for Fiscal Year 2010. Title 19 of the bill makes important updates to the retirement system for Federal employees.

□ 1315

These changes will improve the retirement system's effectiveness as a recruiting and management tool at a time when we need to attract the best and the brightest of the Federal workforce. The reforms eliminate inconsistency in the way part-time service, breaks in service, and unused sick leave are considered in calculating retirement benefits. It helps civilian workers at the Department of Defense, the largest employer in the Federal Government.

I also support the repeal of the National Security Personnel System. This system implemented by DOD has been a near-total failure, and I support making a fresh start.

I also support the report's continued funding for programs at historically black colleges, universities, and minority-serving institutions to ensure that students are trained to meet our Nation's defense research and technological needs.

I thank Chairman SKELTON and the other conferees for their support. I urge all Members to support this conference report. Again, I want to thank all of the staff members who made this possible.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I do appreciate our dear chairman from Missouri, Chairman SKELTON. He commented that we are at war, this is deadly serious, and he is right. Our troops need our support, and having been in the Army at Fort Benning at a time when we were being cut in the late 1970s, I am very sensitive to that. But our troops are fighting for freedom as well.

Bringing a hate crimes bill that is based on two false premises and putting it on the backs of our soldiers is wrong. It should not be done. We have heard from a majority Member that if we vote this down, the hate crimes will be pulled off, and then we can vote for the pay raise that these people justly deserve. There is no escalation in hate crime numbers. The FBI statistics show they have been continually going down. This would not change the outcome of the Matthew Shepard case. They got life; the maximum here is life. In the James Byrd case, the two most culpable got the death penalty; the maximum here is life. All this would do is bring that penalty down.

This is based on false assumptions. It should not be added to our soldiers' backs. Let's get a clean bill.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, we all support our troops. I don't think anybody doubts that. So why are we adding a hate crimes amendment to this bill? Why are we doing social engineering on the backs of our troops on a defense bill? I think it is being done for political purposes. I think that there are people on the other side that want to put Republicans in a political trick bag in the next election, and I think that is very unfortunate.

We should be worrying about the defense of this Nation and the men and women fighting in Afghanistan and Iraq today. We should not be doing social engineering on this bill. It is just wrong. I think it is being done for political purposes. I just say to my colleagues on the other side who are doing it, shame on you.

Mr. SKELTON. I continue to reserve my time.

Mr. WILSON of South Carolina. Mr. Speaker, I respectfully reserve my time on behalf of the Republican leader who will be here shortly.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, my colleague, the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

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

I want to say particularly as I start that the distinguished chairman of this committee does America a great service. This is a critical bill for our Nation and for our men and women in uniform. There is no greater advocate of America's readiness or the quality of life of our service personnel than the gentleman from Missouri (Mr. SKELTON). I want to thank him for his leadership.

Mr. Speaker, I rise to support the conference report on this vital bill for fiscal year 2010, which takes important steps to enhance our military readiness, our national security, and the well-being of our military families, and I might add our Federal employees, our civilian personnel as well.

I particularly want to thank Chairman SKELTON, the Armed Services Committee and staff for their months of hard work to bring this legislation close to enactment. I know on the staff, this has been tough. The conference was tough.

In sum, the conference report authorizes $550.2 billion in budget authority for the Department of Defense and the national security programs at the Department of Energy, as well as $130 billion for overseas contingency operations. It is a serious response to the real, immediate, and rapidly changing threats our Nation and our troops face.

Among its most important provisions are those that help to rebuild our Armed Forces, which are worn down after years of war.

It provides $11 billion and $2 billion to re-equip the Army and Marine Corps respectively, as well as $6.9 billion to meet equipment shortfalls in the National Guard and Reserve.

In line with President Obama's request, it also adds an additional 30,000 troops to the Army, 14,650 to the Air Force, 8,100 to the Marines, and 2,477 to the Navy. I believe these are critical provisions. We are asking our men and women to serve long tours at great risk. The trauma that they are experiencing is very substantial. The ops tempo, as we call it, is such that if we do not increase our forces, we will not be able to give the proper rest that our troops need. So I congratulate the committee for attending to that issue

It authorizes 30,000 more Army troops in fiscal years 2011 and 2012. Our Nation has made the proper decision to confront those who would cause us risk. But if we are going to do so, we must properly resource our services with the proper number of personnel.

To ensure safety and dignified living standards for those troops, it commits $350 million to construct new Army training barracks and $200 million for facilities in the National Guard and Reserve.

This conference report also orients our country in the direction of the new national security strategy put forward by the Obama administration, which includes redeployment from Iraq and a commitment to the stability of Afghanistan and Pakistan. The conference report reflects those priorities.

Mr. Speaker, I have other matters that I could speak to, but I think everyone on this floor knows the importance of this bill. I note the presence on the floor of, like Mr. SKELTON, one of the great leaders in supporting our Armed Forces on the floor with me, my good and dear friend BILL YOUNG from the State of Florida, as the ranking Republican on the Appropriations Subcommittee. I want to thank him for his leadership. Mr. YOUNG has been here, IKE, longer than either one of us has been here, and he has served his country very well. It is appropriate that he is on the floor as we consider this important bill.

In closing, Mr. Speaker, I would urge every Member in this House to support this bill which supports our troops, to support this bill which authorizes the funds necessary to respond to the needs and the policies of the United States of America in protecting our citizens and our homeland from those who would undermine our security and safety, who would attack our property and persons. That's what this bill is about.

This bill has many items in it, some more controversial than others. But at heart, this bill is about our troops and about America's security. I would hope and urge every one of my colleagues, when the roll is called, to vote ''aye'' on this critically important bill for the security of the United States of America.

Mr. SKELTON, I congratulate you for your leadership. You are one of America's great patriots and leaders, and I am proud to be your colleague.

Mr. WILSON of South Carolina. Mr. Speaker, I reserve the balance of my time for the gentleman from Ohio (Mr. BOEHNER), the Republican leader, for when he arrives.

Mr. SKELTON. Does the gentleman from South Carolina have any additional speakers?

Mr. WILSON of South Carolina. We are reserving our full time for the gentleman from Ohio (Mr. BOEHNER) as soon as he arrives.

Mr. SKELTON. I prefer to close, Mr. Speaker, after the gentleman from Ohio speaks.

Mr. WILSON of South Carolina. Mr. Speaker, as we close on the Republican side, indeed, this is such an important bill for the military of our country. As has been indicated by so many of my colleagues, with the highest regard that we have for the chairman of the House Armed Services Committee, there is great distress over the additional language that should not have been added to this bill.

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

Mr. SKELTON. Mr. Speaker, in your mind's eye picture a young Army corporal preparing to drive down a road in his security vehicle to help in an ongoing firefight in the mountains of Afghanistan. Picture in your mind this young corporal dressed in the Army fatigue uniform, an M16A2 standard-issue rifle in his hand with bullets made in America for that M16A2, wearing body armor furnished him and in the latest security vehicle provided by the United States Army.

□ 1330

That M16A2 rifle was furnished by the Congress of the United States. The ammunition for that rifle was furnished by the Congress of the United States. The body armor on that soldier was furnished by the Congress of the United States, and the vehicle in which he rides, that security vehicle was furnished by the Congress of the United States.

As a young soldier, this young corporal goes down the road, look at that soldier and answer the question, Did you vote to support me as a Member of Congress of the United States?

Ms. LEE of California. Mr. Speaker, for the first time in my tenure I rise today in support of the conference report on H.R. 2647, the National Defense Authorization Act for FY 2010.

I still believe that we must bring common sense to our runaway defense spending and end support for outdated cold war era weapons systems that are costing taxpayers over $60 billion a year without any appreciable benefit to our national security.

While I am pleased to see that H.R. 2647 includes language prohibiting the establishment of permanent military bases in Iraq or Afghanistan, I continue to have serious concerns that the authorization for overseas operations included in this bill threatens to further entrench the United States in conflict and continue us down a path to war without end.

Mr. Speaker, I will continue to oppose a military-first foreign policy strategy which endangers our troops and our national security, and undermines our ability to meet the needs of the American people.

But today, I will be supporting this bill in the interest of all past, present, and potential victims of hate crimes and discrimination.

It is long past time that we protect Americans against hate violence by ensuring hate crimes are fully prosecuted under the law, as provided for in this bill.

No individual should face discrimination, fear, or violence on the basis of race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

Mr. POSEY. Mr. Speaker, this is a sad day in the House of Representatives. The Majority chose to add to the defense bill a totally unrelated and highly controversial bill, commonly called the Thought Crimes Bill or the Hate Crimes bill. There are serious concerns that religious leaders promoting traditional morality may be subject to potential criminal liability under this bill as prosecutors blur the line between what constitutes a ''hate crime'' and what they deem hate speech. Last minute changes to the Thought Crimes bill stripped important religious freedom protections and constitute further abuse of power. While no one should condone acts of hatred toward others, this bill goes far beyond its stated purpose.

To airdrop this totally unrelated legislation onto a bill that authorizes our national defense budget is a travesty and abuse of power in the highest degree.

Adding vague unrelated provisions that are likely to be proven unconstitutional to the defense bill is more than inappropriate. I have joined many of my colleagues in sending a letter to the President expressing our concerns, stating ''Each of us takes very seriously the responsibility to ensure the men and women who volunteer to serve in our Armed Forces have the resources they need to defend this nation. Using our troops to pass divisive social policy does a profound disservice to them, this institution, and the constituents we serve.''

Fortunately, this bill is not the last word on national defense this year, and we will soon have before us the Defense Appropriations bill—the bill that actually provides funding for our troops. Congressional leaders should resist the urge to again engage in such abuses of power.

I am introducing legislation today that will block the House from engaging in such behaviors in the future. My bill will bring some common sense to this place by ending the practice of merging totally unrelated bills in secret conference committees. Separate issues should be kept separate.

It is also troubling that once again, the Majority failed to give Members of Congress and the public at least 72 hours to understand how $680 billion in taxpayer dollars are being spent. What last minute earmarks were included in the 2,200 page bill? No one knows!

I am also disappointed with several shortcomings in the bill. The bill fails to include provisions to guarantee that Guantanamo Bay terrorist detainees will not be sent to the United States. At a time when Iran is advancing its nuclear and missile technology programs, the bill unwisely cuts over $1.2 billion from our national Missile Defense program. While there is also much good in this bill, I am glad that we will still have an opportunity to vote on the actual spending bill in the next few weeks. I would urge the Majority to resist the temptation to lard up that bill with last minute airdropped earmarks or play politics with our troops by adding extraneous liberal social policies.

Mr. MORAN of Virginia. Mr. Speaker, I rise to support the conference report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. In particular, I would like to thank Chairman SKELTON and Ranking Member MCKEON for their leadership in negotiating this piece of legislation.

As others have attested, this bill will provide more than $600 billion for our troops, so that they will be ready to confront today's adversaries and prepared to prosecute tomorrow's conflicts, all while knowing that the U.S. public stands ready to support their needs at home and abroad.

Also included in the Defense Authorization are three provisions that will greatly benefit the federal employees that not only support the warfighter, but often serve alongside our men and women in uniform.

The first is known as the Federal Employee Retirement Service (FERS) Sick Leave provision. This piece will allow FERS-enrolled employees to use their accumulated, unexpended sick leave towards the computation of their annuities upon retirement. This provision puts FERS employees on par with those in the Civil Service Retirement System, CSRS, which includes employees who joined the civil service prior to 1984.

The second provision important to so many federal employees is known as the CSRS Part-Time Fix. It allows CSRS workers to

phase-down to part-time status at the end of their careers without reducing their final annuities and pensions. Today, under CSRS, part-time service occurring during the final years of federal service negatively impacts the high-three annuity calculation, leading to earlier full-time service being calculated as part-time. This flaw often pushes out the most experienced and knowledgeable federal employees just at the time when this nation needs their service and expertise.

The final federal employee provision contained in this bill is known as FERS Redeposit. This provision allows returning FERS employees, who earlier left federal service, to repay a deposit to the civil service trust fund, with interest, in order to be able to combine their past and new federal service for future annuity credit purposes. Like the other two federal employee provisions, the FERS Redeposit will help the federal government better recruit and retain the skilled men and women that are critically vital to our armed services.

Though I have championed these provisions in the past, I must take some time to personally thank Chairman SKELTON, Ranking Member MCKEON, Chairman TOWNS, and Chairman LYNCH for their tremendous efforts to ensure that these provisions survived conference. Without the effort of these esteemed Congressmen, hundreds of thousands of federal employees would not be the beneficiaries of such provisions.

Lastly, I strongly support the inclusion of The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in this legislation. This provision, which has passed Congress several times over the past few years, would extend federal hate crimes law to protect individuals targeted because of their sexual orientation, gender, gender identity, or disability. In addition to expanding the categories of hate crimes, it would allow the Justice Department to aid in the investigation and prosecution of hate crimes at the local level through technical assistance and supplemental funding.

Hate crimes have a chilling effect beyond a particular victim, spreading fear of future attacks among the targeted group. Congress cannot prevent hate from motivating individuals to commit violence, but we can ensure that the proper laws and resources are available to prosecute these cases to the fullest extent of the law. Enactment of this legislation is a long overdue step in combating all forms of hate-based violence that impact communities across the country.

Mr. Speaker, I once again thank Chairman SKELTON for his leadership.

Mr. KUCINICH. Mr. Speaker, I rise in strong opposition to H.R. 2647. Throughout my time in Congress I have been a champion for human rights. My opposition to the wars in Iraq and Afghanistan, and by extension, the inclusion of an authorization for an additional $130 billion to fund these wars, is in part predicated on an understanding that war violates the human rights of the affected populations.

The war and occupation in Iraq has taken the lives of over one million people. Thousands more innocent lives have been lost due to military operations in Afghanistan. These lives are often referred to as ''collateral damage.'' But in reality these lives represent innocent children, mothers, sisters, brothers, and fathers, among others, that were killed because a war and occupation has been imposed on them. Military operations have caused their homes to be invaded, their communities to be bombed and their resources, including food and water, to be increasingly scarce.

Unemployment in both Iraq and Afghanistan is devastatingly high; access to humanitarian aid is limited; medical care and education are difficult to obtain or completely unavailable. The wars in Iraq and Afghanistan have clearly violated the human rights of the civilian populations in which they are being waged.

The people of Afghanistan are suffering horribly from 8 years of war. During that time the Afghan central government has become increasingly corrupt and has failed to meet the needs of the Afghan people. Iraq has been decimated during more than six years of war and occupation. The people of Iraq continue to wonder when the killing of the innocent will be enough to satisfy the U.S. and question when the U.S. will end the occupation of their country.

The majority of the Iraqi and Afghan people are not extremists or insurgents, but they are the victims of the global war on terror whose daily lives now entail little more than struggling to feed their families and survive the violence of the war. Furthermore, the war in Iraq was based on false intelligence and an inaccurate, government sponsored, propaganda campaign.

I ask this body: Where is our dedication to the human rights of the innocent people around the world who will be killed, maimed or displaced by the bombs, weapons and death machines that this bill funds?

As a staunch supporter of human rights I have consistently supported, voted in favor of, and advocated for passage of hate crimes legislation. I am fully committed to ensuring that the human rights of all individuals are protected. Therefore, I believe that passage of hate crimes legislation is essential to ensuring strong human rights protections for the victims of violent crimes that are perpetrated based on the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity or disability of the victim.

But there is a deep-seated irony in including a human rights provision in a funding bill that will inevitably ensure the continuation of human rights violations in parts of the world. I believe that, as a Nation and a part of the global community, we cannot fully ensure the protection of our own human rights here in the United States without being equally diligent in ensuring the human rights of our global society. I cannot trade the human rights of some for the human rights of others.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to support the National Defense Authorization Act for Fiscal Year 2010. I want to thank Chairman SKELTON for his hard work and leadership on working with all members and the Senate in passing an important bill to authorize the funding for our entire armed forces.

I am especially grateful for the provision to authorize funding to dredge the St. Johns River at Mayport Naval Station. It is important for our Navy to have the flexibility to station all of our vessels where they can be safe and provide the maximum amount of protection for national security.

I am proud of the men and women of our military who, every day and every night, protect the freedoms we hold so dear. Congress determined the mission and it is up to us to make sure our soldiers have the proper resources to carry out that mission.

The Navy and the President determined that part of that mission included making the harbor at Mayport Naval Station suitable for all the ships in our fleet. They included that requirement in the budget submitted to the Congress. And it is included in the conference report. This is a key military construction and force protection project.

The U.S. Navy has an alternative docking location for every ship in the Navy except for aircraft carriers stationed on the East Coast. In order to provide this emergency docking location, the Navy requested funding in the Fiscal Year 2010 Budget for Channel Dredging at Naval Station Mayport.

Right now, the channel to Naval Station Mayport is dredged to 42 feet plus a 2 foot overdraft. For a full loaded nuclear aircraft carrier to pull into Mayport without tide restrictions, the channel must be dredged to 50 feet plus a 2 foot overdraft.

I was pleased to speak with Secretary of Defense Robert Gates earlier this year and he expressed his commitment to make the Mayport Naval Station a viable option for all naval ships in the event of emergency.

This provision to allow the dredging to continue represents a huge victory not only for the First Coast community, but also for the brave men and women of the U.S. Navy, whose vulnerability to attack is decreased by avoiding consolidation of carriers in any single location. The attack on Pearl Harbor in 1941 highlighted the danger associated with docking large naval fleets in only one location. I am thrilled that the Department of Defense has decided to take advantage of the Jacksonville port in order to increase the safety of our men and women in uniform.

This is about national security and ensuring we provide our Navy leaders with operational flexibility they need. Our aircraft carriers are too valuable of assets not to provide a back-up docking location.

I am pleased at the support of the entire Florida delegation for working in a bipartisan matter to support the men and women of our military who, every day and every night, protect the freedoms we hold so dear. Congress determined the mission and it is up to us to make sure our soldiers have the proper resources to carry out that mission.

I support this provision and the entire bill and urge my colleagues to support this bill as well.

Mr. JORDAN of Ohio. Mr. Speaker, I am disappointed to have to vote today in opposition to the conference report on H.R. 2647, the 2010 National Defense Authorization Act. For House Democrats to bring it to the Floor in its current form shows that they are not above playing politics with our troops.

I commend the House Armed Services Committee and House conferees on the bill for their good work in support of our military. The conference report provides much-needed funding for our operations in Iraq and Afghanistan at a time when the Administration's commitment to those missions is in question. We must continue to do everything in our power to give our troops the resources they need to succeed, and also to support their loved ones at home.

I applaud the important provisions of this conference report that authorize funding for

equipment acquisition, research and development, and reset. I am pleased that the legislation increases the size of the Army, Navy, Air Force, and Marine Corps to address current and future threats.

The conference report bars the transfer of detainees at Guantanamo Bay to the United States pending a review on the threats they would pose to Americans. I find it unconscionable that the Obama Administration is still contemplating bringing terrorists to American soil after this Congress and the American people have gone on the record against such a reckless move.

Most importantly, the conference report authorizes an across-the-board military pay raise above what President Obama's defense budget requested. I was proud to vote to fund this pay raise in July when it was included in the 2010 defense appropriations bill, and look forward to quick action on a final version of that bill to provide this well-deserved increase.

The extraordinary sacrifices of our men and women in uniform make it of utmost importance that we give them the equipment and the support they need to complete their mission. They deserve far more than they are getting today from Congress, which is cynically using this bill to advance social policies favored by the Left. Attached to the bill by Senate Democrats is a wholly unrelated and unconstitutional so-called hate crimes bill.

This hate crimes bill represents an unprecedented departure from the deeply rooted American principle of equal justice under law. Justice should be blind, rendered through a criminal justice system that does not take into consideration such issues as race, gender, and religion.

Mr. Speaker, all violent crime is rooted in hatred. All violent crime is deplorable and should be punished to the fullest extent. Crimes not aimed at certain classes of people are just as reprehensible as those committed for other reasons. Crimes committed against one citizen should not be punished any more or any less than crimes committed against another.

But this hate crimes bill treats senseless, random violence less harshly than other, less ''random'' crimes. Justice will depend on whether a victim is a member of a category deemed worthy of protection under this bill—a list, for the record, that does not include the unborn, pregnant women, the elderly, and others who are among society's most vulnerable.

In fact, when the hate crimes bill was considered in the Judiciary Committee earlier this year, I offered an amendment to add the unborn to this list. The amendment was ruled non-germane on the outrageous grounds that the unborn are not ''persons.'' So much for defending our most defenseless.

I find it intriguing that a provision offered by Republicans but opposed by Democrats in committee—heightening penalties for attacks on servicemembers—is now hailed by Democrats as a vital part of this legislation.

The hate crimes bill raises the very real possibility that religious teachers of every faith could be prosecuted based on the sermons they give. By permitting legal action against anyone who ''willfully causes'' action by another person, it is not hard to imagine charges being filed against a pastor if a misguided parishioner claimed that the pastor's message caused him to commit a violent act. Subjecting pastors' sermons to prosecutorial scrutiny would prove a chilling effect on the rights of all individuals to freely practice their religion.

It is beyond shameful that these hate crimes provisions have been stapled onto the defense authorization. They are completely irrelevant to the protection of our troops, and provide yet another example of how terrified the Democrat majority is of free and open debate. Just as the hate crimes bill was originally debated in the House under a closed rule allowing for no amendments, it is now being presented to the House for only one hour of debate with no opportunity to amend it.

Mr. Speaker, defense authorization bills have traditionally been free of politics, almost always garnering widespread bipartisan support. The actual defense provisions in this authorization bill are good. I would be proud to support this bill, absent the unrelated and unconstitutional hate crimes provisions included in it.

The American people have a right to be ashamed of the poisoned process that forces pro-defense members of Congress to vote against what might otherwise be a good defense bill.

Mr. HOLT. Mr. Speaker, I feel strongly that all men and women must be treated equally, regardless of their race, religion, gender, sexual orientation, gender identity or disability. That is why I am an original cosponsor of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Hate crimes are real. They spread fear and intimidation among entire communities. This bill would strengthen local law enforcement's ability to prosecute hate crimes based on race, color, religion, national origin, gender, sexual orientation, gender identity and disability to the victim. It's long past time for Congress to pass this important legislation to help prosecute those who would commit these heinous acts.

Some have opposed this bill by saying it would legislate ''thought crimes.'' It is patently false to say that we're criminalizing thought. We are criminalizing the brutality that results when these thoughts lead to the death and serious injury of an innocent victim. This is no more about criminalizing thought than the antilynching laws were about criminalizing knot tying.

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act authorizes the Attorney General to provide technical, forensic and prosecutorial assistance in the criminal investigation or prosecution of any crime of violence that is motivated by prejudice based on race, color, religion, national origin, gender, sexual orientation, gender identity or disability of the victim. It also authorizes the Department of Justice to award grants to state and local law enforcement to assist in hate crime prevention.

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

The bill has in the past been approved by the House and the Senate only to fail to reach the president's desk. Yet, today we will finally pass the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act into law.

Mr. BILIRAKIS. Mr. Speaker, I want to explain my vote in opposition to the Conference Report to H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

I absolutely support ensuring that our brave men and women serving in the Armed Forces have the necessary and best possible training, equipment, and other resources to accomplish their missions as quickly and safely as possible.

I sought a seat on the House Committee on Veterans Affairs in my first term so I could in some small measure help repay our debt to past soldiers and their families by protecting and strengthening their health, disability, and retirement benefits.

I have introduced legislation to increase the pay of members of the military, provide tax cuts to active duty military personnel, give tax credits to our military to help them purchase homes, allow for concurrent receipt of military retired pay and disability compensation, and encourage employers to hire members of the Reserve and National Guard.

I have also traveled to Iraq and Afghanistan to visit with our troops and let them know that I understand and appreciate what they are doing and will do whatever I can to support them.

Very simply, I believe our brave warriors who are standing in harm's way to keep us safe are the true heroes in our society and deserve our complete and unfettered support. That is why I supported the House-passed defense authorization bill earlier this year. I am terribly disappointed that I cannot vote for this conference report, however, because it includes several misguided provisions that should not become law.

This bill is shamelessly being used to enact unrelated and controversial hate crimes legislation, to which many, including me, strongly object. The inclusion of this language in a bill to ensure our national security and meet our commitment to the troops is unconscionable.

I believe that all crimes should be vigorously prosecuted and the convicted should be swiftly and appropriately punished. I do not believe that the federal government should be in the business of criminalizing thought and creating classes of people who supposedly are more deserving of protection than others.

The bill cuts funds for missile defense by more than a billion dollars from last year's level and permanently prohibits the deployment of long-range missile defense interceptors in Europe; unless a lengthy certification process occurs, effectively shutting down a system that would protect us and our European allies from nuclear attack.

The bill also strikes funding included in the House-passed bill for the production of additional F–22 fighters. These provisions leave us more vulnerable to attack from nuclear nations and those countries developing more advanced air assets.

Mr. Speaker, I will not play along with this political charade and allow our men and women in uniform to be used as cover to pass controversial social policies that cannot be enacted on their own. My constituents know how strongly I support our troops and our military efforts to prevent terrorists from striking in this country again like they did on 9/11.

I hope the next time we consider a defense authorization bill we do so in a manner that reflects and upholds the very ideals that our troops are fighting for, unlike the shameful process that brought us to this point today.

Mr. WOLF. Mr. Speaker, I cannot support the Conference Report for H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010 because it includes more than just the comprehensive annual defense policies and budget authority for the Department of Defense, which is the intended purpose of the bill.

I continue to fully support the efforts of our troops on the ground, but have serious concerns about controversial hate crimes legislation added by the Senate. When the House voted on this legislation in June, I voted yes, because I supported the policies laid out in the House version of the bill. But the Senate's addition has no place in this bill.

I was also disappointed to see that provisions to fix Concurrent Receipt that were included in the House version of the bill were removed in conference. This is a well deserved and long overdue benefit for our nation's veterans.

I want to express my support for the provisions in this legislation which will improve the quality of life for military personnel and their families, strengthen commitments to military retirees, and bolster our national security. Without the hate crimes provision, this bill in total is good legislation for our troops and veterans. In addition to the pay raise for our military, it includes important TRICARE provisions that I continue to support. I have a long history of supporting our troops and veterans and will continue to work to support policies that benefit our military and hope that future defense related legislation can be considered without the inclusion of extraneous and inappropriate provisions.

I also strongly support provisions included in this legislation with regard to federal employees that will improve the efficacy of the federal workforce and remedy historic inequalities in federal retirement benefits. These improvements will strengthen our national security workforce, including more than 700,000 civilians employed worldwide by the Department of Defense.

I am particularly pleased that legislation I have introduced with Representative JIM MORAN, which would credit unused sick leave for federal employees, has been included in this bill. According to a Congressional Research Service report, current inequities in sick leave policy result in a loss of productivity costing taxpayers more than $68 million each year. This will remedy this and result in a more productive and cost-effective workforce.

The other important federal workforce provisions included in this legislation will: change the computation of certain annuities based on part-time service; expand the class of individuals eligible to receive an actuarially reduced annuity under the Civil Service Retirement System; authorize the re-deposit of retirement funds under the Federal Employee Retirement System; change the retirement credit for service of certain employees transferred from the District of Columbia service to the federal service; alter the retirement treatment of Secret Service employees; and phase in the use of locality-based comparability payments to replace cost-of-living adjustments for certain federal employees, and include a provision from the Senate-passed bill allowing for the re-employment of federal retirees on a limited, part-time basis without offsetting their annuity from salary.

I have worked with colleagues on both sides of the aisle over the last several months to advocate for the inclusion of these provisions from the House and Senate bills and I am pleased that they have been maintained in the conference agreement. Although I am disappointed that I cannot support this bill, I strongly support the inclusion of these provisions strengthening the federal workforce.

Mr. STARK. Mr. Speaker, I rise in opposition to the Defense Authorization bill. As we focus on slowing the rising cost of health care, we should be just as vigilant about ever higher levels of defense spending.

No one on the international stage comes close to our military spending. The United States accounted for 41.5 percent of the entire world's military spending in 2008—the next closest country was China at 5.8 percent. To put this in perspective, if we spent only six times as much as the next closest country, instead of seven times as much, we would have more than enough money to completely pay for health care reform.

I urge my colleagues to join me in voting against the Defense Authorization bill. That said, there is an important provision in the bill that I support, extending hate crimes laws to cover sexual orientation, gender, gender identity, and disability. I have supported hate crimes legislation throughout my career in Congress, including as a co-sponsor of this legislation when it was approved by the House in April, and I am glad that the hate crimes provision in this bill will finally become law.

Ms. FOXX. Mr. Speaker, I rise today to voice my opposition to the recently enacted policies rammed through Congress in this defense bill.

The so-called ''Hate crimes'' language in this bill contradicts Americans' First Amendment rights and sets a very dangerous precedent.

We can all agree that any form of bigotry in America is unacceptable. Unfortunately, the ''hate crimes'' provisions in this defense bill not only have no business in this unrelated legislation, they are also so sweeping and broad that they may very well encompass legitimate religious beliefs.

As a result, under this legislation, any pastor, preacher, priest, rabbi or imam who gives a sermon out of their moral traditions about sexual practices could be found guilty of a federal crime. This is far outside of the current of American freedom that flows through our history.

These ''hate crimes'' provisions will have a negative effect on the ability of people of deep religious convictions to express those convictions freely. They will inevitably have a ''chilling effect'' on religious expression from churches, temples and mosques. The most responsible thing for Congress to do is to take steps to rein in this infringement on Americans' First Amendment rights.

Mr. THORNBERRY. Mr. Speaker, this is a sad day—a day in which a domestic social agenda has hijacked the Defense Authorization bill. The men and women in our armed services should be the first and foremost priority of this bill. Instead, this domestic social agenda is being strapped on the backs of our troops. We should not do it.

Creating new ''hate crimes'' is controversial. A stand-alone bill has passed the House, but apparently its advocates do not believe they can get it through the Senate. So they have attached it to the Defense Authorization Bill.

However one feels about hate crimes, it is wrong to include that provision in this bill. The hate crimes provisions have nothing to do with the Defense Authorization Bill, and it should not be here.

There are a number of good things in this bill—provisions I support and issues I have worked on. But I cannot condone forcing a domestic political issue into a national security bill.

And I worry that doing this makes it less likely than ever that national security will stay above domestic politics.

We are faced with a serious situation in Afghanistan which requires our best efforts and our concentrated focus. Mr. Speaker, our troops and our nation expect better of us than this.

Mr. CONYERS. Mr. Speaker, I rise in support of the rule on the National Defense Authorization Act. While this legislation addresses many important defense related matters, such as military readiness and pay raises for our troops. It also includes other provisions like reform of the Federal Employee Retirement System. Most important, from the perspective of my Chairmanship of the Judiciary Committee and as author of the House legislation, it also touches on the issue of hate crimes by including the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Some have objected loudly to the inclusion of hate crimes legislation in a defense authorization bill. However, hate crimes legislation is of critical importance to this nation and has passed with broad bipartisan support in the House for the last three (3) Congresses, only to fail in the other body by being stripped out at Conference. I hope that this year is different.

As the names in the title of this provision demonstrate, hate crimes are a blight on this nation. Despite what some would claim, the number of hate crimes each year demonstrate that federal action is crucial to bringing these offenses under control. Since 1991, the FBI has documented over 118,000 hate crimes. In 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. These offenses range from assaults to murder.

This legislation will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes. It is important to note that states will retain primary responsibility for prosecuting these offenses, but with aid of the Federal government.

In the cases of James Byrd and Matthew Shepard local prosecutors acknowledge the crucial role of federal investigative assistance in obtaining prosecutions. In the Shepard case in particular, the local officials could have used a key provision of the bill to help defray the costs of the prosecutions and thus avoid the furlough of law enforcement personnel.

The key element of the bill is its expansion of federal jurisdiction to cover crimes motivated by bias against the victim's perceived sexual orientation, gender, gender identity or disability. I believe that the expansion of jurisdiction to cover additional groups is the key issue to those opposing this legislation. After all, our first hate crimes statute was enacted in 1968 and there has been no move to repeal that law (18 U.S.C.A. Section 245).

At the core of this bill is its protection of First Amendment rights, while protecting communities from bias-based violence. The bill contains a provision that protects the First Amendment rights of the accused at trial and provisions that protect freedom of speech and conduct generally. Despite argument to the contrary, no person can be prosecuted under this act for mere speech or belief. This legislation sanctions violent conduct and the Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

These hate crimes prevention provisions are supported by a long list of groups (more than 300), including law enforcement groups, religious groups, civil rights groups, disability groups, and numerous other organizations. 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.

After more than a decade, it is time to send hate crimes legislation to the President.

While I strongly support certain provisions of the bill, I remain concerned about the military commission system despite the reforms that are included in Title XVIII of the Conference Report. Those changes undoubtedly improve existing law in several important ways. For example, the bill prohibits the admission of statements that have been obtained through cruel, inhuman, and degrading interrogation methods. It also expands the scope of appellate review of military commission trial decisions to allow the reviewing court to consider issues of fact as well as law. Congress previously restricted all appeals to issues of law only, an unprecedented departure from how our existing military justice and Article III courts operate. So these changes are positive. In many respects, however, the reforms simply do not go far enough. Several recommendations made by the Judiciary Committee—including a sunset provision for the law, limiting the use of military commissions for trial of detainees held at Guantanamo Bay, Cuba; requiring a voluntariness standard for all statements; adopting a different appeals structure; and prohibiting the trial of child soldiers in military commissions—should also have been adopted.

In July, the Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties held two hearings on military commissions and possible reforms. Though I voted against the Military Commission Act of 2006, I participated in those hearings with an open mind to determine why military commissions are necessary and whether we can create a system that complies with our laws and our Constitution. After hearing from several witnesses, including representatives from the Departments of Justice and Defense, I am not convinced that we need military commissions or that, even with these reforms, the military commission system is lawful. The last administration seemed to believe that military commissions were desirable because they made it easier to obtain convictions, regardless of the evidence. President Obama has assured us that he seeks a system that is fair, legitimate, and effective. We have just that in our existing Article III courts and courts-martial system. Our efforts to create an alternative system already have proven unwise and unconstitutional. We should work toward retiring, not reforming, this system. In the meantime, however, I cannot in good conscience oppose changes that will improve the existing system.

I urge a vote in support of the rule.

Mr. WAMP. Madam Speaker, I rise today to oppose the inclusion of hate crimes legislation within the National Defense Authorization Act (H.R. 2647). Throughout my 15 years in Congress, I have always been a passionate supporter of our military and their families. I stand on my strong record of support for our brave service men and women. Regrettably, however I cannot, in good conscience, vote for the National Defense Authorization Act for Fiscal Year 2010.

Using the broad admiration for our military, the majority has hijacked this Defense Authorization bill to pass a hate crimes provision that could not pass on its own merits.

Every jurisdiction in the United States prohibits battery and murder. If we prioritize crimes based on the victim's status, we threaten the very notion of equal protection under the law that is the foundation of our legal system. Instead, all violations of the law should be dealt with in a manner that delivers justice on behalf of victims and their families. As a society, we must do what we can to prevent all crimes.

The use of violence against any innocent person is wrong, regardless of that individual's race, religion, nationality, or sexual orientation. Crimes of violence should be prosecuted to the fullest extent of the law.

With two wars waging overseas, now is not the time to be playing politics with the lives of our brave service men and women. They deserve a clean defense bill, but today's vote sends the wrong message to all those who stand in defense of our Nation.

Mr. HOLT. Madam Speaker, I rise in support of this bill.

Every year, this bill provides us with an opportunity to make sure we are doing right by the men and women who serve our Nation in uniform. The National Defense Authorization Act for Fiscal Year 2010 (H.R. 2647) would provide a 3.4-percent pay raise for our troops. It also would expand TRICARE health coverage for reserve component members and their families for 180 days prior to mobilization and prohibit fee increases on TRICARE inpatient care for one year. To help our wounded warriors with their recovery, the bill authorizes funding for travel and transportation for three designated persons, including non-family members, to visit hospitalized service members. It also authorizes funding to allow seriously injured service members to use a nonmedical attendant for help with daily living or during travel for medical treatment.

H.R. 2647 also contains provisions designed to improve and rationalize our policy on detainees. I am especially pleased that the bill contains a provision I wrote that requires the videorecording of interrogations of detainees held at theater-level detention facilities in Iraq and Afghanistan. For the first time, the Defense Department will have a uniform standard for collecting videorecorded intelligence from detainees through this mandatory program. Law enforcement organizations across our country use this technique routinely in interrogations, and it is past time the Defense Department adopted a common standard for videorecording interrogations to maximize intelligence collection and protect both the interrogators and the detainees.

I'm pleased that this bill contains strong hate crimes prevention provisions that I have supported for years. The Local Law Enforcement Hate Crimes Prevention Act, which is included in this bill, would provide technical and financial support to local law enforcement and prosecutors so that they can more aggressively try violent crimes which are motivated by a victim's race, color, religion, national origin, gender, sexual orientation, gender identity, or disability and expands Federal jurisdiction to cover such crimes. Additionally, the bill would make it a Federal crime to attack U.S. servicemembers or their property on account of their service to country. The bill also includes stronger protections for freedom of speech and association, including religious speech and association, than the House passed version of this legislation. These changes will ensure that religious leaders will not have to change the expression of their beliefs or how they serve their congregations, as a result of the enactment of hate crimes legislation.

I am also pleased to see that the Conference Report includes most of Senator SCHUMER's Military and Overseas Voter Empowerment Act, which had been attached to the Senate-passed bill. That bill would facilitate the ability of military and overseas voters to request voter registration and absentee ballot applications by mail and electronically, the ability of election officials to transmit blank absentee ballots to military and overseas voters, and the ability of military voters to return their completed paper ballots safely, securely and free of charge by express mail, with generous pick-up and delivery time-frames. The latter provisions are similar to my own legislation on that topic, the Military and Overseas Voting Enhancement Act, which was the very first election reform bill I introduced in the House this session.

I would also like to commend my colleague Ms. MALONEY, who I was pleased to collaborate with on her Overseas Voting Practical Amendments Act, which included provisions to facilitate the use of electronic transmission for outgoing applications and ballots similar to those in the Schumer bill that were not covered by my bill. I agree with Senator SCHUMER that facilitating the ability of our service men and women to vote conveniently, expeditiously, securely, and—to say the least—for free—should be our top priority. They put their lives on the line for us every day, and the electoral process should recognize their sacrifice accordingly.

However, whatever we do to facilitate the ability of our military personnel to vote, we must never do it at the expense of the security or privacy of their votes. The strong language included in the conference report requires that the privacy of our military and overseas voters be protected. And in providing only for the express mail return of completed hard copy ballots, it also recognizes that return of completed ballots by electronic means presents security risks. However, the bill calls for the study of "new election technology" to facilitate the ability of our military and overseas voters to vote. We must remember that "new" does not necessarily mean better, and that too often technology has been adopted before being

properly evaluated for the potential unintended consequences it may cause.

Chlorofluorocarbons were hailed as an innovation in refrigeration; we've since discovered that they damaged the ozone layer, so they are now banned. Asbestos was hailed for its insulation properties; we've since discovered that it causes lung disease, so it is now banned. DDT was hailed as a disease-fighting pesticide and its inventor was awarded the Nobel Prize; we've since discovered it causes serious harm to living organisms, so it is now banned. Electronic voting machines were hailed as making voting easier and more accessible; we've since learned that in most cases their results cannot be reliably and consistently verified. Whatever we do to enhance the ability of our military and overseas voters to vote, we must never implement anything that could compromise the accuracy, integrity, and security of the vote count.

One key provision in the House version of the bill that is not in this conference report is a requirement that the Secretary of Defense conduct suicide prevention outreach to every Individual Ready Reserve member who has done at least one tour in Iraq or Afghanistan. I was astonished to learn that some in the Senate objected to this provision on the grounds of costs. How much would it cost the Defense Department to task the Assistant Secretary of Defense for Health Affairs to have his staff make phone calls to check up on IRR members who might be at risk of taking their own lives? If we can find tens of millions of dollars to buy extra engines for the F–35 fighter that the Pentagon doesn't want, there is no excuse for the Congress not to find the money to help prevent combat veterans from killing themselves.

Finally, this bill requires the Government Accountability Office (GAO) to "submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan (including the supporting and implementing documents for each such plan) each adhere to military doctrine." Unfortunately, we need far more than a simple assessment as to whether our armed forces are fighting according to established doctrine. What we need is a critical examination of whether they should be fighting in Afghanistan at all. Some of us have asked for a plan of success or a plan of withdrawal before sending another wave of soldiers. We have received no such plan.

As I've stated previously, I will not support an endless military commitment in this region. If a year from now I do not see unambiguous indicators of success—fewer civilian casualties, Afghan and Pakistani security forces in the lead on the security mission, genuine progress in rebuilding Afghanistan's devastated infrastructure and civil institutions—I will not support further funding for operations and will support only measures that will bring our forces home, and quickly.

On balance, this is a good bill and I urge my colleagues to join me in supporting it.

Mr. BUYER. Mr. Speaker, I am very disappointed that I must vote against the conference report for H.R. 2647, the FY2010 National Defense Authorization Act, because it includes "hate crimes" provisions of H.R. 1913. The provisions were added by the Senate in an effort to facilitate the social engineering and partisan political agenda of the Democrat leadership in Congress. The "hate crimes" language has absolutely nothing to do with the funding and equipping of our servicemembers, and it is especially unfortunate that such a blatant partisan action would be taken during a time of war when our nation's sons and daughters are in harm's way. My no vote supports the values, goals, and mission of the United States military.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the 2010 Defense Authorization Conference Report.

This conference agreement reflects our commitment to the national security objectives of the country and demonstrates our support for our servicemembers and their families.

The bill authorizes $680 billion for military personnel, equipment and global operations. To improve the quality of life for our troops and their families the report provides a 3.9 percent military pay raise for personnel and preserves important health benefits including prohibiting fee increases in TRICARE and the TRICARE pharmacy program and creating new preventive health care initiatives.

The National Defense Authorization Act covers a large number of federal employees and this conference report includes important benefit improvements for many of them. The report includes a provision to allow employees under the FERS system to use unused sick leave when computing their annuities upon retirement; a provision to allow CSRS workers to phase-down to part-time status at the ends of their careers without reducing their final annuities; and a provision I introduced that permits a small number of returned CSRS employees to receive a reduced annuity rather than being forced to repay interest on their required deposit to the civil service trust fund.

This FY10 Defense Authorization Conference Report promotes our national security priorities, provides for our troops and their families, and improves oversight, and accountability.

I encourage my colleagues to join me in supporting the bill.

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

The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 808, the previous question is ordered.

Pursuant to clause 1(c) of rule XIX, further proceedings on the conference report are 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 1 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1447

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SERRANO) at 2 o'clock and 47 minutes p.m.

CONFERENCE REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

MOTION TO RECOMMIT

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

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCKEON. I am in its current form.

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

The Clerk read as follows:

Mr. McKeon moves to recommit the conference report on the bill H.R. 2647 to the committee of conference with instructions to the managers on the part of the House as follows:

(1) To not accept any provision that would provide for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, as described in section 1023(d) of the bill as passed by the House, into the United States or its territories or possessions.

(2) To insist on section 121 of division D of the bill as passed by the House (regarding expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation).

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on adoption of the conference report, if ordered; and motion to suspend the rules on H. Res. 804.

The vote was taken by electronic device, and there were—yeas 208, nays 216, answered "present" 2, not voting 7, as follows:

[Roll No. 769]

YEAS—208

Aderholt	Brown (SC)	Diaz-Balart, L.
Adler (NJ)	Brown-Waite, Ginny	Diaz-Balart, M.
Akin	Buchanan	Donnelly (IN)
Alexander	Burgess	Dreier
Altmire	Burton (IN)	Duncan
Austria	Buyer	Ehlers
Bachmann	Calvert	Emerson
Bachus	Camp	Fallin
Barrett (SC)	Cantor	Flake
Barrow	Cao	Fleming
Bartlett	Capito	Forbes
Barton (TX)	Carter	Fortenberry
Biggert	Cassidy	Foster
Bilbray	Castle	Foxx
Bilirakis	Chaffetz	Franks (AZ)
Bishop (UT)	Childers	Frelinghuysen
Blackburn	Coble	Gallegly
Blunt	Coffman (CO)	Garrett (NJ)
Boccieri	Cole	Gerlach
Boehner	Conaway	Gingrey (GA)
Bonner	Crenshaw	Gohmert
Bono Mack	Culberson	Goodlatte
Boozman	Dahlkemper	Granger
Boren	Davis (AL)	Graves
Boustany	Davis (KY)	Griffith
Brady (TX)	Deal (GA)	Guthrie
Bright	Dent	Hall (NY)
Broun (GA)		Hall (TX)

Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—216

Abercrombie
Ackerman
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—2

Kucinich
Paul

NOT VOTING—7

Campbell
Carney
Johnson, Sam
Maloney
Slaughter
Tsongas
Watt

□ 1517

Messrs. SCOTT of Georgia, BRALEY of Iowa, ROTHMAN of New Jersey, EDWARDS of Texas, RANGEL, PASCRELL, SCHIFF, GUTIERREZ, ISRAEL, Mrs. DAVIS of California, Messrs. PASTOR of Arizona, LYNCH, OLVER, Ms. DELAURO and Mr. MEEK of Florida changed their vote from ''yea'' to ''nay.''

Messrs. MCINTYRE, HALL of New York, NYE and BOCCIERI changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 281, noes 146, not voting 6, as follows:

[Roll No. 770]

AYES—281

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Heller
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—146

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Cantor
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Conyers
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dreier
Duncan
Ehlers
Emerson
Fallin
Filner
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Inglis
Issa
Jackson (IL)
Johnson (IL)
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Latham
LaTourette
Latta
Linder
Lucas
Lummis
Mack
Manzullo

Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Peterson
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stark
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Wamp
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—6

Campbell
Carney
Johnson, Sam
Maloney
Slaughter
Tsongas

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 30 seconds left in this vote.

□ 1524

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 808, House Concurrent Resolution 196 is hereby adopted.

The text of the concurrent resolution is as follows:

H. CON RES. 196

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 2647, the Clerk of the House of Representatives shall make the following corrections in section 2823(b):

(1) Strike ''PROPERTY AND LEASE OF NON-EXCESS PROPERTY'' and all that follows through ''(1) in subsection (e),'' and insert ''PROPERTY.—Subsection (e) of such section is amended''.

(2) Strike ''; and'' at the end of paragraph (1) and insert a period.

(3) Strike paragraph (2) and the amendment made by that paragraph.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 1016, VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 804, 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 California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 804.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 1, not voting 12, as follows:

[Roll No. 771]

YEAS—419

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
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
Crenshaw
Crowley
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
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
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Buyer

NOT VOTING—12

Campbell
Carney
Cummings
Hastings (WA)
Herger
Johnson, Sam
Linder
Maloney
Miller, George
Schakowsky
Slaughter
Tsongas

□ 1531

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 769, 770, and 771. Had I been present, I would have voted "nay" on rollcall vote 769, "aye" on 770 and "yea" on 771.

PERSONAL EXPLANATION

Ms. TSONGAS. Mr. Speaker, due to my daughter's wedding I was absent from the House of Representatives on October 7th and October 8th. As a result, I was unable to cast a vote on rollcall votes Nos. 756 to 771.

Had I been present, I would have voted "yea" on the following rollcall

votes: Nos. 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 770, and 771, and "nay" on rollcall vote No. 769.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Wanda Evans, one of his secretaries.

□ 1530

CERTIFICATION OF APPLICABLE WAIVER WITHIN THE MEANING OF THE CLEAN DIAMOND TRADE ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–67)

The SPEAKER pro tempore (Mr. POLIS) laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

The Clean Diamond Trade Act (Public Law 108–19) (the ''Act'') authorizes the President to ''prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme.'' The Act takes effect on the date that the President certifies to the Congress that (1) an applicable waiver that has been granted by the World Trade Organization (WTO) is in effect, or (2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect. The Act remains in effect during those periods in which, as certified by the President to the Congress, such an applicable waiver or decision is in effect.

On July 29, 2003, the President certified that the WTO General Council had adopted a decision granting a waiver pursuant to Article IX of the Marrakesh Agreement Establishing the World Trade Organization concerning the Kimberley Process Certification Scheme for rough diamonds. The waiver applies to the United States and other WTO members that requested the waiver and to any WTO member that notifies the WTO of its desire to be covered by the waiver. The waiver was scheduled to have effect from January 1, 2003, through December 31, 2006. On December 19, 2006, the WTO General Council adopted a decision to extend the waiver through December 31, 2012.

I hereby certify that an applicable waiver, within the meaning of the Act, granted by the World Trade Organization has been in effect since January 1, 2003, and will remain in effect through December 31, 2012.

BARACK OBAMA.

THE WHITE HOUSE, *October 8, 2009*.

LEGISLATIVE PROGRAM

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

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, the House will not be in session. On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow, as is the custom.

In addition, we will consider H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009; the conference report on H.R. 2892, the Department of Homeland Security Appropriations Act of 2010; and quite possibly, assuming the conference is completed, the conference report on H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act.

Mr. CANTOR. I thank the gentleman. I would also like to thank the gentleman for his courtesy and his time in meeting with me earlier today in the discussion of health care, and I'm hopeful that that discussion was fruitful and that we could see a dialogue continue towards some type of working relationship in the areas that we can agree on. So I do thank the gentleman.

At this time, Mr. Speaker, I would like to ask the gentleman some of the things we didn't cover in the meeting, and that is, first off, the timing of any kind of health care bill reaching the floor of this House and whether he could provide any clarity on that.

I yield.

Mr. HOYER. I thank the gentleman for yielding, and I thank him for coming by my office and spending time in discussion.

As the gentleman knows, health care has been the focus of this Congress for much of our present session; three committees have completed their work, ongoing discussions about how to put the work product of the three individual committees together. The Senate Finance Committee is, we think, going to vote on theirs next week. The Senate Health, Education, Labor, and Pensions Committee has reported out a bill. So we have five committees that have essentially completed their work. There will be, obviously, once the bills are put together and all the suggestions are incorporated, a necessity to get a score from CBO. We expect that to take at least a week, 7 days, maybe more.

In addition to that, the Speaker and I have both indicated that there will be 72 hours' notice of the bill and a manager's amendment. I want to clarify that. If they both come out at the same time, it will be one 72-hour period. If for any reason they come out separately, then we will make sure that the last issued will have 72 hours before we put the bill out on the floor.

In light of that, my expectation is certainly the bill will not be on the floor either the next week or early in the following week. The earliest, in my opinion, the bill could be on the floor would be the latter part of the second week from now.

Mr. CANTOR. I thank the gentleman.

So if I hear correctly, we're talking about the final week of this month at the earliest.

Mr. HOYER. I think that would be the earliest, as a practical matter, that we could put the bill on the floor with the notice that we have indicated we're going to give and, of course, with the CBO score.

Mr. CANTOR. I thank the gentleman for that.

I would ask the gentleman, Mr. Speaker, about some statement that the Speaker made indicating how the reimbursement rates would work and whether there is clarity on that or not yet. I think the Speaker had asked the question rhetorically whether Medicare rates would be the reimbursement rates in the bill, and any kind of enlightenment that he can shed on that, I'd appreciate it.

I yield.

Mr. HOYER. At this point in time, these are still under discussion, and, therefore, I don't have a specific answer for the gentleman. But the Speaker's comments, I think, spoke to the fact that they are still under discussion.

Mr. CANTOR. Mr. Speaker, I would say, again, the gentleman and I had discussed in general the opposition to the public option that we have on this side, and I would just like to ask the gentleman again, given the Speaker's comments about reimbursement rates, Medicare rates, whether the public option is still where the Speaker and he are in terms of what a House bill would look like given where the Senate is.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

In terms of where the Speaker and I are, we have been consistently for, as you know, a public option. The Speaker and I continue to be for a public option, as is the President, and we believe the majority of the House is for that.

I will tell the gentleman that I think that in terms of the reimbursement rates, as I said, that's still under discussion, but I think there is consensus that a public option is something, as the President has indicated, as we have indicated, that will provide a competitive model to both bring prices down and to protect consumers. So I think the answer is that that's certainly still part of our plan.

Mr. CANTOR. I thank the gentleman for that. And again, he and I have discussed the differences that the sides

have philosophically and about Medicare rates being the prevailing rate in terms of required coverage, which would essentially mean, in our opinion, that we will be on a path to a single-payer system, something that certainly our Members would not want to see.

But I thank the gentleman for sharing, and we look forward to perhaps working on those parts or, if we could, just items that we can agree on, again, if the public option begins to have trouble. So, again, I thank the gentleman.

If I could, Mr. Speaker, turn to the question of foreign policy and where we are in terms of the bill coming from the Foreign Affairs and Financial Services Committees.

Last week, Mr. Speaker, the gentleman had said that the White House was engaging in discussions with China and Russia, that perhaps that was why the bill would not be moving forward. This, again, is the Iran Refined Petroleum Sanctions Act. And to paraphrase the gentleman, Mr. Speaker, I would say that the gentleman indicated that Mr. BERMAN will be talking to the White House about timing.

I yield to find out whether we have any clarity on that and when that bill will be coming to the floor.

Mr. HOYER. I thank the gentleman for yielding.

I have talked to Mr. BERMAN. He is in discussions with the White House. Both you and I are strong supporters of the legislation, as is Mr. BERMAN. My expectation is he has indicated that he wants to consider this bill and bring it to the floor, and I have told him that as soon as it's ready to come to the floor, I will schedule it for the floor.

In addition, I will tell the gentleman that it is possible that we will have the sanctions bill out of the Financial Services Committee. As you know, there are two different bills. The Berman bill is the stronger of the two. But we may well move next week, may move next week, on the Financial Services sanction bill, which deals with, obviously, financial transactions.

□ 1545

My expectation is Mr. BERMAN is looking at this and does hope and expect to bring this bill out either at the very latter part of a couple weeks from now or perhaps the first week in November. But I know he's very much engaged in this, and we very much support moving on this.

Mr. CANTOR. I thank the gentleman for that.

Mr. Speaker, the gentleman has noticed that the Homeland Security appropriations bill is coming to the floor next week. Reports have indicated that perhaps some of the trouble surrounding bringing that bill to the floor deals with the language of dealing with the detainees at Guantanamo Bay and their transfer. And as the gentleman knows, Republican-sponsored language that was adopted by the House is something that we would very much like to see included in the conference report.

I do know, Mr. Speaker, that the Senate just adopted in the Defense appropriations bill that they are deliberating upon that no funds would be allocated or appropriated for the transfer of those detainees, by an overwhelming vote.

So I would ask the gentleman, should we expect that language, the House-passed language, to be in the conference report that would come to the floor?

Mr. HOYER. Of course, the conference hasn't been held so I don't want to predict what's going to be in there or not. I will tell the gentleman, as the gentleman knows, the authorization bill, the conference report that we just passed does have within it, as you know, a prohibition on the release of Guantanamo detainees in the United States, territories, and possessions. In addition, it restricts detainee transfers to the United States or its territories or possessions until 45 days after the President has submitted a plan to Congress certifying that the detainees will pose little or no threat or risk to the United States if transferred. That language we just passed.

Now, I can't predict whether the appropriations conference will track that language or will have different language such as the language to which you just referred. But I expect there to be language on that issue.

Mr. CANTOR. I thank the gentleman.

I would just note as well that the House-passed language in the Homeland Security bill also had a provision lacking in the bill we just passed which had to do with States' ability to veto a decision to transfer detainees—something very much, I would say to the gentleman, our Members would like to see in the bill that comes to the floor next week on the Homeland Security appropriations bill.

I would just like to lastly turn to the issue of the remainder of the year and the calendar and what Members can expect as far as November is concerned.

Today is October 8. The House is scheduled to adjourn at the end of this month on October 30, and I was hoping that the gentleman could give us a better sense of the session that we will expect in November.

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

As I have said before, my expectation is that Members ought to be planning on at least 4-day weeks in the first week in November and the third week in November. As the gentleman knows, Veterans Day falls in the middle of the second week of November, and my belief is it's going to be very difficult to get Members back for a day and a half—and very impractical and costly—then to have to go back for Veterans Day and then probably not come back doesn't seem to be a very useful use of time.

But I have caveated that with the issue of health care. Health care is, as I said, the major issue that we're focused on. We think it's critically important for the American people to have access to affordable, quality health care, which is our objective. As a result, that second week we haven't given it away yet, but my expectation is that we probably will not be meeting that week. My expectation is also—and my plan will be—not to meet Thanksgiving week. I think people ought to be home during Thanksgiving week and, again, I make the caveat as to where we may be on health care.

Now of course if we can get unanimous consent to put it on a consent calendar and pass it, maybe we can shorten the time. But absent that, I want to make sure that we all understand that if health care, for instance, was being considered that third week and we had to move into Saturday or Monday to pass it, we might do that.

But again, I reiterate that for November, my expectation is first and third week probably here at least Tuesday through Friday of each week, and with respect to the second week, probably not here and the fourth week probably not here.

Having said that, you asked for the balance of the year.

Again, it will depend upon whether we can complete our work within those 2 months. If we can't, we will clearly be here in December. Again, as someone who has served here a long time and has seen us meet as late as December 23 or 24, I think that's not good for our families, it's not good for the Members, and I certainly am not one that looks forward to that, and I am going to do everything I can to make sure that we get our work done no later than the end of the second week of December.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for his time, and I yield back the balance of my time.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday next for morning-hour debate.

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

There was no objection.

HONORING CAPTAIN BENJAMIN A. SKLAVER

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

Ms. DELAURO. Mr. Speaker, I rise to commemorate the life and mourn together with his family the death of Captain Benjamin A. Sklaver of Hamden, Connecticut, who served his country and the neediest people of the world honorably.

Captain Sklaver was killed in an ambush last Friday while on patrol in Afghanistan. Struck down at the age of

32, he leaves behind a legacy of humanitarian works and honorable deeds that would do any man or woman proud. Before serving in Afghanistan as an Army reservist, Ben had worked for the Centers for Disease Control as an international emergency and refugee health analyst. And he was the cofounder and director of ClearWater Initiative, an organization which aspired to provide clean drinking water to refugees displaced by an international emergency. In the past 2 years, his leadership at ClearWater had managed to provide over 6,500 people in Uganda with clean drinking wells.

To the thousands of lives he changed in Uganda, Ben was known as ''Moses Ben.'' But to his grieving family—his parents, Gary and Laura; his siblings, Anna and Samuel; his fiancee, Beth; her son, Danny; and her parents, Barbara and Jimmy Segaloff—he was simply Ben, a warm, kind, generous, and loving young man with so much life ahead of him taken from all of us too soon.

Connecticut mourns and America mourns this family's loss today.

FACTS ABOUT THE DEMOCRATS' HEALTH CARE PLANS

(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. Mr. Speaker, here are some facts about the Democrats' health care bills: They reduce benefits for seniors, according to the Congressional Budget Office; young people, and perhaps most others, pay higher premiums for health insurance, according to nonpartisan analysts; just because you like your health care insurance does not mean you can keep it, according to the Congressional Budget Office; if you don't buy the insurance policy the government requires, you pay an excise tax of almost $2,000, according to legislative language; and the cost of health care increases—not decreases—according to the Congressional Budget Office. And none of the plans contains language, known as ''tort reform,'' to reduce frivolous lawsuits against medical personnel.

Mr. Speaker, let's give the American people the facts about the Democrats' health care proposals. If we do, they will insist that we start over and get it right.

IT IS TIME TO REPEAL ''DON'T ASK, DON'T TELL''

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

Mr. SESTAK. Mr. Speaker, the President correctly addressed the cratering of our economy at the beginning of his administration. And while it's intense, it's no longer intensifying, and we're on the road to economic recovery.

He then took on health care reform, which was correct, with 14,000 Americans losing their health care every day, to provide them affordable, accessible health care in the future.

It's time to address an issue of our ideals, and that is the repeal of ''don't ask, don't tell'' in the military that discriminates against gays.

I served 31 years in the military and rose to be a three-star admiral. I went to war, and we knew by public survey that those who went with me, a certain percentage, were gay. How could I, or anyone, come home and say they don't now deserve equal rights? It's time, Mr. President and this Congress, to hold up a national mirror and say that's not who we are; we are better than that, and repeal ''don't ask, don't tell'' this year.

THREE DAYS

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

Mrs. BACHMANN. Mr. Speaker, today the majority leader just committed himself and the Speaker of the House to giving the public and Members of Congress 72 hours—or 3 days—to read the bill that will require the government takeover of health care. Three days. How magnanimous of them. A bill that will destroy America's health care system, and doctors, nurses, hospitals, clinics, insurance companies, families, and individuals will have 3 whole days to read this bill and then call their Member of Congress to weigh in. Three months to read this bill would be an abbreviated amount of time.

This bill will soon become Medicare for all. Medicare, as we know, will be bankrupt inside of 8 years, and as the ship is taking on water and sinking, this Congress wants to pour more water into the boat. And they think it's magnanimous to give us 3 days to read the bill? Please. Three months would be a minimum.

HEALTH INSURANCE REFORM WILL HELP SENIORS

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

Mr. TONKO. Mr. Speaker, I would like to take a moment to talk about how the health insurance reform will help our Nation's seniors.

We have all heard about the dreaded Medicare part D doughnut hole—the gap in prescription drug coverage that 7,300 seniors a year in my congressional district alone face. Seniors who fall in the doughnut hole must cover the full cost of their prescription drugs, forcing many to cut back on their prescription use.

H.R. 3200 fills in the doughnut hole, shrinking it over several years until there is no interruption in prescription drug coverage for our seniors. Until the doughnut whole is completely filled, H.R. 3200 also offers discounts on brand-name prescription drugs to seniors who fall into that doughnut hole.

H.R. 3200 also makes great strides in improving the care Medicare patients receive. It includes provisions that encourage doctors to spend more time with their patients and to check up with them more frequently. Accountable care organizations and medical homes in the bill will promote coordination of care amongst the different health care professionals and result in better health care outcomes for Medicare patients.

I am proud to support this bill and encourage my colleagues to do the same

FLAWED HEALTH CARE REFORM

(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. Mr. Speaker, I appreciate Secretary Sebelius coming to the Capitol yesterday to meet with the Republican Study Committee. And I asked the Secretary if the President intended to keep the promises he made on health care, specifically if he will stick by his pledge not to sign a reform plan that would add a dime to the deficit; ease access to taxpayer funds for illegal immigrants; reduce Medicare benefits to our seniors; or cause anyone who is happy with the coverage they currently have to lose it.

Secretary Sebelius gave no response regarding the first three pledges but on the fourth, she said it is impossible to guarantee Americans can keep the health coverage they now have.

Mr. Speaker, this underscores how flawed this reform plan is. The vast majority of Americans are happy with the health care coverage they currently have. Certainly we need reform for those Americans for whom the system is not working, but we shouldn't force as many as a hundred million persons into a government-run health care plan. H.R. 3200 would do exactly that.

We can do better.

□ 1600

HEALTH CARE REFORM AND BALANCING THE BUDGET

(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. Madam Speaker, I ran into one of my constituents last week, a fellow named Jim Byers, and he said, You know, if you guys could balance the budget, I'll bet you could reach an agreement on health care. And he said, Why don't you talk to your Democrat colleagues about giving a guarantee that they'll balance the budget in a reasonable length of time? And if they'll do that then you'll probably be able to work out the health care differences that you have.

And so I got today the figures on the Baucus bill coming out of the Senate, $487 billion in new taxes, and probably a couple of trillion dollars over the next 10 years. So I'd just like to say to my colleagues on the Democrat side of the aisle, let's get together and figure out a way to balance the budget. And if we can do that, then we could solve the problem of health care.

All of us who are privileged to serve in this Chamber are deeply involved in the nationwide debate on health care.

Currently, the Democrat Majority in Congress is trying to craft a single health insurance reform bill from the bits and pieces of four competing alternatives not to mention President Obama's ''plan'' which has never been put on paper.

At the moment we do not know what, if anything, the House of Representatives will vote on. I have made my views clear. I have said over and over on this Floor and in my town hall meetings that I will not support, and I will strongly work to defeat the House Democrats' government take-over.

Here are some straightforward reasons why I oppose the bill:

Health care costs will go up for the government and everyone else.

As many as 2 out of 3 Americans will lose their current health coverage and be forced into the government-run plan.

Raising taxes on small businesses is the wrong solution for an economy in a recession.

The new government run plan will lead to fewer choices and rationing.

I support health care reform that would expand opportunities for small businesses to band together to purchase high-quality health care for their employees at more affordable prices, and medical liability reform legislation to eliminate expensive defensive medicine.

Unfortunately these proposals have been blocked. If either of these two proposals were law today, we would be starting at a very different place with health reform.

What the House Democrats are proposing goes far beyond fixing the problems we all know need to be addressed. The House bill is a complete upheaval of our current system. That is why the bill lacks bipartisan support.

As the Democrats in Congress choose to focus the debate about health care reform on creating a government run health plan, they are ignoring another important issue that directly relates to health care reform.

That is the issue of balancing the budget, which has not been given much attention in this debate by the Democrat Majority. This has not gone unnoticed in my Congressional District.

Earlier this week, one of my constituents named Jim Byers stopped me to talk about what we are doing here in Congress to balance the budget.

Sadly, I did not have an answer for him. For now, it looks as if this Congress has decided to take the issue of balancing the budget off the table.

The non-partisan Congressional Budget Office on Wednesday said that the deficit for fiscal year 2009 totaled about $1.4 trillion, a $950 billion increase over the shortfall posted in fiscal year 2008.

The deficit now represents 9.9 percent of the gross domestic product.

While revenues were down nearly $420 billion (17%) below receipts in fiscal year 2008, outlays increased by over $530 billion (18%), in fiscal year 2009. About $245 billion of the spending increase resulted from outlays for TARP.

Since the fall of 2008, Congress has spent:

TARP—Original Cost: $700 Billion.

Democrat Stimulus: Base Cost = $787 billion; Stimulus: Cost with Interest = $1.1 trillion.

FY 2009 Omnibus: Total Spending: $410 billion.

FY 2009 Defense Supplemental: $105.9 Billion.

State Children's Health Insurance (SCHIP) Reauthorization: $73.3 Billion.

This time around, the Majority is trying to ram through a health care reform bill that—by some estimates will cost upwards of $1 trillion over the next 10 years. How does this level of spending square with the goal of balancing the budget?

It can't be done, unless of course, we are prepared to raise taxes or cut Medicare to the tune of $500 billion.

I agree with Mr. BYERS. We have to start taking concrete steps to balance the budget. I sincerely believe that if the Democrats commit to balancing the budget then a bipartisan agreement on health care reform can be achieved.

If not, and they continue to walk down the path of dismantling our Nation's current health insurance system without any regard to the Federal budget and future deficits, I will fight them every step of the way.

We need to start talking about the other half of the health care debate—the budget. If we move forward on health care reform without any solid commitment to balancing the budget we are most certainly doomed to a future of uncontrollable deficits.

GAY RIGHTS AGENDA

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

Mr. GOHMERT. Well, we've done it. Today was a landmark day. This body took the body of our military and attached to that body, as they were fighting, a gay rights agenda. I say ''gay rights agenda'' about this hate crimes bill because there is already a hate crimes bill. It was part of the 1968 Civil Rights Act. It included things like race, creed, color, national origin. So that was there already.

So what we have done indicates this body has no shame. You know, we will take our military fighting for us, and attach a gay rights agenda to get it accomplished. You know, what's next? Where else do we go? What shame is there left? I guess there's more to be seen.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HOMEBUYER TAX CREDIT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, my hometown newspaper, The Seattle Times, published a front page story the other day under the headline, ''First-time Buyers Ignite Home Sales.'' The bottom line is that the $8,000 tax credit for first-time homebuyers is working and should, at a minimum, be extended before it expires at the end of November. Some experts even suggest expanding the program to anyone buying a home. And that's worth considering.

The tax credit was included in the American Recovery and Reinvestment Act that the President signed into law in February. It had an almost immediate and positive impact on the U.S. housing market, and the data proves it. This chart shows that in March, the housing was still in free fall. But in April, when the tax credit began to take hold, we see the beginning of a steady increase in home sales through August, the last month for which figures are available. The tax credit has made homeownership a reality for thousands of decent, hardworking Americans. Extending it makes financial sense, economic sense, and it especially makes middle class sense.

Across America, prices are stabilizing, and the inventory of homes for sale is trending downward toward a point where market forces do not favor either the buyer or the seller. When people buy homes, they purchase appliances and curtains and a whole list of durable goods, so the positive impact of the local economy is more than just the actual purchase. It supports other jobs.

The program is working for America's families and for America. During the Congressional debate last winter the National Association of Realtors forecast that the first-time homebuyer tax credit would generate a half a million homes. The actual number is 1.4 million homes. And that benefits local governments too because of real estate and other local taxes that help pay for vital community services like police and fire.

If the program is extended and possibly expanded, there is new forecast of the impact, and it's very impressive. The second chart shows what can happen if we keep going a little longer and jobs and wages across the country, including my State, and the congressional district, the U.S. would expect 347,000 jobs with wages of $16 billion; Washington State, 8,000 jobs, with $375 million in wages.

The first-time homebuyer credit has nurtured a fragile housing market to better health in just 6 months. Even if you're not buying a house, you benefit because the housing market is one of the underpinnings of our entire economy and is the largest asset for families. So rebuilding the housing market helps us rebuild the economy.

As you can see, there are pending home sales. In this last chart you can clearly see that the tax credit is taking the housing market and America in the right direction. But this positive news will be threatened if we don't take action now. If it takes 60 days for a mortgage application to be processed, we are nearing the end by November 30. The tax credit is the foundation of the fragile housing market recovery that we are expecting to see across this country.

Now is not the time to mess with success. The homebuyer tax credit works, and it keeps it working by extending the program into the next year. The Congress should act immediately on this because the slow-down is just around the corner if we don't keep the tax credit there.

AMERICAN CREDIBILITY, POLAND AND MISSILE DEFENSE

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. Madam Speaker, the United States Government plans to abandon our current missile defense plan in Europe. That will leave this country more vulnerable. Why would we want to do that? With Iran in a race to get the nuclear bomb and testing long-range missiles, America and Europe are at risk.

But the American Government decided to abandon the current missile defense shield to be installed in Poland and the accompanying radar system in the Czech Republic. This system was to protect Europe and the United States from a missile launch from Iran. The whole world knows that the little man from the desert, Ahmadinejad, is building nuclear weapons and intercontinental ballistic missiles that could send nukes to the Middle East, Europe, and the United States. We have agreements with Poland and the Czech Republic for defensive missile systems. Don't we have an obligation to protect America from the threats of tyrants like Ahmadinejad? We should not break our word with our allies. America loses its credibility with our allies by failing to live up to our commitments.

Madam Speaker, America and Poland have a special relationship. This body just voted to grant honorary U.S. citizenship to Casimir Pulaski, the Father of the American Cavalry. He was born in Poland, and he was essential to our victory in the American War for Independence. Congress commissioned this Polish individual, Pulaski, as a brigadier general with the command of all the American Cavalry; and after training American troops for a year, Washington approved the formation of an independent corps of cavalry, and Pulaski's Legion became the training ground for American Cavalry officers like ''Light Horse'' Harry Lee, the father of Robert E. Lee. Once a British officer called Pulaski's Legion simply, ''the best damn cavalry the rebels ever had.''

Then later, when World War II began, Hitler first invaded Poland. That happened 70 years ago this past September. Poland was occupied by the tyranny of Nazism. The horror that was Auschwitz was in Poland at a place where Jews, musicians, writers, Poles and other peoples died horrible deaths. There were many concentration camps in Poland, Auschwitz being the largest and most infamous of these extermination camps. Jews and others were worked to death. This policy was called the Vernichtung durch Arbeit, or as we say in English, the annihilation through work. My father was one of the Americans to liberate the concentration camps in Europe at the end of World War II. He was a teenager and still recounts the inhumane treatment of humans by tyrants.

As America celebrated the end of World War II in 1945, Poland then was occupied by the tyranny of communism and for decades the people of Poland lived under the tyrants of communism.

So the Polish people understand more than anyone the terrors of living under tyranny. They have a special love for freedom and liberty, and they have a special love for America. Now Poland has partnered with the United States to put a missile defense system in their nation, and we must not desert them, Madam Speaker. They even stand with us in fighting terrorists in Afghanistan, and I got to meet numerous Polish soldiers at Camp Bagram in Afghanistan earlier this year. They are our friends and our partners and our allies. We stand shoulder to shoulder in this fight against the war on terror.

I also had the opportunity to meet with the Polish people in Poland earlier to discuss missile defense and other matters, and they are friends to America. They have shown their dedication to independence and loyalty to the United States since the American War for Independence. They heeded our call when we needed them with their General Pulaski, and we showed Poland our loyalty in World War II and the Cold War. Now, when liberty and freedom are in danger once more, it is unwise to abandon them and our missile defense system in Europe. After all, Madam Speaker, tyrants still roam the globe looking for the opportunity to snuff out freedom.

And that's just the way it is.

ONE TEAM—ONE FIGHT—ONE NAME

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. Madam Speaker, in each Congress since 2001, I have introduced legislation aimed at giving the Marine Corps the recognition it deserves as one of the official branches of the military. This year I introduced H.R. 24, a bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps. With much support, 309 Members of the House joined me in this effort. The language was passed earlier this year by the House as part of the House version of H.R. 2647, this year's National Defense Authorization Act.

I must say that I am very pleased and honored by the group of people that have supported this legislation. The Fleet Reserve Association, the VFW, the National Marine League and the Marine Corps Parents have been so busy urging their Senators to support this bill, and I want to thank them for their hard work.

Madam Speaker, I have been contacted by many members of the Marine Corps and Navy that support this bill and agree that this is all about the fighting team, the team named the Navy and Marine Corps. In this year's conference with the Senate, I had a Senator say to me that he had never received a letter from a marine supporting this bill.

Madam Speaker, I would like to read you a letter that a former Marine Corps general wrote to this particular Senator at the beginning of this month: ''I am writing to ask for your support in passing H.R. 24 and S.R. 501, which have been referred to the Committee on Armed Services and would redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

''For many years I have been an advocate of the Navy and Marine Corps team and believe this team is without parallel in any of the Armed Forces in the world. I proudly served alongside my Navy brothers-in-arms in both peace and conflict for 40 years. I would not recommend any action that I feel would belittle either partner of the team.

''Changing the name of the Department as proposed by this legislation would not demean the Navy, but would recognize marines as full partners in this team and would be a strong boost to their morale. In fact, the Department and the Secretary represent both services, the Navy and the Marine Corps, and this legislation would provide a name that mirrors the fact.

''Thank you for your consideration and for your continued and valuable service to our Nation.''

□ 1615

After 8 disappointing years, I hope one day the Senate will join me in supporting and bringing proper respect and acknowledgment to the fighting team of the Navy and Marine Corps. I want the supporters of this bill to

know that there will be a tomorrow. I'm not going anywhere. And I will continue to fight until the Marine Corps gets the acknowledgment it deserves.

In closing, I want to thank the many House Members who have supported this legislation for 8 years, and I want to close by asking God to please bless our men and women in uniform. I want to ask God to bless the families of our men and women in uniform. I want to ask God in his loving arms to hold the families who have given a child dying for freedom in Iraq and Afghanistan. And I close by three times and most sincerely asking God: God please, God please, God please continue to bless America.

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.)

AMERICA WANTS HEALTH REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Madam Speaker, I have words for both Democrats and Republicans tonight. Let's start with the Democrats. We, as a party, have spent the last 6 months, the greatest minds of our party, dwelling on the question, the unbelievably consuming question, of how to get OLYMPIA SNOWE to vote for health care reform.

I want to remind us all, OLYMPIA SNOWE was not elected President last year. OLYMPIA SNOWE has no veto power in the Senate. OLYMPIA SNOWE represents a State with one-half of 1 percent of America's population.

What America wants is health care reform. America doesn't care if it gets 51 votes in the Senate or 60 votes in the Senate or 83 votes in the Senate. In fact, America doesn't even care about that. It doesn't care about that at all.

What America cares about is this: There are over 1 million Americans who go broke every single year trying to pay their health care bills. America cares a lot about that.

America cares about the fact that there are 44,780 Americans who die every single year on account of not having health care. That's 11 every day. America sure cares a lot about that.

America cares about the fact that if you have a preexisting condition, even if you have health insurance, it's not covered. America cares about that a lot.

America cares about the fact that you can get all the health care you need as long as you don't need any. America cares about that a lot.

But America does not care about procedures, processes, personalities. America doesn't care about that at all. So we have to remember that as Democrats. We have to remember what's at stake here is life and death, enormous amounts of money, and people are counting upon us to move ahead.

America understands what's good for America. America cares about health care. America cares about jobs. America cares about education and energy independence. America does not care about process or politicians, or personalities, or anything like that.

And I have a few words for my Republican friends tonight as well. I guess I do have some Republican friends.

Let me say this. Last week, I held up this report here and I pointed out that in America there's 44,789 Americans who die every year, according to this Harvard report published in a peer review journal, because they have no health insurance. That's an extra 44,789 Americans who die, whose lives could be saved, and their response was to ask me for an apology. To ask me for an apology. That's right, to ask me for an apology.

Well, I'm telling you this. I will not apologize. I will not apologize. I will not apologize for a simple reason. America doesn't care about your feelings. I violated no rules by bringing this report to America's attention. I think a lot of people didn't know about it beforehand.

But America does care about health care in America. And if you're against it, then get out of the way, just get out of the way. You can lead, you can follow, or you can get out of the way. And I'm telling you now to get out of the way.

America understands that there's one party in this country that's in favor of health care reform and one party that's against it, and they know why. They understand that if Barack Obama were somehow able to cure hunger in the world, the Republicans would blame him for overpopulation. They understand that if Barack Obama could somehow bring about world peace, they'd blame him for destroying the defense industry. In fact, they understand that if Barack Obama has a BLT sandwich tomorrow for lunch, they will try to ban bacon.

But that's not what America wants. America wants solutions to its problems, and that begins with health care, and that's what I'm speaking for tonight.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NASA TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. POSEY) is recognized for 5 minutes.

Mr. POSEY. As we face the risk of ceding our leadership in space to Russia, China, and other countries, I want to take a moment to review many of the benefits of space exploration that everyone enjoys, even though many of them may take it for granted.

The typical American home contains dozens and dozens of inventions from America's investment in space. That flat-screen TV was developed from NASA technology. The furniture or drapes that are fire-resistant material, that may be attributed to NASA's fire safety research. If your home security system uses a push-button panel and intrusion detectors in the windows, you benefited from space exploration.

If your home is equipped with carbon monoxide sensors and fire detectors, then you've benefited from America's space program. If you enjoy using scratch-resistant lenses in your glasses, then—you've guessed it—you've benefited from the space program.

Chances are you enjoy using batteries, cell phones, laptops, calculators, even Velcro. If so, you've benefited from our space exploration. If you appreciate the clean, crisp water in your glass, you may be interested to know that every home water filter came about thanks to America's space program.

That cooler used on a trip to the beach, a picnic, or a camping trip relies on space-based technology to keep your food and drinks cool. Solar technology used to power your hot water heaters and other home appliances owe their existence to America's space exploration. And if you're keeping an eye on time by looking at your quartz-based watch, you will want to credit the space program for that, too.

If you plan on enjoying some golf or other sports this weekend, remember that our space program gave rise to the plastics and the graphites used most commonly in sports and safety equipment.

These are but a few of the many contributions that have arisen from our Nation's space program. If we want to keep America strong economically and maintain the military high ground, we must not cede our leadership in space to our competitors.

As most of us know, the President promised that he would close the gap between our space shuttle program and our constellation program. We all need to be committed to helping the President of the United States keep his word.

He also promised that he would see that America remained first in space. And we must also do our level best to help the President keep that promise, too.

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 Texas (Mr. GOHMERT) is recognized for 5 minutes.

(Mr. GOHMERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AFGHANISTAN: IN TO WIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Madam Speaker, right now, people are fighting and dying for a free Afghanistan. They deserve an answer to the crux of the matter: Are we in to win? I believe we must be.

My answer stems from a broad strategic vision focused by three fundamental principles: One, America's security is from strength, not surrender; two, our greatest strength rests in expanding liberty to the oppressed to ensure freedom for ourselves; and three, we are targets of tyrants and terrorists not because of our actions but because of our existence.

Helping the Afghans free themselves from the Taliban's tyranny and al Qaeda's terrorism is a moral good unto itself. To retreat from or compromise this noble goal in the cause of human freedom will not only be a betrayal of the Afghans, it will endanger our own birth right as a free people.

Our allies, our rivals, and especially our enemies will witness our lack of conviction; and, by so dishonoring ourselves, we will squander our allies' trust, lose our rivals' respect, and incur our enemy's emboldened depravities.

Our primary nation-state enemy, Iran, imperviously continues its pursuit of nuclear weapons and the means to wield them. A defeat in Afghanistan will condemn generations yet born to the capricious terrorism of an Iranian regime protected by a nuclear umbrella. Alternately, victory in Afghanistan will further Iran's necessary containment by democracies opposed to terrorism.

Unable to expand its sway, Iran's ability to coax our rivals into opposing sanctions and, worse, aiding its nuclear pursuits, will ebb and end; and, within its own borders, the regime will falter and, like the Soviet Union, ultimately implode between the weight of its own oppressed people's aspirations for freedom.

Regarding Afghanistan particularly, General Stanley McChrystal has affirmed victory remains within reach. What form will it take? My view is the richly diversified people of Afghanistan desire a decentralized democracy that is opposed to terrorism and is engaged with their neighbors and allies.

To this end, America, NATO, and the U.N. must renounce the recent fraudulent election and schedule a scrupulously monitored, honest election. This is essential to reassuring the Afghans that their nascent representative government and the coalition's intentions in their homeland are legitimate and benevolent.

As this process proceeds at pace, we must make clear the new democracy's governing principle is local control. Every Nation, especially one as tribal as Afghanistan, has traditional roots of order springing from and connecting the individual and family to the local community and larger country. Without an enduring history of or trust in a centralized, bureaucratized rule from Kabul, only an explicit, enduring commitment to local control will soothe Afghans' resistance to their federal government's existence. Moreover, local control also intermeshes with coalition forces' counterinsurgency operation.

Emulating General David Petraeus' brilliant counterinsurgency strategy in Iraq, coalition forces must be increased to provide the force necessary to defeat the enemy's violence and intimidation of Afghans. As the security situation is stabilized, coalition forces and steadily increasing Afghan national police and army personnel must live amongst the people to facilitate sustainable local economic developments and democratic institutions. In sum, the coalition will separate Afghans from the enemy by concretely proving the moral and practical superiority of locally rooted democracy over nihilistic terrorism and tyranny.

Importantly, reconstruction efforts must not be limited to Afghanistan. With the enemy infesting western tribal regions of Pakistan, the coalition must also engage with that nation's people and government in ''preemptive reconstruction.'' Rolling blackouts, food shortages, and other persistent problems affecting Pakistanis must be ameliorated at the national and, critically, the local levels. This will stop Pakistanis from viewing themselves as unwilling conscripts into a ''proxy army'' being used by the coalition; it will stabilize Pakistan's Government; it will demonstrate the coalition's commitment to the well-being of Pakistan citizens; and will empower the Pakistani army to more actively and effectively coordinate with coalition forces to eradicate the enemy's safe havens in their Nation—safe havens which, I note, constitute an existential threat to democracy in Afghanistan and Pakistan. Surrounded by free Afghans and coalition forces, the enemy will be uprooted from its havens with nowhere to hide and will be crushed.

This is the synopsis of the broader strategic context and immediate recommendations of those who support victory in Afghanistan. May we all ever remember America's greatest security as liberty, and let us pray the Obama administration supports General McChrystal's plan for victory so that we and future generations in this world never confront the prospect of a wider war and endless threat from abandoning Afghanistan.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE MACKAY FAMILY: PART III

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. I think I do tonight the end of what is a trilogy. I have been here on three nights talking about a family in my community. Two nights ago, I introduced this body to the Mackay family; a doctor, respected, board-certified orthopedic surgeon of 30 years in the community, who has been alleged by the Drug Enforcement Administration of having given improper prescriptions to his patients.

Last night, I explained what happened to this family, as 20 members, armed, in uniform, came in and held him at bay for 4 hours as they searched his home and office and took all his records, his books, his car, his truck, all his cash, his savings, and even his retirement account.

□ 1630

I told how his family had nothing and lived on their food storage for a while until 5 months later they finally went to court and had some of their property returned. But the Federal Government still has the truck and all his books, as well as his savings and checking account, and has yet to make a charge or arrest this individual. It is now 15 months later.

Today I finish the story. The Drug Enforcement Agency did offer a deal to this good doctor saying they would drop everything and it would all go away if he would simply surrender his license to practice medicine. Thinking he has done nothing wrong, he refused that offer. In March, the DEA started the procedures to remove his license from him.

The administrative law judge, a judge of the executive branch, hired by and working for the Drug Enforcement Agency to make quasi-judicial decisions on the actions of that agency, decided to hold a hearing on his license and insisted that everyone had to come from Utah back here to Washington, D.C. A local court said that was silly and ordered the hearing to take place in Utah. The judge, somewhat piqued at that, should have, to make sure there was no element of antagonism or question about it, recused himself as he was requested. Nonetheless, he did preside over that hearing.

The doctor, because he still has the chance of judicial action hanging over his head, was advised by his attorney to answer all questions by taking the Fifth Amendment. Now I don't want to say what I think should be the case on his license. That is still being reviewed and is yet to be officially decided by the DEA. Nor do I think I have the competence to make a lot of these decisions. What I do know is that, in my opinion, this doctor is no threat to the community. That opinion is backed up by the majority of the physicians in the community whose sworn depositions say the same thing.

I do know that this family, since June of 2008, has been terrorized, his profession destroyed, reputation besmirched and his property confiscated. Yes, he went back to court to get some of it back, but why did he have to do that? Yes, if the DEA decides to take his license, he can go to court to have that overturned as well, but why should he have to do that? Justice, if it is to be there, should be a justice that works quickly so that he is charged, he goes before a jury of his peers and a conviction or an acquittal takes place. This nightmare of delay is nothing more than that for this poor family.

Now the good part of this message is this is an isolated case. This is not the way most things happen. The bad part of this message is this is not a unique case. Other times this same thing has happened. Citizens should not be treated in this way. It's simply the wrong way to do it. The Mackay family deserves all of his resources returned to him until such time as a conviction does take place. He also deserves some kind of an apology, neither of which I have the power to do. But I do have the power to at least express my sympathies for one of my constituents whom I do not think has been treated well. And if as a representative of my constituents I cannot at least do that, I have no more value in this particular body.

This ends the trilogy of this particular family. It does not end the nightmare of this family. I hope it can end soon for their benefit.

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.)

MOVE THE VIETNAM HUMAN RIGHTS BILL NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. CAO) is recognized for 5 minutes.

Mr. CAO. Madam Speaker, in 1620, 102 Pilgrims and a crew of approximately 25 people left England on the Mayflower to escape religious oppression. After an arduous 66-day journey plagued by disease, they landed on the shore of Plymouth and founded this great Nation.

The story of the Mayflower is a symbol of the struggle against religious oppression, and the symbol still resonates in the hearts and minds of the American people today. But this struggle for religious freedom did not end with the Mayflower. The struggle continues today worldwide in countries such as Tibet, China, the Sudan and Vietnam. Two days ago, I had the great honor of speaking to His Holiness the Dalai Lama. He encouraged the U.S. Congress to continue speaking out against religious oppression and to stand up and defend the values that founded our great Nation. This is what I'm doing today.

Madam Speaker, the country that I would like to challenge today, and have done many times previously, is Vietnam. Vietnam, for decades, has exemplified religious and human rights oppression. And this image today has not changed. Since receiving its preferred status and being selected a member of the World Trade Organization, Vietnam's record on human rights and religious freedom has gotten worse rather than better. This regression is well documented by Human Rights Watch as well as by the Commission on Religious Freedom.

Madam Speaker, let me briefly outline for you what the Vietnamese Government has done. Ten years ago, the Vietnamese Ministry of Labor, War Invalids, and Social Affairs directly oversaw and operated two state-owned labor companies that were involved in the largest human trafficking case ever prosecuted by the U.S. Department of Justice. The High Court of American Samoa rendered a judgment against the Vietnamese Government in the amount of $3.5 million, and they have yet to pay.

Recently, the Vietnamese Government assaulted, arrested and imprisoned dozens of Catholics in the Diocese of Vinh for erecting a temporary place of worship on Tam Toa Parish Church that was destroyed during the Vietnam war. They attacked the parishioners of Thai Ha Parish as they were conducting a prayer service. They then arrested and wrongfully prosecuted church members for inciting riot. They imprisoned Father Nguyen Van Ly, put the Venerable Thich Quang Do under house arrest, and forced members of Protestant churches to renounce their faith. They arrested and imprisoned human rights activists such as Le Cong Dinh, Le Thi Cong Nhan, and Nguyen Van Dai for criticizing the government. They forcefully evicted 400 Buddhist monks and nuns from Bat Nha Temple and shut down the monastery without just cause.

These are just a few examples of the outrageous and egregious actions taken by the Vietnamese Government recently in violation of every principle of justice and fairness. If these examples are not sufficient to draw our attention and condemnation, I do not know what will.

Unfortunately for these oppressed people, our world today does not allow them to simply leave their country to establish a country of freedom elsewhere. That is why they need the assistance of a country like ours, the most powerful democratic country in the world, to speak on their behalf.

We must speak loudly by passing the Vietnam Human Rights Bill. The longer we wait, the longer people like Venerable Thich Quang Do, Father Nguyen Van Ly, Mr. Le Cong Dinh and countless others like them will continue to suffer.

HEALTH CARE REFORM—ONE GIRL'S TESTIMONY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Thank you, Madam Speaker.

The House bill to have government take over health care contains section 2511 which would put clinics in our schools. Minnesota has experience with these clinics.

Here is one girl's testimony:

''Hi. My name is Jamie. I hope my personal story and experience with the West Suburban Teen Clinic will convince you that bringing this clinic into the school campus will endanger the health of many students.

''At age 14, I was what you could describe as a rebellious teen. My parents had rules, like all parents, and tried their best to instill moral values in my life they hoped would guide me down the right road. But I chose a path that led to the West Suburban Teen Clinic. It was there I learned how easy it was to get birth control, morning-after pills, exams, condoms, or whatever else I needed to have sex and not tell my parents. I didn't even have to go to a real doctor.

''At the clinic, I was told my parents didn't have to know about any of my visits or what birth control the school clinic was giving me. The clinic made it so easy for me to have sex. They made it so easy to hide things from my mom and dad. After all, since it was my right not to tell them about birth control, they didn't need to know anything else about my life either. The teen clinic opened the door for me to lie and supported me in my deception. Looking back, I can see that their counseling affirmed a continuous pattern of lying, secrets, and cover-up. This destroyed any mutual trust between my parents and me.

''The West Suburban Teen Clinic convinced me I was doing a good thing by going there because I was practicing safe sex. Was it safe to break the trust with the only people who really truly protected and cared about me? Was it safe when the clinic jumped at the chance to give the morning-after pill to a 14-year-old without revealing to

me any of the negative health-risking side effects?

''They didn't even care who I was having sex with. Imagine, a 14-year-old. I could have been having sex with an older man. It could have been rape. Anything. They never once took the time to ask me. I was so young. All I thought was, oh, I won't be getting pregnant if I take this morning-after pill. I was never given the facts about side effects.

''I went to the West Suburban Teen Clinic multiple times to get the morning-after pill. They would ask me if I needed a couple of back-up pills to keep in a friend's house just in case, or to hide at my own house so I wouldn't have to ride all the back way back to the clinic.

''I can honestly say that the clinic visits also had a very negative effect on my education. As I became more involved sexually and had more visits to the clinic, I would sit in class thinking about what courses and classes I could miss so I could make my school clinic visit for more pills and condoms before the end of the school day. It made it difficult for me to focus on my class assignments when I was thinking about a pelvic exam or the thought of having an STD or being pregnant.

''Now I'm 20 years old. I'm very concerned about the long-term damage to my health thanks to this so-called safe-sex clinic. They not only helped me hide things from my mom and dad, they hid the truth from me. The West Suburban Teen Clinic didn't care that I was a minor teen. They didn't care what the side effects of these pills would do to my reproductive system. And my body is messed up. They gave me pills and condoms and they left it to my parents to pick up the pieces.

''If only I knew what I know now, how the West Suburban Teen Clinic's advice and pills damaged me physically and emotionally, I could have prevented so many of the problems with my parents and my family. If only I had never gone there. And now you are bringing these clinics to all the high schools?

''You need to protect kids. You need to uphold the desires of parents, not the wishes of clinics that make money off kids' mistakes. My parents tried to protect me. The clinic took that right away. They took over the role that my parents were intended to have and they hid everything from them, the people who loved me the most.

''Please stop this clinic from coming in and ruining more kids' lives. I wish I could warn all the students at high schools about these clinics. They need to know about the physical and emotional damage that can be done by a pattern of pills and promiscuity. I wish I could tell them. I know the West Suburban Clinic won't.''

Madam Speaker, this is a story of tragedy by one girl in Minnesota. Minnesota has experience with the school-based sex clinics that are being proposed in the bill that would have government take over health care in this country. Surely we can do better by our children than encouraging them to gain experience in a lifestyle that will bring them only heartache and perhaps physical devastation.

THE PROGRESSIVE MESSAGE—HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, we are here again for another evening with the progressive message, the message that comes to the House floor Thursday night to talk about a vision of America not based on fear, not based on things that are not true, but a vision of an America where we stand up and we include everybody within this vision. No matter what color, what culture, or what faith you belong to, America is a place for you. We bring people from all parts of the world who bring and make up this great American vision that we're talking about, a progressive vision where middle-class and working-class people can actually have policies that help them, a progressive vision which says we can have health care for all. We can have true health care reform which allows Americans to partake of the great wealth of this country for the benefit of their health. A progressive vision says that America can live at peace. We don't have to be in war after war. We can have a policy of peace which develops our relationship with the rest of the world based on diplomacy, development and things of mutual benefit.

Today this is the progressive message, and we are glad to be here with the progressive message sponsored by the Progressive Caucus.

□ 1645

Tonight, what is the topic? Guess what, surprise, health care. Today we have two great advocates and leaders, and I am so honored to be on the House floor today with two good friends and leaders, the gentleman from Michigan (Mr. CONYERS), the chairman of the Judiciary Committee, and also the gentleman from Washington (Mr. MCDERMOTT) of the Ways and Means Committee who is also a physician, both with us today. I want to invite both of them to offer some remarks as we get started on the Progressive message today, focusing on health care reform, patients before profits.

Congressman, Doctor, what are your thoughts?

Mr. MCDERMOTT. Mr. ELLISON, it is a pleasure to be here today. In the caucus the other day we were talking about health care, and one thing that is very clear in this country is that the medical-industrial complex doesn't want to change. They want things as they are. They would be glad to take additional money to cover people, but they want to go through the private sector. Let's just keep grinding out the profits, never mind what happens to the patients.

This effort that is being made in the House, and I hope to have a bill out here in 10 days or so, is an effort to make sure that what you just suggested happens. That is, that everybody in this country has health care that is adequate, that takes care of the needs they have, no matter how much money they have, no matter what they look like, no matter where they live. They should have the same kind of health care in this country no matter what their circumstances are.

I told the story, I said one of the things that people tell me: Everybody in this country gets health care. What are you talking about?

What I said to my colleague when he said that to me, you know, the difference between Members of Congress and ordinary folks in this society is, we live a somewhat different life. If you call up and say, This is Dr. MCDERMOTT or Congressman MCDERMOTT, I have a pain in my stomach, they will tell me to come into the office tomorrow morning. Everybody else goes through this little drill. When you call the doctor's office and say, I have a pain in my stomach, the first question is, What kind of insurance do you have?

Now if you have private insurance, you will be in the office tomorrow morning. If you have Medicare, well some doctors don't take Medicare, so it may be a week before you get taken care of. God forbid if you have Medicaid, you will never get taken care of. Or it will be a month or a month and a half. And if you don't have health insurance, they have an offer for you: If you will come in and pay $25 or $30 upfront, we will have an appointment for you in 2 weeks.

People say that isn't true. Well, let me tell you, there are very well-documented studies, and they put people on two phones sitting right next to each other, they would call the same doctor's office, give the same story about a pain in their stomach, and find out what the relationship there was between what kind of insurance they had and when they got seen.

Now, it shouldn't be that way in this country. If you are sick and you have pain in your stomach, you ought to be able to get in and see a doctor.

What clearly happens in that case, for those people who have to wait 2 weeks or a month or whatever, they go along with that pain in their stomach waiting for their appointment, waiting for their appointment. When they can't stand it any longer, they go to the emergency room. That is why emergency rooms are flooded with things that ought to be seen in a doctor's office, but people can't find a way, they can't find a doctor that will accept them.

Well, I told this story, and one of my colleagues came up to me and said, You

know what, you are absolutely right. He said, I just had my knee replaced. He said, I got talking to the doctor about it, and the doctor and I were talking about how he would get paid. The doctor said, Oh, you're perfect. You've got private insurance. We all have Blue Cross-Blue Shield here in the Congress. He said that is good insurance and that pays for it and that is good.

My friend said what if I had Medicare?

The doctor said, I would have said, Why don't you wait for a couple of months?

And my friend asked, If I had Medicaid? The doctor said, I would never see you. I don't accept Medicaid patients for knee replacements.

So there is rationing in this society today, and it depends on what kind of plastic you have in your pocket. Now to simply pass out more plastic cards in the insurance industry today will not work, and that's why we have to have a good public option. We have to have an option that functions the same as it does if you have a private insurance card.

If you meet a Canadian some time, ask a Canadian to show you their provincial health care card. In Ontario, they are orange. In New Brunswick, they are blue-green. In Quebec, they are kind of a greenish color. They have a card no matter where they go in the province. In Canada, they hand in that card and they get taken care of. That's what ought to happen in this country, and the public option is the only way we are going to get people who don't have health insurance today the opportunity to access the health care system and actually have an opportunity to see a doctor.

Now it is clear that the President has said not only does he want to have access, but he wants to have a plan that controls cost. The fight now in here is the fight between—giving people access is going to cost more money in some ways, although there is lots of money to be saved in the present system, but the providers and the drug companies and the insurance companies and all the other people who are involved in the medical industrial complex don't want to have anybody put any control on their costs. That's what the fight is that is going on right now as this bill comes to the floor.

JOHN CONYERS has worked as long as I have trying to get what we know would be the best system, which is the single-payer system. Now the President said we are not going to go that route, we are going to go a little different route. We are helping him to get there. It is not the perfect system, but it will get people the access and the cost control that is necessary.

I listened to my colleague from Minnesota just a moment ago telling us this story about this clinic and what is in the bill. I believe that bill has been out on the floor and up on the Web site. Anybody who can read could have read it in the last 30 days, in the last 60 days, and there are no such clinics in that bill.

Mr. ELLISON. Are there death panels? I yield back.

Mr. MCDERMOTT. Absolutely not.

Mr. ELLISON. Are there school sex clinics?

Mr. MCDERMOTT. No; that is scare tactics. You know better than that, KEITH. Why are you asking those questions?

Mr. ELLISON. It is part of what has been going on. You saw August. You try to have a civil conversation, and them some people would show up and try to disrupt the meeting. Why would they want to disrupt the meeting when all we are trying to do is have a civil dialogue about the future of our country and the future of health care.

Why are we hearing about death panels? To scare seniors.

Why are we hearing about sex clinics? To scare parents.

Why all this stuff?

Let's get Chairman CONYERS in the conversation. He looks like he is digging out some facts. I just want to pose the question to you gentlemen: Why, why, why are we hearing about all of this fanciful, made-up stuff that is on the Web and anybody can look up the bill and say, that ain't so? Why are we hearing all this stuff?

Mr. MCDERMOTT. You know, there is sort of a political axiom that if you can make people afraid, you can get them to do exactly what you want them to do. In this case, they want people to say no, we don't want the government to take over our health care.

Now the government pays for military health care. The government pays for veterans' health care. The government pays for seniors' health care in this country and poor people's health care in this country. And they want government to go away? Come on.

Sixty cents out of every health care dollar in this country is coming from the government through all of those programs. And the people are saying that they don't want the government. I have had older folks come to me and say, I don't want the government to get into my Medicare. Folks, Medicare is a government program. They simply are scaring people to the point where they are not thinking clearly about what is going on in this country.

Mr. ELLISON. Scare tactics.

I yield to Chairman CONYERS. Welcome to the Progressive hour, the Progressive message, patients before profits tonight.

Mr. CONYERS. I am so glad we are doing this, and I am glad to be with both of you.

Dr. MCDERMOTT has been working on this for so long, and he brings a clear voice of experience, not congressional but medical. That's what makes this so important. Of course you, Mr. ELLISON, are a young person who has jumped into this in a way that makes me very proud that you grew up in Detroit, probably in my district.

I have something that just came in from the 14th Congressional District in northwest Detroit.

We had an examination of how many seniors in my congressional district hit the doughnut hole in the bill, the current legislation. There were 5,400 seniors that were forced when they hit that doughnut hole to pay their full drug costs, despite the fact that they had part D medical coverage.

And the current bill before us that we are working on, H.R. 3200, it would cut brand-name drug costs in the doughnut hole by half and ultimately eliminate the doughnut hole. That is very important, especially in this day and age.

We found that there were 2,230 health care related bankruptcies in my congressional district alone. At our next Special Order, I am going to have these same numbers for the whole State of Michigan. So 2,230 people in the 14th Congressional District had to go into bankruptcy court in the year of 2008, primarily caused by the costs of health care not covered by their insurance.

In 2008, health care providers in the district were provided $31 million worth of uncompensated care, care that was provided to individuals who lacked insurance coverage and who were unable to pay their bills.

How many people don't have insurance, my colleagues, in the 14th District, have no health care coverage at all. This is last year's figures, which have undoubtedly gone up since 2008: 1,300 people in my district are uninsured. How many are uninsured, my colleagues, in your districts? That is 17 percent of all of the people in the district that are uninsured, and the Congressional Budget Office estimates that 97 percent of all Americans will have insurance coverage if H.R. 3200 takes effect.

□ 1700

Now, if this benchmark is reached in the district, 85,000 people who currently do not have health insurance will receive coverage. There is another factor I would like to introduce. I haven't discussed it with you, but this as good a time as any to do it.

There is a stress factor coming into this whole discussion of health coverage in America because of all of the people that are losing their jobs, especially in Michigan and Ohio, industrial States that are hit the hardest. We have the highest unemployment rates. But there is something else that kicks in. When you lose your job, you, of course, lose your income; and, frequently, if you have a mortgage payment, you could end up losing your house.

One of the things, Dr. MCDERMOTT, I was in a shelter in midtown Detroit off Woodward Avenue at Peterboro, and both of you have been there. I went into the shelter in the morning, and they were having breakfast. I was astounded by this one visual picture I got. These were not people that were

homeless, wandering around or were disheveled. These were well-dressed people being fed in a shelter who had just recently lost everything. When you get hit, you lose your house, your car, your job, your insurance, your pension. So you come into a shelter, you're dressed like we are, but you don't have anywhere to eat, you don't have anywhere to stay. I have never experienced that phenomenon before in my life.

One other factor that is up to date and in real-time is that with all the people suffering under this economic—well, it's called a severe recession, but I call it a depression—there are people now that are working who have jobs, who have health insurance, but there is a little something beginning to bother them: Maybe this could happen to me too. We all know people who were going along quite well; and all of a sudden their company announced at 3 p.m. on Friday that, You don't have to come back anymore, or, We're closing down in 2 weeks. Sorry about that. We can't explain it now, but this is it.

There are people now—and you may be able to comment on the stress factor—there are people that are working. Nobody said they were going to close their job down. Nobody has heard any rumors about anything. But they can't help but think about all the other people that were going along smoothly, and they lost their jobs. People are beginning to worry about the fact that—I know it's not me. I know I'm working. I know I've got insurance, but it could be me next month. It could be me in December. It could be me in January. What about that?

Mr. McDERMOTT. Well, you know, JOHN, you are talking about the fundamental thing the President is trying to do, and that is to give people security, health security, that they know that if they get sick or they have an accident, they'll be taken care of. The fundamental weakness of our system forever has been that your health insurance has been tied to who you were employed by. When the economy's rolling along, and when the economy's going up, that's not too bad. It works pretty well. In fact, the difference between right now and what was going on in 1993–1994, as you remember when Mrs. Clinton tried to do this—everybody says, What's the difference between then and now? Then things were going up, and everybody thought, Well, this plan they're putting together is for somebody else. It's for them. They didn't know who ''them'' was, but it was somebody they didn't know.

When you have a system that's tied to employment—people always thought that this health care business was about them. The difference today is, as you point out, middle class people who yesterday felt they were just about as secure as they could be—they had a job, they had health care, their kids were in college, blah, blah, blah—and bingo, they lose their job. We had a bank go down in Seattle, Washington Mutual Bank. There were 4,300 people that were affected. That's 4,300 families who found themselves instantly without a paycheck, without health care, and in many cases, all of their pension money was in an IRA of the company's stock. So they suddenly had no pension. They had no security whatsoever. No house, no health care, no food, no anything.

It's impossible for that not to be stressful to people, and people then have stress-related diseases. There are plenty of stress-related diseases. We know them. Post-traumatic stress disorder is a stress disease. And any kind of emotional thing like that is going to take a toll on you physically. A lot of people are suffering today from emotional illnesses, secondary to the instability of their economic situation.

Mr. CONYERS. But, Dr. McDERMOTT, I'm talking about the people that didn't lose their jobs, income and health insurance. I'm talking about the folks that are working, and they know about that. They can't help but think, That could happen to me. I don't know what you call this, but you start another stressful situation from that. There is nothing happening to them, but it's happening to people around them. It happens, like these people that I saw in this shelter in Detroit, where if we weren't in a shelter, they would be people I would expect to see at Starbucks.

Mr. ELLISON. If the gentleman would yield, can I just point out that I have a chart here that I think does shed some light on the situation. Because a lot of the dialogue we've been having, quite frankly, is focused on the uninsured.

But let's take a moment to talk about the insured, the folks who actually have insurance, the people who have anxiety about what could happen to them if they lose it, if they get sick. Because you know, if you get sick, that's when they don't want you on their insurance anymore, right? Cumulative change in single and family health insurance premiums, that's what you pay, what comes out of your check every 2 weeks or every month—and the Federal poverty level.

We've been seeing that the level of poverty has been rising, but look at this dramatic increase in the family premium. This family premium has jumped up 130 percent from 1996. This is real money coming out of the paychecks of real families all the time. People say we don't need reform and say that we're trying to scare people with fake death panels and fake school sex clinics and all this kind of stuff. The fact is that this is what the average family is living through, and this is impacting people who pay premiums, which means they have employer-based health insurance. What are people to do about this dramatic situation as they're facing trying to make ends meet in their family budget?

I yield to either one of the gentlemen.

Mr. CONYERS. Well, when you say 130 percent increase, that's more than double, isn't it?

Mr. ELLISON. Oh, yes.

Mr. CONYERS. A 100 percent increase would be double. A 130 percent increase is one and a third more than what they're paying. Is this an annual increase rate?

Mr. ELLISON. This is from 1996 to 2006.

Mr. CONYERS. Oh, I see. It's a period of over 10 years. What it's saying to me is that these folks don't have any option of changing insurances or doing anything. What are their alternatives? If you don't pay, where are you going? Is there some private insurance company offering a lower premium? Can we call up insurance companies and say, My insurance has more than doubled over the last 10 years, and I want out. What happens then?

Mr. McDERMOTT. You're tough out of luck. If you go into the individual market, you'll pay even more. So if you're in a big group, you know, working for Ford Motor Company or for Delco Battery or something, that way you get the risk spread over everybody. But if they're just looking at you or me or the next guy, they're going to charge you a much higher premium for anything that you have, any kind of preexisting condition.

So it's worse when you leave one of those groups. People stay in, and they scramble to try to make it. But every company in the country has been shifting more and more cost onto the individual. They used to pay in some companies 100 percent. Now they pay 60 percent, and 40 percent has to be paid by the employee. Their deductibles are going up, and the copays are going up. That's why the President has said we have to find a way to control costs. We can't let this go on.

Mr. ELLISON. If the gentleman would yield, if you look back at this chart, ''National Health Expenditures Per Capita.'' That means that we take all the health care expenditures and divide them by the number of people. So the average amount of health care expenditure for the average person—look at these numbers. This is what actually happened, and this is what is projected to happen.

If we look at 1990, going back to 1990, what we saw was about $2,814 per capita, per health care expenditure per person. This is 1990, the year I graduated from law school. If you go to this one, 2009, it's $8,160. Look at how this has more than doubled since 1990. As a matter of fact, this has nearly tripled.

The fact is these expenditures are galloping higher. If you look at the projected rate, we're up here. By the year 2018, it will be $13,000 per person. This is ridiculous.

Now, there is another chart I want to show you, and this chart is a chart that looks at different countries. So you look at this blue here. The blue is the United States; and then we have the red, France; the green, Canada; the

purple, Germany; and then this aqua color, the United Kingdom. Back in the year 2000, we were up here at $4,570, way above everybody else. If you look at Germany, they were second, but everybody else was in the low 2,000s or higher 1,000s. This is the industrialized world.

Now, if you flash forward to here, in 2006 we're up around $6,714. We're still way above everybody else, but look at how we are compared to ourselves over time. The American family can't sustain this. Why do we cost so much more than everybody else? It's time for a change. It's absolutely time for a change.

I yield back to the gentleman from Washington State.

Mr. MCDERMOTT. Well, I think that is what is really troublesome about this debate, is that people on the other side who argue that there doesn't need to be change—you say to them, Well, what are you offering? They say, Well, let's give tax credits to people so they can buy their own health insurance.

Now, let's just think about that for a minute. The average income in this country is about $45,000. So you're making a little less than $4,000 a month. You can easily spend $1,000 a month on a premium. So each month you've got to take $1,000 of your $4,000 out and go down and buy your health insurance. Now, the Republican solution to that is, Give them a tax credit. Let them wait a whole year to the end of the year, and then you give them back their money at the end of the year.

□ 1715

Most people don't have that kind of ability to wait for 12 months to get their money back. Rich people can. I mean, they can wait for a tax credit someplace down the road. But ordinary people who are living from paycheck to paycheck to paycheck do not have the ability to spend a thousand dollars a month on a health care premium and wait 12 months to get credit for it on their income tax.

So their proposals sound like they have something in mind. Yes, they have something in mind, but it simply won't work.

Mr. ELLISON. Reclaiming my time, I'll cite another example of that.

We hear a lot of people saying the solution to the problem is that we should just let people buy and sell insurance across State lines, and they offer this as something that's supposed to fix everything. But what they don't tell you is that 34 markets around the country have markets where one to five insurance companies are offering products and that's about all there is. Like in Alabama, as the President mentioned, one company dominates 90 percent of the market.

So basically they want to say, well, if you can go from Ohio to Minnesota, then the fact is that they think that's going to solve the problem. But if you have a monopolized market here and a monopolized market there, you still don't have a whole lot of choice. You still don't have a whole lot of people willing to offer you very much.

And how come these markets are so monopolized? Because it's extremely difficult to break into a market and build up a provider network, a doctor network in order to be able to compete that way. So they're saying you can compete with this monopoly and that monopoly and it's not going to solve anybody's problem, it might be a small part of some solution somewhere. But the real solution is single payer, which is why I'm on the bill, but a good medium solution is a strong public option, and we have got to have people fighting for it.

Mr. CONYERS. Will the gentleman yield?

Mr. ELLISON. I yield to the gentleman.

Mr. CONYERS. More and more Members of the Congress are coming on our universal single-payer health care bill. I'm very pleased about that.

The judiciary, one of the subcommittees, we had a hearing about this McCarran-Ferguson bill that exempts from antitrust obligation insurance companies, and health insurance companies in particular. And I received a letter, a nice letter, from the CEO of the America's Health Insurance Plans. Her name is Ms. Karen Ignagni, and she sent us a nice letter back. She declined to be a witness. That's a subject we'll probably pursue later on.

But I just checked in my little file of health insurance executive compensation, and this is public information, so I don't think she'd be offended by my discussing it here on the floor. Ms. Ignagni earns $1.580 million in compensation, but her base salary was $700,000. This was from 2007 filings. But she did also receive $170,000 in deferred compensation and a bonus. She probably works very long hours, and we concede that.

But we looked at others that we want to talk with, another person that we are beginning to be in negotiations with. We have to, all of us, come around the table and discuss these matters.

Let's take Aetna; one of the biggest, I presume. Its distinguished chairman and CEO is Mr. Ron Williams. Mr. Williams, I don't know what it is he does, but his income is $24,300,112 per year. Now, he's got some heavy responsibilities. Do you know how much more money he makes than the President of the United States?

Look, capitalism, a love story, I'm for capitalism. He earned a total of $24 million plus for compensation in 2008 with more than half of that, $13.5 million, coming from stock option awards. I don't know how that works. He also received $6.4 million in stock awards to go along with his base salary, which was only $1 million plus. But, in addition, he has the personal use of corporate aircraft plus a land vehicle as well as financial planning and a 401(k) company matches, adding up to another $101,000 plus for Mr. Ron Williams.

Now, I sent out a friendly invitation for the head of Aetna to come before my committee to discuss the incredibly important decisions involved in reforming health care in America. Here is a person who has a lot of experience in the subject matters that are being debated in three committees in the House, two committees in the Senate, and heaven only knows how many of the people in the White House are working on this. K Street, we know, is fully occupied in this matter. We need to talk.

What about CIGNA? That's another big company. Its CEO, unfortunately he only makes half of what the CEO of Aetna earns. Maybe he's not as efficient or maybe he doesn't produce. I don't know what it is.

But would anybody object if we invited these folks in to discuss this? I mean, we have the unemployed. Our colleague SHEILA JACKSON-LEE is going to have people coming in Tuesday at 5 o'clock next week to tell their problems. These are people that not only don't have income but they have huge debts.

But I want to go from the other end of this, Mr. ELLISON. I sympathize with all those that are suffering, but I want to try to understand—I've got to comprehend the view from the top with those who are not unemployed, who are not marginal, who are not lower income, not middle income. They're wealthy. So we have to extend these conversations both ways.

What about the chairman and the CEO of CIGNA, $12.2 million annual income? What about WellPoint, Ms. Angela Braly, its president and CEO, $9.8 million every year? What about Coventry Health Care, President Dale Wolf, another $9 million? Centene Insurance Chairman Michael Neidorff, $8.7 million; James Carlson, chairman of AMERIGROUP, $5.2 million; Humana's President Michael McCallister, $4.7 million; Mr. Jay Gellert, the distinguished president of Health Net, $4.4 million; Universal American, Chairman Richard Barasch, $3.5 million; Stephen Hemsley, UnitedHealth Group, president and CEO, $3.2 million.

I want to get the picture from the top. They could explain to us and maybe put into more perspective why there's such a maldistribution of health care to everybody, because these are health insurance companies. If they don't know—I mean, they have a lot to tell us, and I would like to hear them in their own way and in their own words explain this situation, because we've got big decisions to make.

We don't just represent the poor and the left out and the marginal; we represent the whole country. When I cast a vote in the House of Representatives, it's from my district that they sent me, but the vote applies to everybody in the United States of America, all 350

million people, including the upper 1 percent of income earners especially in health care.

Mr. ELLISON. Reclaiming my time, I want to thank the gentleman for making the point so very clear that there are winners and losers in the health care roulette that we have going on in our country, and it would be nice to hear from some of those people who seem to be coming up roses all the time to explain exactly what's going on.

Mr. CONYERS. But they make the policy. I'm not a work inspector that wants to know how many hours they worked or what they did, but they make the decisions that lead us to be here, the whole Congress, two committees in the Senate, three committees in the House. We have caucuses every single day. Talk to me, somebody. If I'm going to be working on something this enormous, a multitrillion dollar decision, the people that have been making the decisions all these years, they have got to send me some letters.

□ 1730

Mr. ELLISON. Well, Mr. Chairman, if I could cut in. I just want to read very quickly before I hand it over to the gentlelady from Texas, SHEILA JACKSON-LEE, that I have somebody from Minneapolis who wants to tell me that their family—it says actually this, ''We are in foreclosure, housing foreclosure, health insurance is $600 a month for a family of five. We applied for a loan modification and were denied.''

You know, this is a big deal. This family is dealing with this situation. ''Even with a loan modification, we still would not be able to afford our mortgage because of the cost of our health care insurance.''

This is what a young lady trying to put food on the table is dealing with in my district right now. And I just think that her voice deserves to be heard as well.

So with that, let me yield to the gentlelady from Texas and note that we have about 12 minutes left of our time, and it has been a wonderful hour.

And the gentlelady from Texas, let me welcome you to the floor, and I yield to you for your remarks.

And by the way, thank you for bringing people together next week to let the people be heard.

I yield to the gentlelady.

Ms. JACKSON-LEE of Texas. Let me thank the gentleman from Minnesota and the distinguished chairman, who was really posing a rhetorical question as to why the voices of opposition are in opposition, and let us hear about their case.

And today I am on the floor joining you, Congressman ELLISON, to thank you as you've kept this battlefront going. Many of us have had moments when we have had to depart quickly, and therefore, we have missed the opportunity to share with you, but we have appreciated the opportunity for your presence on the floor.

We have got to have health care reform now. We have got to have a vigorous public option, Medicare Plus 5, and my position is, if this is about, Congressman ELLISON, about loss of life, 18,000 people are dying every year because they do not have health insurance.

But let me try to dispel the myth that this is a Democrat issue. This is a bipartisan issue, and I don't know when our friends on the other side of the aisle are going to get it. Because if history was recollected, you would see that Nixon, Carter, and Clinton all tried health reform because it was imperative. And if we had enacted Federal health spending as a percent of GDP dealing with health care under Nixon, Carter, or Clinton—meaning that we would have cut the cost, slowed the cost down—we would not be where we are today, which is this excessive cost in health care—and I've got a small chart. But the main idea is to say to you that spending would be much lower today if we had enacted health care reform under Nixon, Carter, or Clinton.

Right now we are spending 5.2 percent of annual growth, and we're spending $2,000, it seems, in U.S. dollars per capita for individuals trying to be covered by health care. If Nixon, Carter, or Clinton health reform had been enacted, the share of GDP on health spending in the U.S. would be closer to other countries.

We have a problem, and the interesting thing is that we seemingly are listening to our own voices and the voices of those who do have a right to express them but seem to be confused by the messages that are coming out.

We see the attack on TV suggesting that this bill will take away Medicare from seniors. It is well known that we have been working with AARP. They are not beholden to us. They are not making decisions precipitously. They are looking closely at their responsibilities to their members. And I can assure you they are watchdogs, and they want to have a fix in the doughnut hole—Medicare part D—and they want to ensure a healthy Medicare, and they want to protect their members. So there is no substance to the characterization that we want to take away your insurance, that we want to take away Medicare, that Medicare Plus 5 will not be valid.

And there are questions about hospitals. Some of us are openminded in dealing with this question about hospitals, making sure that they don't represent to themselves that their doors are closing. We're concerned about doctors; we want to make sure that they can keep their doors open.

And I would offer to say this point: The chairman has spoken about the voices of opposition, if I heard him as I came on the floor, Why can't we find out what their gripe is, that are making this amount of money and seem to be doing well?

Mr. CONYERS. Would the gentlelady yield?

Ms. JACKSON-LEE of Texas. I would be happy to yield to the gentleman.

Mr. CONYERS. I don't claim them to be voices of opposition. I don't know what their position is.

Ms. JACKSON-LEE of Texas. Exactly.

Mr. CONYERS. I just want to find out.

Ms. JACKSON-LEE of Texas. What is it.

Mr. CONYERS. And I offer the hand of cordial exchange of views that we always do in the Judiciary Committee, and that is can we talk. Let's see where we have areas of agreement and where we have areas of disagreement. That's how the legislative process works. And then get all of the facts out on the table and decide what form and shape health care reform is going to take.

I can't predict it now. If somebody asked me to tell them what a strong public option is—I've never seen a public option in my life. I don't know what it is. I know that it's an alternative to the 1,300 private insurance companies, that every industrial company has at least one or more public options. But what its precise characteristics are, nobody's ever handed me a sheet of paper and said, This is a public option.

Ms. JACKSON-LEE of Texas. If I could reclaim the time yielded for a moment. And I thank the gentleman for clarifying that.

You're right. I am willing to hear them too, but juxtaposed alongside of listening to a reasoned discussion and debate as to whether you're for or against, or what you're for, and to get them to understand what a vigorous public option is, as we've interpreted Medicare Plus 5, which will harm no one. I want to hear from the sick and the infirm, people who have suffered. Maybe you are better now. But you've suffered the burden of not having health insurance.

Mr. Chairman, we're going to convene those individuals in Washington, D.C. We'd love for you to reach out to our office. If you're prepared to drive in or bus in or fly in so that your story can be heard, here's my condition: Because I had no insurance; my insurance was denied because of pre-existing disease; or because, in essence, my insurance said, you are not covered. These voices we have not been able to hear on the floor of the House or in committee rooms. When various individuals who have opposed this approach have offered their proposal, who are they speaking for? Are they speaking for that throng of individuals who claim that this country is their country as well, but they have not been able to secure the opportunity for good health care.

Mr. CONYERS. Could we have friendly CEOs of health insurance companies join us at that hearing? Would they be invited too?

Ms. JACKSON-LEE of Texas. I think that that would be most advantageous because then we could hear from individuals who feel and know by their work and their research and their companies' research that their house will

not collapse if we open up insurance so that all Americans have access to insurance and that we have 100 percent coverage.

What I am shocked about, something as vital as health insurance and as close to saving your life as health insurance, people are willing to say it's okay if 47 million Americans are uninsured. They seem to believe that that is a statistical number that we can bear.

I want these individuals who have suffered unfortunately and tragically from our failed health care system—not in terms of quality, not in terms of commitment, not in terms of good hospitals, but in terms of covering all Americans and lowering the costs.

Democrats are standing here advocating for lowering the costs. And this document that was presented to us by, if I might, by Karen Davis, president of the Commonwealth Fund, suggests to us if we had suggested the health care reform of Nixon—who was a Republican—of Carter and of Clinton, we would have had lower health care costs today.

And I can assure you we wouldn't have the premium surge, the upstart, the support of the premiums that are probably impacting the family between mortgage foreclosures that have not been responded to, the $600-a-month premium that they have to pay in order to provide for their family.

Mr. ELLISON. If the gentlelady will yield, I have one more I want to show to you.

Another gentleman named Patrick who says, We have a 19-month-old daughter with congenital heart problems. We're self-employed. She was denied coverage. We pay $14,000 a year.

Ms. JACKSON-LEE of Texas. This is a crime.

Congressman ELLISON, thank you for that real-life exhibit, if you will. And to that family, we don't want to suffer this kind of injustice to you much longer, a 19-month-old who is denied because of preexisting disease.

I know if we start this program, first of all, we're expanding CHIP, Children's Health Insurance Program, we will be expanding Medicaid. We'll have a public option. There will be an opportunity for the private insurers. This is a big country. We're growing exponentially, and the issue is, those are the sad stories.

I wish that gentleman could come here to Washington and tell his story because these are the voices that need to be heard. Even though we heard them in our town hall meetings, they need to be here in the Nation's capital, their home, their capital, to tell this body and the other body what this is in real life and real time.

Mr. ELLISON. If the gentlelady and the gentleman will yield.

We are down to about 1 minute.

So let me just say—because you will have the last word—this is the Progressive Caucus coming to you week after week for a progressive version of America where we're all included, we're all a part, health care for all, peace now, environmental sustainability, and civil rights for everybody, health care performed, patients before profits.

I yield to the gentlelady and the gentleman for their last words.

Ms. JACKSON-LEE of Texas. I am proud to be part of the Progressive Caucus and working closely in negotiating and working with my colleagues on ensuring a vigorous public option to save 18,000 lives every year.

I yield to the distinguished gentleman.

Mr. CONYERS. I just want to close the debate hoping that one of the dozen presidents of the health insurance companies will join us—maybe all of them or as many as schedules will permit. What I want them to know is that they've never said that they didn't care about the 47 million people who aren't insured.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2997) ''An Act 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.''

TURNING POINT IN WAR ON TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. HUNTER. You know, we're at a turning point right now in the war on terrorism. We talked about Afghanistan today, Madam Speaker. But first as we do this, I would like to yield as much time as he may consume to the gentleman from Florida, an Army veteran and a member of the House Armed Services Committee, TOM ROONEY

Mr. ROONEY. Thank you, Mr. HUNTER.

Just last week, myself, along with Mr. HUNTER from California, sent a letter to the President asking him to take seriously the request of General McChrystal, the commander in Afghanistan; ask McChrystal to come to this body and address the Congress—or at least address the Armed Services Committee, of which I am a member—to let us know what his plan is in a very specific and detailed manner so that we can ask the tough questions, that we can do the people's work and to look out for our men and women serving in uniform.

Along with many members of the freshman class, that letter was sent last week, and along with many other letters sent to the President, along with letters sent to my office, phone calls asking me to support our troops, support the generals on the ground, support our military chain of command and to do the right thing in Afghanistan. And that's to give us a chance to win where we know that we can win.

The United States versus the Taliban. Think about that for a second. The United States versus the Taliban. And what the questions are and what we have to do. As Sun Tzu said, Don't go to war until you know you can win; and when you go to war, know that you've already won it.

So what General McChrystal is asking the President to do quite simply is three things to win the war in Afghanistan: First, give us a surge in troops more than the troops that we've already approved—at least 43,000 more troops—to be able to secure the towns and villages and cities so that people feel safe, so that people come out of the woodwork and the intimidation of the Taliban and can feel that they can trust the Americans and our allies, that we're not going to leave, that we're going to stand by them and stand by for the people's rights and freedom in Afghanistan.

□ 1745

This has been an issue of a lot of contention and, quite frankly and unfortunately, politics, not only here in the House but between the two parties and across this great country. The second thing is to integrate with the Afghan people. It's going to be risky. We are going to have to come out from behind the walls, out of the Bradleys, come down from the turrets in the Humvees and really do a much better job of winning the hearts and minds of the Afghan people.

It's going to open us up to risk, and it's going to up us up to harm's way, quite frankly. But I think General McChrystal understands that it's going to take some sacrifice; it's going to take making the risks and the hard decisions to be able to accomplish this goal. Because, on the other hand, you have the Taliban, which operates under intimidation, operates under violence and threats that, if you cooperate with the Americans, we won't forget it and you will be punished, and there will be recourse for the things that you have done to cooperate with the enemy, in that case, us, the United States.

The third thing that General McChrystal asks of the Commander in Chief is to help end the corruption in Afghanistan politically. This is the hardest of the three prongs and I think the most important. The local governments, the regional governments and the central national government have a long, long way to go in ending what has been a long string of corruption in Afghanistan. That's going to be the most difficult aspect of General McChrystal's request. But, again, we have the best team in place.

The President, to his credit, has assembled the finest military and civilian defense staff that, as a former Army captain, I could possibly ask for, Secretary Gates, Jim Jones, General Petraeus, even General Shinseki being on the cabinet, even though he's with the Veterans Administration, just an outstanding dream team of military brass. We have the best team in place.

I urge the President to listen to them, take their counsel, do the right thing in Afghanistan, finish the job that we started there. Whether or not it was neglected, whatever argument you want to make, starting from today on, for the kids that are there now, that are manning a post, that are out there alone and cold and homesick and undermanned, let's do the right thing and send a message to the world that the United States of America will stand up for freedom across this great planet of ours and stand by where freedom wants to ring out.

And I believe it does, and I believe it will; and we should not let politics play a role in this, and let the generals on the ground do their job, and then support the President once he makes that decision.

Thank you, Mr. HUNTER and Madam Speaker.

Mr. HUNTER. I thank the gentleman from Florida for his service in the Army as well as his service now to the Nation in Congress. He's really living up to those Army ideals. You know, now that this security situation in Iraq is under control and U.S. forces are beginning to rotate out of that region, we're confronted with a new challenge of equal significance in Afghanistan.

By all accounts, the combat mission in Afghanistan has reached an important crossroad. In March, President Obama unveiled a new approach to achieve this victory in Afghanistan, reminding all Americans of the necessity to disrupt, and I quote from President Obama, disrupt, dismantle and defeat al Qaeda, in Pakistan and Afghanistan and to prevent their return to either country.

Leading the mission in Afghanistan is General Stanley McChrystal who was appointed by the President and Secretary Gates to evaluate the situation on the ground and provide a resource request detailing the needs to achieve his victory. The President now has General McChrystal's request in hand, which includes adding another 40,000 combat troops, minimum, to the region.

As the President considers what course to take, the security situation in Afghanistan is deteriorating. The insurgency is gaining strength, and U.S. soldiers, marines, sailors and airmen, as well as our allies, are being increasingly targeted by ambushes and roadside bomb attacks. To prevent mission failure and to protect those troops already there, the President must act quickly to fulfill General McChrystal's request for more combat resources.

Only until recently the collective commitment to this new strategy has come into question. Some in Congress have raised opposition to any type of troop surge whatsoever, even if it means defeat. They instead prefer to maintain or draw down our combat forces, focus on training local security, and rely on targeted air strikes and drone strikes. While a scaled back strategy might be attractive to some people, it would inevitably constrain resources already in short supply in Afghanistan, unnecessarily putting our mission and the safety of the coalition forces at risk.

General McChrystal has made it clear that a small footprint counterinsurgency strategy will not work in Afghanistan. What's more, General McChrystal has clearly defined our objectives and the metrics for achieving victory against a resurgent Taliban and possibly al Qaeda. This entails our ground forces working to stand up Afghanistan's security and police forces as we did in Iraq and substantively weaken the stronghold of al Qaeda and the Taliban to the point where these local forces can effectively take control.

Madam Speaker, this is nothing new. We had almost the exact same challenges in Iraq and we were told 2 or 3 years ago we were going to lose in Iraq, the surge wouldn't work; there was no way we could win. It was a quagmire. We were going to be stuck there, and Iraq was another Vietnam. Well, guess what? You can walk up to any soldier, marine, sailor or airman who has served over there and don't just say, thanks for serving, you can say thanks for victory, because we're now rotating home out of Iraq in victory, not defeat because of General Petraeus, General Odierno and the almost exact same strategy of surging to provide security so that we could stand up the Iraqi forces, stand up the Iraqi military and the Iraqi police and the Iraqi Government so that we can leave.

Afghanistan is not Iraq, true, but that counterinsurgency strategy still stands. It still works. The more troops we send over to Afghanistan, the more secure we can make Afghanistan and the quicker we can leave Afghanistan victoriously. We truly are at a vital turning point in Afghanistan, and the President does have a very difficult decision to make. To quote General McChrystal: time matters. We must act now to reverse the negative trends and demonstrate progress.

President Obama himself, in March, said that the counterinsurgency strategy, also known as COIN, is the way to defeat the Taliban in Afghanistan and to defeat al Qaeda. The strategy presented by the President and his national security team would require, quote by the President, executing and resourcing an integrated civilian, military counterinsurgency strategy.

But now, the President, instead of listening to the general he appointed who is the resident expert in Afghanistan, who's on the ground in Afghanistan, and who the President had not even met with face to face until he took his Olympic sightseeing tour to Denmark when he finally deigned to meet General McChrystal face to face, he's now listening to possibly Vice President BIDEN. So he's going to listen to Vice President BIDEN's advice on Afghanistan instead of the four-star general who he put in charge in Afghanistan.

In mid-April, Chairman Mullen and Secretary of Defense Gates actually replaced General McKiernan with General McChrystal because he specialized in counterterrorism. Counterterrorism. That's what Vice President BIDEN wants to do. McChrystal, even after being an expert in counterterrorism, came back and said, counterterrorism is not going to work. It's got to be counterinsurgency. So to have this counterterrorism expert come out and say counterterrorism's not going to work, we need a COIN strategy, the counterinsurgency strategy, we need to get the Afghan people on our side and the only way to do that is to secure the area, that's pretty phenomenal.

As we speak right now, Madam Speaker, the Iraqi troop levels are going down. Equipment and resources are coming back over here to the U.S., and they're also going to Afghanistan. We have won in Iraq, and we can win in Afghanistan; and we can bring civility to the Afghan Government so that we can leave.

But here's what we have to do. We have to have enough boots on the ground to provide security needed to properly train and equip the Afghan security forces, both police and army. You'll see many people saying that it's impossible in Afghanistan because Afghanistan's a much larger land area than Iraq is. That is true.

Afghanistan has more area than Iraq does. But it's got much smaller concentrated population centers. There's only two really. There's RC South. This is the Helman province. Kandajar's there. That's where the marines are at this point in time. Then you have Kabul and RC East. That's where the Army focuses on. Pakistan's over there to the east. This is that mountainous range where you have drug runners coming across, you have people bringing weapons across, you have Taliban, al Qaeda and general bad guys coming across with that far arrow. Then you have RC South here where those marines are in Kandajar.

Those are the two main population centers. That's what we're focusing on. When it comes to IEDs going off, those are improvised explosive devices, the roadside bombs, the 155 rounds put underground by the bad guys to blow us up.

In Iraq we had a very complex road system. There were towns all over, cities all over, bases all over. We had to run resupply routes going everywhere. In Afghanistan you don't have that. You have one main road that rings the entire country. It's called Ring Road because it's a big round road. The only

places we have to stop these IEDs from going off are between those two arrows. That's it. These IED casualties that we see coming back, which is 85 percent of our casualties in Afghanistan right now, are improvised explosive device casualties.

If we stop those, we will stop sustaining major casualties so we can move on to this security phase. We have to stop the IEDs and we can do it just like we did in Iraq; and it's actually easier to do it in Afghanistan. The Department of State needs to work on the Afghan government structure. I won't argue with anybody who says that the Afghan Government right now is almost completely corrupt. There are many charges leveled against President Karzai who says he's corrupt.

And the Afghan government system that we have set up right now over there does not represent the thousands of the years of the Afghan tribal set-up that they've had that the Afghan people are used to. That's going to be a major challenge. Getting the Afghan people to trust in their government so that they actually go out and vote and they actually tell us where these improvised explosive devices are being implanted, that's a counterinsurgency problem.

We need to work on the Afghan Government. We need to make sure that it's not corrupt. Right now I am a Congressman from San Diego, California. I was voted in by the people of San Diego. In Afghanistan you don't have that. In Afghanistan, President Karzai appoints who the different representatives are. So that's like President Obama saying, You aren't allowed to elect DUNCAN HUNTER. What I'm going to do is I'm going to tell you who your Representative's going to be. That's how this government's set up in Afghanistan, and it does not properly represent the way that the Afghan people want to be governed nor need to be governed.

Just as important as our military and security mission in Afghanistan, it's just important that we work with Pakistan so that Pakistan is not a safe haven to al Qaeda and to the Taliban. I want to read a few quotes here. This is President Obama talking about Afghanistan. He says, and I believe this, Afghanistan has to be our central focus, the central front on our battle against terrorism. President Obama said, Troop levels must increase in Afghanistan. And as little as 2½ months ago, he said, For at least a year now, I have called for two additional brigades, perhaps three.

The President obviously knows what needs to be done in Afghanistan because he's called for it. In his campaign he said, Afghanistan is the central fight against terrorism. When he became President he said Afghanistan is the central fight against terrorism. And now that it looks like it's difficult politically, he's stepping back from that assessment and he's saying, Well, we have to wait and see here. We have to look at this.

I don't think that shows good leadership. What I would like to see the President do is listen to the head general who he appointed, who he put in place, and who is the smartest person possibly in the entire United States military on Afghanistan and knows how to win this fight.

□ 1800

I would like to yield such time as he may consume now to the honorable gentleman from Michigan, Mr. THAD MCCOTTER.

Mr. MCCOTTER. I thank the gentleman for yielding. Because of its prestige in the history of our Nation, the Presidency and its occupants are often envied. This view is erroneous, because within the Presidency comes the requirement to make painful, agonizing decisions between war and peace, between life and death. Many of its past occupants have said that it is the loneliest of places in the United States to be in that Oval Office when the weight of these demands fall upon your shoulders.

Understanding this and empathizing with our President and fully understanding our role as the servants of the sovereign citizens who sent us here, we have to offer the President honest advice for his consideration in just such circumstances. I do so today.

We have seen the report from the commanding General on the ground, General McChrystal, who was appointed by the President to implement the President's counterinsurgency strategy. I applauded that move. I applauded the President's willingness to go to a counterinsurgency strategy.

We have of late seen tendered to the President the recommendations of General McChrystal as to how we can, yes, still achieve victory in Afghanistan. The report said that we can have a status quo and not achieve victory. We can have 40,000 troops and a full counterinsurgency effort—or we could have more than 40,000 and a full counterinsurgency—to win.

The President is now faced with a momentous decision. The decision is whether we shall have victory or we shall have defeat, a defeat which, however disguised, as a withdrawal or otherwise, will be viewed by our enemies, our allies, and the Afghan people as a defeat.

It is my sincere hope that the President supports and implements the General's request for at least 40,000 additional troops and a full counterinsurgency strategy so that the United States, their allies, and the Afghan people can be free.

You see, within the context of this decision, the President must consider, obviously, the lives of our troops in the field, our allies in the Afghans. The President must weigh the consequences to our Nation and the world of a revanchist Taliban return to power, an emboldened al Qaeda, and the dangers that it imposes not only for the people of Afghanistan and the United States, but to Afghanistan's neighbors, such as Pakistan, and to our allies, who will continue to be the targets of terrorism, as will ourselves.

In weighing this, he will also have to think about the honor of the United States, a Nation which throughout its history has posed a threat to tyrants and terrorists throughout the globe—not because of our actions, but because of our existence.

It is our existence as a free people and a people large enough of heart to expand that liberty to others to defend it here for ourselves, that we have, throughout our history, faced challenges, both martial and ideological.

Within the context of Afghanistan, a decision for a withdrawal that will constitute a defeat means that the United States of America will say to the people of Afghanistan: You will again be returned to the murderous regime of the Taliban. Women will be again treated as second class citizens. Children will again grow up in a culture of violence and hatred directed at other people, and the United States will have broken its word to them.

Today, there are decisions even greater than the one the President faces being made. It is by our men and women in uniform, our allies in the Afghans, who every day wake up fully conscious and devoted to the cause of human freedom in Afghanistan, despite whatever the Taliban and al Qaeda and others may do to them.

It is this type of decision, this type of bravery, this type of commitment to the God-given right to liberty that is possessed by every soul on this Earth that motivates ourselves and our allies in the Afghans. And I would urge the President that, in coming to your decision, you never forget that; that the strength of the United States is our willingness to sacrifice for the expansion of liberty to others to defend freedom for ourselves; that our security is from strength, not surrender; and that throughout our history and throughout the future of this free Republic we will never betray our word to oppressed peoples we have helped to come to emancipate, for in doing so we will betray our own birthright as free citizens and endanger our own security.

Let us pray for our President as he makes this fateful decision and let us hope he comes to the right one—a victory in Afghanistan, a victory for the Afghan people, a victory for the cause of human freedom in our all-too-tortured world.

I yield back to the gentleman from California.

Mr. HUNTER. I thank the gentleman from Michigan for his words so well put. You can see that he understands what is at stake in Afghanistan.

What interests me about Representative MCCOTTER's words, we just want the President to do the right thing. And we believe that he knows what the right thing is, because it was his idea. He brought up the counterinsurgency strategy. He said that Afghanistan

should be the main focus in the war on terror.

He knows what the right decision is because he has already made that decision in his mind months ago. He put in General McChrystal because he knew that General McChrystal was the right guy at the right time to lead us to victory in Afghanistan.

The President knows all of this, and we can only pray that he makes the right decision in Afghanistan or America will be a much less safe place than it is now.

What happens if we don't win in Afghanistan? What happens if we keep the troop levels the same or we incrementally escalate our troop levels over there that is not a surge but we add a few thousand troops at a time, what's going to happen in Afghanistan?

First, Afghanistan will become once again a petri dish for terrorists. Al Qaeda will return to Afghanistan. There's already networks there. One is the Hakani network. They're in touch with al Qaeda all the time.

Al Qaeda will be back in Afghanistan. We won't be there anymore. The Taliban will have control of Afghanistan because they have shadow governments set up throughout the entire country.

This is not like in Iraq where there would be a car bomb going off for no reason other than to hurt people. A car bomb in Iraq is not an alternative form of government.

The Taliban in Afghanistan is an alternative form of government. They want to take over this fledgling, possibly corrupt, democracy parliamentary system that we have set up in Afghanistan. As bad as it is now, this Afghanistan Government that they have set up, the Taliban would be much, much worse.

So what if we don't win? Afghanistan will become a breeding ground for terrorism. Pakistan, which has nuclear weapons, will be destabilized, completely destabilized.

I will tell you right now what is going on in talks in Pakistan and with different Taliban people—not because I've heard this from anybody; just because I know because this happened in Iraq. The Taliban is telling the Afghan people right now: America's going to leave. Look how indecisive they are. Their President, even after he said that they're going to surge in Afghanistan to have this counterinsurgency strategy, they can't make a decision. And the people of Afghanistan are listening.

Why would the people in Afghanistan not go with the Taliban forces if they think that we're going to leave? Because if we leave, they're going to be slaughtered. There will be reprisal attacks against those Afghans who dared help America; who dared tell us where the IEDs were being planted at; who dared say, These guys over here are bad guys, Sergeant. Could you go get them for me?

The people of Afghanistan are going to stop working with us if we keep being indecisive on what we're going to do over there, so Pakistan could possibly become destabilized.

Out of all of the bad things happening in this world—Mexico imploding because of its narcotics trade and its gang war, North Korea shooting off nuclear missiles, Iran shooting off nuclear missiles, getting that fissile nuclear material there—all of these things could happen.

This world is a very dangerous world. We all know that. One of the most likely, though, and one of the absolute scariest, is the destabilization of Pakistan; it's Pakistan going away and the Taliban getting their hands on their nuclear weapons. I don't think we would want to think about what would happen if the Taliban or al Qaeda got their hands on Pakistan's nuclear weapons. This entire area would be destabilized, and I guarantee you they would be gunning for another 9/11. And it would be that much easier for them because we're not there anymore.

And I understand we've been at war in Afghanistan since 9/11. We've been over there a long time, over 7 years. And I understand, Mr. Speaker, that the American people are tired of war. I was in the Marine Corps. I joined after 9/11. I did two tours in Iraq and one in Afghanistan in 2007. I was in the Battle of Fallujah in Iraq. I was in Diwaniyah. I was in Babylon.

I'm tired of war, too. But what I want to make sure of is that our country stays safe, it stays secure, and it stays free, and we don't turn our backs on a people who we promised aid to. If we lose in Afghanistan, it will embolden al Qaeda, it will embolden all of our enemies, and we will see increased attacks.

This is not a scare tactic, Mr. Speaker; this is simple fact. If we're not there, if America does not lead, our allies will not lead themselves. America is the leader in Afghanistan and our allies are following them.

I served with the British, Canadians, Australians, the Poles, Czechs, the Italians, Spaniards, French. I served with a whole lot of people, other countries that are in Afghanistan, and they're following us. We are the leaders for this war.

We are providing that leadership role and we're the economic pillar for this war, too. And it is an expensive war. Wars are extremely expensive. Afghanistan, with its tribal layout, its mountainous regions, its desert, its terrain is more complicated than Iraq is.

This is not easy. We aren't saying that this is easy. We're saying this is going to be very, very difficult. But we have the willpower, and I think we have the ability. We have the leader in General McChrystal. We sure as heck have the men and women who want to serve and win in Afghanistan. We can do this.

So, consistent with General McChrystal's recommendation, the initial strategy outlined by the President almost 7 months ago constitutes the best way towards accomplishing all of these goals. My hope and Mr. ROONEY's hope, and it should be every America's hope, is that a favorable decision is reached promptly so that our military, this Congress, and the administration can begin doing everything they can do to provide the full resources necessary to execute a counterinsurgency strategy.

We have to know here in Congress what the President wants to do. We need to know what his decision is so we can get the men and women serving over there right now, the ones getting shot at, the ones getting IEDs, the ones getting rocketed, we want to get them what they need.

One of the things they need is the support of the American people. Until President Obama comes out, makes his decision, lets Congress know about it so we can inform our constituents and we can tell them why it's important that we win in Afghanistan, our men and women overseas right now are suffering.

You don't think that the privates, sergeants, corporals, staff sergeants at the officer corps in Afghanistan are looking back right now, watching C–SPAN watching CNN, and saying, Our main General, General McChrystal, the man who we're following, the man who's asked us to fight, the man who's asked us to drive these dangerous roads, the man who's asked us to kill the enemy for our country and our lives are put in danger, he's asking for 40,000 troops, and the administration in D.C., in Washington, is not giving them to him right now, they're thinking about it.

□ 1815

We've had enough time to think about it. It's been 7 years. Was our strategy in Afghanistan under President Bush the right one? No, it probably wasn't. It probably was not the right one. We were focused on Iraq, and frankly I think that's a good thing, too, because we have won over there now. But we need to shift focus to Afghanistan. That's what this President said he would do. Experience tells us that wars must be run by our military leaders, not politicians or bureaucrats back here in D.C. I don't want to create strategy for Afghanistan. That's not my job. My job, as a congressman, is to give the military men and women the support that they need to get the job done for whatever the President, who's Commander in Chief, sets out as their strategy and their goals. You don't want me running a war. You don't want Vice President BIDEN running a war, either. That's why General McChrystal is there. That's why General Petraeus is there. That's why General Odierno is there. They are the resident experts.

The President rightly recognizes the importance of defeating al Qaeda and the Taliban, but in order to do so, he must stay clear of political currents and do what is right. And once more, I

truly believe that he knows what is right. Because what General McChrystal, once more, has brought to the President in his resource request was what the President asked him to do.

On two occasions over the last few years, I have been to Afghanistan, both as a Member of Congress and as a Marine. While there, I served alongside and shared experiences with the best that this country has to offer. They are truly the greatest generation. People that have so much opportunity, young men and women, they could go to college, they could pretty much do whatever they wanted to do. Instead, they went and served. I have had the awesome opportunity of serving with them. And they have dutifully undertaken their mission to protect our Nation and the Afghan people. I have also spoken to many civilian leaders and military leaders outside of Afghanistan, and they know what the right thing to do is. Our goals in Afghanistan will become further out of reach. In fact, they become more out of reach every single day that we dally here at home and not give them what they have asked for.

If we significantly reduce our military presence right now, at this critical time, the war in Afghanistan will be lost. Understanding this risk, I sincerely hope that President Obama, as Commander in Chief, will follow the recommendation of his appointed military commander and commit his full support to this important mission.

HATE CRIMES LEGISLATION

The SPEAKER pro tempore (Mr. PERRIELLO). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate being recognized and the opportunity and the privilege to come to the floor and address you here. It is also a bit nostalgic to step in behind DUNCAN HUNTER. I remember many times standing here on the floor of the House debating issues, and a lot of them were national security issues, including our immigration issues, with DUNCAN HUNTER's father. And this transition has been very good to see a young man, a young marine, stand here in the well and speak to you and talk to you about our national security issues from the experience standpoint of a marine who has served in Afghanistan and now one who serves in the United States Congress. I very much appreciate the addition to this Congress that he is.

I lament what we have seen happen today, this activity that this Congress has gone through; the Department of Defense authorization bill that saw at least 144 or so vote against it. Most of those that voted against the authorization bill, including me, support, of course, the Department of Defense and our national security and all of our men and women in uniform and all of our veterans all the way back to many wars prior to today. The Department of Defense authorization bill was used as a political tool by the left to advance a left-wing agenda that should be appalling to the American people if they understand the motivation of this idea of inserting hate crimes into the Department of Defense authorization bill.

It's a piece of legislation that had passed off the floor of this House a piece of stand-alone legislation. Many of us opposed it. It is activist legislation that sets up and creates sacred cows, people who get special protected status, people who are identified by their alleged, hopefully private, sexual behavior or thoughts. This is a bill that the United States Senate couldn't figure out apparently how to debate on its own and send back over here to the House amended or simply send it to the President. So they polluted the Department of Defense authorization bill with it.

I would be very happy to yield so much time as he may consume to the gentleman from California who I think has an opinion on this matter.

Mr. HUNTER. I thank the gentleman.

The liberals in this Congress and in the Senate did a despicable thing today. There is usually one bill in this Congress that gets passed that's nonpartisan. It's bipartisan. It's the authorization bill to get our military what it needs. And it has never been so important as it has been during this time of war. This is beans, band-aids, bullets, trucks, armor, and flak jackets. Everything that we need to win these wars in Iraq and Afghanistan is in this authorization bill that was being voted on today. I voted ''yes'' on it. Many voted ''no,'' and they were in the right as well as I was in the right. And here is why. To attach a hate crimes bill, a thought crimes bill, which is wrong in and of its own, but has nothing to do with the military, nothing whatsoever, but the Democrat Congress knew that we would not vote against the military. That's the hand that they played. So they put one of the worst and most rotten bills that has been passed by this Congress on top. They piggy-backed it on top of our defense authorization bill because who's going to vote against the troops?

That was their slant today. And as a marine and as a congressman, it is one of the most despicable things that I have ever seen done by this body. Some of us voted for it. Some of us voted against it. Each of us voted our own conscience on this, and both votes were right. We do have to get our military what it needs on one hand, but on the other hand, we are not going to be ridden roughshod over by a liberal Congress that thinks that they can attach absolutely despicable bills to important things like the defense authorization bill. That's why voting ''no'' on this bill today was also the right choice. So I thank the gentleman for his conscientious vote today, and I appreciate it.

Mr. KING of Iowa. Reclaiming my time, I so much appreciate the gentleman from California. I'm looking to this new leadership that's emerged into the new Congress, and DUNCAN HUNTER is one of those people. The statement that he has made, I concur with. I have looked at the Department of Defense authorization bill with hate crimes legislation, which is, in fact, thought crimes legislation, built into it, slipped into it as a, not quite a poison pill, because there were liberals over here today, and I would be happy to yield to any one of them that want to stand up and defend themselves, liberals over here today that maybe for the first time voted for the Department of Defense authorization bill because it had this hate crimes legislation in it, the thought crimes legislation in it. Their radical social agenda in some cases overcame their resistance to supporting our military. And so it was a double-edged sword that was put in here, a rotten sword, the wrong, wrong thing to do.

I looked at it from this perspective: that if we are going to let them put into the Department of Defense a piece of legislation that's so contrary to the rule of law, so abhorrent to equal justice under the law, it turns out to be holding the Department of Defense hostage; it's almost like somebody kidnapped the Department of Defense bill and required that in order to pay off the kidnappers, the ransom note was the hate crimes bill. That's what happened. I don't think anybody is going to stand up and defend that today. They wanted to avoid that debate. They wanted to force a vote. And President Obama, of course, supports the hate crimes legislation. So he will sign the bill, and it will be law in the United States of America. And then we will be asking juries and judges to discern not the act that might be committed that's a crime, but the thought that was in the head of the perpetrator and the victim. And it is not the basis of the law going all the way back to English common law to determine what's in the head of the perpetrator or the victim when a crime is committed because an individual is a sacred life. All life is equal under the law. Whether you're a little-bitty baby or whether you are a senior citizen with a terminal illness, those that value those lives under the law are valued equally.

The father of Senator BOB CASEY of Pennsylvania as a Democrat Governor of Pennsylvania, said this: Human life cannot be measured. It is the measure itself against which all other things are weighed. We measure the life and say that it is the measure itself, and an act committed against a person's life, and it could be murder, it could be assault, it could be rape, it could be a number of different acts actually against a person's property, and now this hates crime legislation for the first time would increase the punishment against someone because the victim may have perceived that they were

of a different sexual orientation. So for the jury or the judge to get into the head of the perpetrator and the victim for the first time and value the victim who might be, because of their sexual orientation or their gender identity, a special protected class of people, different from everybody else, so a crime committed against a self-alleged homosexual would be punished additionally.

If there were, say, two people who were equally victims of a crime, one of them was a self-alleged homosexual, the other one was not, the penalty for the assault on the homosexual would be greater than the penalty for the assault on the person who did not declare their sexuality. Mr. Speaker, that's a principle that we should not cross.

As we debated this issue in the Judiciary Committee, I brought an amendment. Now I will argue that the way the language reads and the definitions of sexual orientation and gender identity are so broad that anyone's proclivity could be included in this, whether they are crimes or whether they are not. So I brought an amendment that would strike out inclusion of special protected status for pedophiles. You would think it should be clear. We should be willing not to protect special protected status for pedophiles. The Democrats on the committee argued against it. And it went on a recorded vote to vote against excluding pedophiles as a special protected class. The result of it, Mr. Speaker, was special protection for pedophiles and all other paraphilias that are listed in the American Psychological Association.

That came to the floor of the House of Representatives. We had a debate on it here. The gentlelady from Wisconsin (Ms. BALDWIN) had a definition. She said it only includes heterosexuals or homosexuals. That was her language in the committee. That would not include then, of course, bisexuals. I think that might be trouble for her analysis. But ALCEE HASTINGS, the gentleman from Florida, stood over at that microphone, and he read a list of about 30, I will call them paraphilias. And he said this language protects all of these behaviors, I believe all philias whatsoever, are protected. ALCEE HASTINGS. I couldn't believe it, Mr. Speaker.

□ 1830

I couldn't believe it, Mr. Speaker. So after the debate was over, the vote was over, I went over and I personally asked him, Did you really say what you said? Did I hear you right? Did I miss a word? Somehow is there a misunderstanding on my part?

He said, No, that's what I believe.

That's what is in the CONGRESSIONAL RECORD. It is in the CONGRESSIONAL RECORD in the Judiciary Committee. It is in the CONGRESSIONAL RECORD on the full record on the floor of the House of Representatives, in the debate and the effort to offer amendments that would exclude these behaviors. And some of these, many of these behaviors are crimes. Hate crimes legislation protects some acts that are criminal because they are under this list of paraphilias that are part of the sexual orientation or gender identity of the alleged victims or maybe even the perpetrators.

It is a horrible piece of legislation. It addresses crimes of violence, which means an offense that has an element that threatens the use of force against property of another that might be the property of someone with a particular sexual orientation or gender identity.

This is bad law. It is bad legislation. It is a bad, bad precedent for a country that has built its strength upon the rule of law, Mr. Speaker, and now this pill has been slipped into the Department of Defense authorization bill. And there were dozens and dozens of Members of this Congress that voted ''no'' on the bill exclusively because of the hates crimes legislation, the thought crimes legislation that was injected into it. And they will be characterized now in campaign ads as being against our national defense.

We know, and the totality of the record of the Members of Congress here is understood, but it was a raw political move, and it was a bitter thing to see happen.

I am not worried myself; I will speak up, Mr. Speaker, so I am not worried myself.

I do have a couple of other subjects that I want to shift to.

Mr. Speaker, I am shifting over to the health care debate. This is the chart of HillaryCare. This legislation emerged in 1993. At the time President Bill Clinton gave a speech on the floor here of the House, September 22, 1993. He laid out the principles for a national health care act, for a complete government takeover of all of the health insurance and the health care delivery system in the United States.

This is the flowchart that came from that legislation. I will at least give him credit for honesty. And I will give he and Hillary credit for at least writing a bill. Some of us were nervous that a lot of it happened behind closed doors. But they did write a bill, and they tried to push it on Americas, and Americans rejected the National Health Care Act in 1993 and 1994.

This is the flowchart that comes off of The New York Times that was published at the time. Black and white, a little fuzzy. They didn't have the graphics that we have now. They didn't have color in their newspapers like we do now. But I do have the chart that we have for the new bill now.

This, Mr. Speaker, is the new chart. The black and white that is on this new chart for H.R. 3200, the black and white are existing programs. The color are the new programs that are created by H.R. 3200. So you can see some of the things that exist. Let's see, the Office of Minority Health exists. The Office of Civil Rights exists. The National Coordinator For Health Information Technology exists. But the new ones in color are created by the bill.

There are a lot of them, and I can bog us all down in this, but I will take you down to the part of the bill that gives me the most heartburn. And there is no cure offered for my heartburn if this bill should pass. We have private insurers in America. This black-and-white box here, that represents 1,300 private insurance companies in the United States of America. It is a lot of companies, a lot of competition; 1,300 private health insurance companies.

They are offering in the area, the best estimates we have, about 100,000 different policy variations. That is this box here, traditional health insurance plans.

The private insurers and all of their plans in this box, under the bill they would have to qualify in order to be qualified health benefits plans. That is this purple circle here. It looks rather benign, but it is not benign. Getting qualified for all of these 100,000 policies with the 1,300 companies into these qualified health benefits plans will be done so by the rules of the bill, and the rules are written by the Health Choices Administration and the commission and the commissioner.

This would be one of the most powerful positions in government, the health choices commissioner. And you're wondering why are they not calling him a czar?

Mr. Speaker, that is because we are full up to here with czars. I am going to call him the commi-czar-issioner, the person who would be writing the rules, with his huge staff, and he would make the determination which, if any, of these 100,000 health insurance policies would qualify to go into the purple circle of the qualified health benefits plans.

While those decisions are being made by the health choices commi-czar-issioner, we would also be creating under the bill a public health plan. That's the public option. That is the public option that—I believe today Speaker PELOSI said there are the votes to pass a public option plan here in the House of Representatives. If that is the case, I don't know why she is waiting. They will lose some Members I am convinced of that, Mr. Speaker, but the health choices commissioner will be writing rules that have to be met in order for the private carriers to qualify, all the while they are looking at setting up the Federal health insurance plan that will take billions of dollars of capital to get it established, and they will write their plans with certain restrictions and with certain premiums designed to compete with the private sector.

Remember, the President said we have to provide some competition. We don't have enough competition in the health insurance industry.

I would suspect that he couldn't answer the question how many companies do we have today? How many policy options do we have today? Mr. Speaker, I have just told you, 1,300 companies, 100,000 policy options, and the President's argument is we have to provide

a little more competition so there is a little more variety. The government can do that because health insurance companies aren't doing that job?

What would happen would be billions of dollars would go in to create this new Federal health insurance plan. And then if it couldn't compete with the private sector, the rules would be written differently for these private plans. Many of them wouldn't qualify. They would set mandates and require that policies cover a whole series of things. What about pregnancy for someone who is a grandmother? If everybody has to pay for those kinds of things, the premiums will go up. Those are the kind of mandates that make health insurance premiums go high.

The government would write the rules so they can compete with the private sector is what would happen, and they would tap into the pockets of the taxpayers in order to have the capital to jump-start the health insurance plan. And then as they move forward, regulating private insurance companies and subsidizing the public option, the government plan, the Democrats' health insurance plan, it would squeeze out the private plans.

Now, how can I say that this is what would happen with some confidence? None of us have a crystal ball. But I have a little bit of history, and I take you back to 1968 when, at the time, the only flood insurance in America was provided in the private market by the property and casualty companies.

In 1968, this Congress passed the Federal flood insurance program. When that program was passed, in order to compete, they started to write regulations. The regulations that they wrote in part were requiring national banks who gave loans for real estate to require that those policies, the Federal flood insurance policies, be purchased by the borrower. So there was a mandate that people had to buy flood insurance. They wrote the rules, the premiums and regulations.

And today, since 1968 when there was no Federal flood insurance program and all flood insurance was private on that day when they came to the House in 1968, today a person in America cannot buy a flood insurance policy from anyone except the Federal Government. The only thing left is Federal flood insurance. There are no private carriers out there. The Federal Government has swallowed up the entire private flood insurance industry.

That is an example of what might happen with the health insurance industry, and what I think is likely to happen with the health insurance industry.

In examining some of the policies around the world, I would point out that in Germany they tell us they have the oldest national health care plan in Germany, that they have provided health care for their people since Otto von Bismarck's time. I don't know whether they tell us that or I recall reading that from history. Ninety percent of the health insurance in Germany is the public option; 10 percent is the private option. The people that buy insurance outside of the government insurance plan are those that are entrepreneurs, self-employed, more well-to-do. They want a policy that gives them a little extra coverage and takes a little better care of their health. At least that exists; 90 to 1.

Really, this is something that is the President's plan? He would like to have this public health plan swallow up 90 percent of the private health insurance in America? I think so. He is on record saying he wants a single-payer plan.

When you think about how that goes, a single-payer plan, and if we provided, let's say, funding to buy insurance, to help people buy insurance that couldn't afford it, and that would perhaps be a voucher that goes in, that one can control to buy health insurance, the argument then becomes: How big should that voucher be? Let's just say poor people would get $3,500, and the more wealthy they were, the less money they would get. And if that were ever established, the next argument is: Where is the threshold? What is the means testing?

Pretty soon the number would go from $3,500 to $7,500 to a $10,000 subsidy for people's health insurance premiums. And then at a certain point, I will hear the argument from over here, if we are still around on that day, we will hear the argument, well, it costs too much money to administer vouchers and to give refundable tax credits to people so they can afford to buy health insurance, why don't we wipe out that whole bureaucratic mess and simply have people show up at the public clinic and we will take care of them accordingly, and their medical records can be managed by the government along with their health care.

I can give you some examples of what happens when you end up with a National Health Care Act, Mr. Speaker. That would be the average time waiting for a knee replacement in Canada: 340 days. The average time waiting for a hip replacement in Canada: 196 days.

I talked to an individual, ran into him at a home improvement type of store. He is a legal immigrant from Germany. He told me he had a hip replacement. He waited in line for at least 6 months for a hip replacement. Finally, he was put in several lines around Europe. He went from Germany to Italy, where they gave him a hip replacement. That was one of the ways he could move more to the front of the line.

We had an individual that made a presentation to us. He was a doctor from Michigan who practiced both in Michigan and in Canada. When he first went to Canada to work the ER, a young man came in with a torn meniscus and some ligament damage. The doctor looked at it and said, You need surgery right away. I will schedule you for tomorrow morning. He was used to working in the United States.

Little did he know, and he found out quickly, he couldn't schedule him for surgery in Canada for the following morning. He couldn't even schedule him for an examination. The specialists that approve the surgery had to be scheduled first. So this young man, with his knee torn up, waited for 6 months for the specialist to examine the knee and approve surgery, which was scheduled another 6 months later.

So the reconstructive surgery for this young man who was incapacitated, couldn't work, was 6 months for the exam, 6 months to get the surgery scheduled, and then all of the rehab that it takes after the muscles atrophy over a 12-month period of time. A full year from the injury where, this doctor, who has good credentials and has spoken to this Congress and I find to be a very credible individual, in the United States that surgery would have taken place the next day, in Canada, it took place 365 days later. We don't need this kind of health care in America. The argument that we have too many uninsured is something that we just simply need to address with some facts.

□ 1845

I know it's hard on the people on the other side when they have to deal with facts. When the President says that we have too many uninsured, and the arguments that you have constantly made that there are 44 to 47 million uninsured. Sometimes you round it up to 50 million, but 47 million is the largest legitimate number that we hear that are uninsured in America.

Somehow they have gone past the idea—first, they want to establish the idea that everybody has a right to health care. Well, that's not in the Constitution. We can make your argument as to this right to health care. Out of the compassion of the American people, we can decide that we don't want to leave anyone behind, and we can decide that we want to make sure that everyone has access to health care. In fact, everybody in America has access to health care. That question is answered.

The only argument that remains is that there are too many that are uninsured, 47 million. So here are the enlightenment facts, Mr. Speaker: 84 percent of the people in the United States have a health insurance policy. In fact, they're happy with it. They don't want it changed. They don't want to lose it. This is the pie chart. All of the people here in blue are insured, and almost all of them are happy about the insurance that they have.

All of these little slices here, these are the 47 million people who are uninsured, and they go down through these categories. I'm going to go from right to left—yellow, black, orange from the bottom. Illegal immigrants, 2 percent. That's part of that 47 million. I don't want to give them insurance off the back of the taxpayers, especially if we're borrowing the money from our

grandchildren and the Chinese. Then we have legal immigrants.

This is a slice in black. They are the ones that are, by law, barred for 5 years from being able to access public benefits. You come into the United States, you should be able to take care of yourself. That's one of the standards. That's another 5 million people, 5.2 million illegals, 5 million legals. Then you have individuals who are earning more than $75,000 a year. That's the list up here in orange. That number is a number that presumably, if you're making more than $75,000 a year, you can write a check for a health insurance policy. So they do have an affordable option. They just aren't exercising the option.

Then in green, those eligible for government programs. That's 9.7 million. That is these people here, 3 percent. They're eligible most generally for Medicaid, but they don't sign up. But they're on the list, 9.7 million. We're adding up to 47 million as we go. Here are those that have coverage eligible under their employer. That's around 6 million people. These folks opted out or didn't opt in to their employer-provided health coverage, health insurance coverage.

So all of these lists that we have, from illegal immigrants to new immigrants, $75,000 or more and could buy their own insurance, those who are eligible for government programs and don't sign up, those who are eligible for employer programs and don't sign up—all of that, you subtract that from 47 million and, Mr. Speaker, you come up with a number that is 12.1 million Americans who don't have health insurance and don't have affordable options.

I have another little chart that shows this. This is the breakdown of this group here. This spectrum from yellow to—well, red or orange has been put now on a chart. This is 47 million. Here is how we show this. These are the different categories that I said: illegals, legals, those that are eligible for Medicaid, those eligible under employers, and that full list. But here in orange, 12.1 million people, less than 4 percent of the population of the United States, and we're going to change here in the House of Representatives, working with the Senate and with the effort of the President and likely his signature for less than 4 percent of the population?

Let me look at this. This sliver right here, that's 12.1 million Americans, this piece, and that's less than 4 percent of the population of the United States. The President's proposal and the liberals' and the Progressives' proposal, the Democrats' proposal is to transform 100 percent of the health insurance industry in the United States and 100 percent of the health care delivery system in the United States to try to reduce this 12.1 million number down to something less than that, maybe something less than 6 million, but certainly not down to zero.

The President stood here and tried to tell us that the proposal would not fund illegals, but his Democrats have voted down the amendments in Energy and Commerce and in Ways and Means that would have required proof of citizenship in order to access these benefits that are written into H.R. 3200, the bill. So it's pretty hard for the President to be critical of those who make allegations about his veracity when the facts show otherwise, Mr. Speaker.

I hope that that dances along the edge of the rules adequately and still carries forth the message. I'm trusting the American people to be intelligent, well informed, objective, not selfish and be able to self-sacrifice, to reach out and help others, but remember to preserve our freedoms. If we sacrifice our freedoms, if we throw over the side that vitality that makes us great, the dependency takes away our vitality. Urgency and need add to our vitality.

Free market capitalism has been a driving force in this country. Yet to date, according to The Wall Street Journal, a third of our private sector has been nationalized within the last year. A third of it. When you add three large investment banks that are nationalized, AIG, the large insurance company, Fannie Mae, Freddie Mac, General Motors, Chrysler, eight large huge entities swallowed up and nationalized, which means the Federal Government controls them. That's a third of our private sector, and this health care industry here is between another 14.5 percent and 17.5 percent of our GDP. The range is somewhere between the two.

But if you add those numbers up to what's already been nationalized, you are up to over half of the private sector of the United States. We need to remember that going to Western Europe and looking for ideas and seeking to conform to the ideas that are driven in Western Europe diminish our freedoms. They don't enhance our freedoms. We are a unique people. There is something unique about being an American. We aren't simply an extension of Europe. We are our own people. We're free people that came here to live free or die. I love the motto of New Hampshire: ''Live free or die.'' That has been the case for hundreds of years here in the United States.

We've skimmed the cream off the donor crop from every civilization that sent us people. It was hard to get here. The people that had a dream got here. When they came here, they built on their dreams. They built on our dreams because we have freedom. We have got to expand our freedom, not diminish it. We shouldn't be expanding our government. Now we have got to shrink our government. We have got to find a way to have a private sector that can have the kind of growth necessary to ever pay off this national debt and save people their freedom so that they're not underneath the thumb of a national health care act.

With that, Mr. Speaker, I appreciate your indulgence, and I yield back the balance of my time.

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. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 15.

Mr. BURTON of Indiana, for 5 minutes, October 13, 14 and 15.

Mr. JONES, for 5 minutes, October 15.

Mr. MCCOTTER, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. CAO, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 942. An act to prevent abuse of Government charge cards; to the Committee on Oversight and Government Reform; in addition to the Committee on Armed Services 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.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, October 9, 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:

4033. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Reimbursement for Providing Financial Records; Recordkeeping Requirements for Certain Financial Records [Regulation S; Docket No. R-1325] received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4034. A letter from the Director, Environmental Protection Agency, transmitting Interim Guidance: Providing Communities

with Opportunities for Independent Technical Assistance in Superfund Settlements; to the Committee on Energy and Commerce.

4035. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio Clean Air Interstate Rule [EPA-R05-OAR-2009-0368; FRL-8950-9] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4036. A letter from the Director, Environmental Protection Agency, transmitting Lead Dust Hazard Standards and Definition of Lead-Based Paint; TSCA Section 21 Petition; Notice of Receipt and Request for Comment [EPA-HQ-OPPT-2009-0665 FRL-8793-3]; to the Committee on Energy and Commerce.

4037. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Mohegan Tribe of Indians of Connecticut [EPA-R01-OAR-2009-0305; A-1-FRL 8949-8] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4038. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promgulation of Air Quality Implementation Plans; Indiana; Interim Final Determination that Lake and Porter Counties Are Exempt From NOx RACT Requirements for Purposes of Staying Sanctions [EPA-R05-OAR-2009-0512; FRL-8961-9] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4039. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Determination of Clean Data for the 1997 Fine Particulate Matter Standard [EPA-R03-OAR-2009-0506; FRL-8962-4] received September 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4040. A letter from the Acting Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; FAR Case 2006-013, List of Approved Attorneys, Abstractors, and Title Companies [FAC 2005-36; FAR Case 2006-013; Item V; Docket 2006-0033; Sequence 1] (RIN: 9000-AK71) received August 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4041. A letter from the Acting Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — NARA Facility Locations and Hours [Docket: NARA-09-0002] (RIN: 3095-AB61) received September 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4042. A letter from the Division Chief, Regulatory Affairs, Department of the Interior, transmitting the Department's final rule — Minerals Management: Adjustment of Cost Recovery Fees [L13100000 PP0000 LLWO310000 L1990000 PO0000 LLWO320000] (RIN: 1004-AE01) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4043. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Paddle for Clean Water; San Diego; California [Docket No.: USCG-2009-0383] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4044. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; BWRC '300' Enduro, Lake Moolvalya, Parker, AZ [Docket No.: USCG-2008-1180] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4045. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World Labor Day Fireworks, Mission Day, San Diego, CA [Docket No.: USCG-2009-0269] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4046. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Choptank River, Cambridge, MD [Docket No.: USCG-2009-0749] (RIN: 1625-AA08) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4047. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Munitions and Explosives of Concern (MEC); Seal Island, ME [Docket No.: USCG-2009-0595] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4048. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 427.2 to 427.6, Keithsburg, IL [Docket No.: WSCG-2009-0646] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4049. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; MS Harborfest Tugboat Races in Cascon Bay, ME [Docket No.: USCG-2009-0524] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4050. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 366.3 to 369.8 [Docket No.: USCG-2009-0594] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4051. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Sabine River, Echo, TX [Docket No.: USCG-2009-0101] (RIN: 1625-AA09) Recevied September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4052. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Swim Events in Lake Champlain, NY, and VT; Casco Bay, Rockland Harbor, Linekin Bay, ME [Docket No.: USCG-2009-0523] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4053. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Neptune Deep Water Port, Atlantic Ocean, Boston, MA [Docket No.: USCG-2009-0644] (RIN: 1625-AA00) received September 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4054. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30684; Amdt. No. 3337] received September 18, 2009; to the Committee on Transportation and Infrastructure.

4055. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment, Revision, and Removal of Area Navigation (RNAV) Routes; Alaska [Docket No.: FAA-2008-0926; Airspace Docket No. 08-AAL-24] (RIN: 2120-AA66) received September 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4056. A letter from the Assistant Secretary, ETA, Department of Labor, transmitting the Department's final rule — Treatment of Pension Rollover Distrubutions received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4057. A letter from the Asst. Sec. ETA, Department of Labor, transmitting the Department's final rule — Special Transfers for Unemployment Compensation Modernization and Administration and Relief From Interest on Advances received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4058. A letter from the Assistant Secretary, ETA, Department of Labor, transmitting the Department's final rule — Federal-State Unemployment Compensation Act of 1970- Temporary Changes in Extended Benefits received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4059. A letter from the Assistant Secretary, ETA, Department of Labor, transmitting the Department's final rule — Application of State-Wide Personnel Actions to Unemployment Insurance Program received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4060. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries The Applicable Recovery Period Under I.R.C. Sec. 168(a) For Open-air Parking Structures received August 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4061. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Interest Expense Deduction of Foreign Corporations [TD 9465] (RIN: 1545-BF71) received September 28, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4062. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Contingent Fees Under Circular 230 [REG-113289-08] (RIN: 1545-BH81) received August 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4063. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Definition of Omission from Gross Income [TD 9466] (RIN: 1545-BI94) received September 28, 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:

[Omitted from the Record of October 7, 2009]

Ms. SLAUGHTER: Committee on Rules. House Resolution 808. Resolution providing for consideration of the conference report to accompany 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 (Rept. 111–289). Referred to the House Calendar.

[Submitted October 8, 2009]

Mr. RAHALL: Committee on Natural Resources. H.R. 481. A bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes; with an amendment (Rept. 111–290). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1593. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; with an amendment (Rept. 111–291). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1641. A bill to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; with an amendment (Rept. 111–292). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2806. A bill to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes (Rept. 111–293). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2499. A bill to provide for a federally sanctioned self-determination process for the people of Puerto Rico; with an amendment (Rept. 111–294). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1700. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; with an amendment (Rept. 111–295). Referred to the Committee of the Whole House on the State of the Union.

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. REICHERT (for himself and Mr. TANNER):

H.R. 3758. A bill to amend the Internal Revenue Code of 1986 to increase, extend, and make permanent the above-the-line deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. REHBERG, and Mr. SCHRADER):

H.R. 3759. A bill to authorize the Secretary of the Interior to grant economy-related contract extensions of a certain timber contracts between the Secretary of the Interior and timber purchasers, and for other purposes; to the Committee on Natural Resources.

By Mrs. BIGGERT (for herself, Mr. MCHENRY, Mr. PAUL, Mr. LANCE, Mr. THOMPSON of Pennsylvania, Mr. JONES, Mrs. BONO MACK, Mr. KING of New York, Mr. GARY G. MILLER of California, and Mr. DUNCAN):

H.R. 3760. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, 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. BIGGERT (for herself, Mr. ROGERS of Michigan, Mr. HARPER, Mr. PAUL, Mr. LANCE, Mr. LEE of New York, Mr. THOMPSON of Pennsylvania, Mrs. BLACKBURN, Mr. JONES, Mrs. BONO MACK, Mr. KING of New York, Mr. GARY G. MILLER of California, and Mr. DUNCAN):

H.R. 3761. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, 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. KRATOVIL (for himself and Mr. LANCE):

H.R. 3762. A bill to provide members of the public with Internet access to certain Congressional Research Service publications, and for other purposes; to the Committee on House Administration.

By Mr. ADLER of New Jersey (for himself, Mr. BROUN of Georgia, and Mr. SIMPSON):

H.R. 3763. A bill to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses; to the Committee on Financial Services.

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. COHEN, Mr. WATT, Mr. DELAHUNT, Ms. LINDA T. SÁNCHEZ of California, and Mr. JOHNSON of Georgia):

H.R. 3764. A bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVIS of Kentucky (for himself, Mrs. CAPITO, Mr. PRICE of Georgia, Mrs. BLACKBURN, Mr. PAUL, Mr. PENCE, Mr. BOUSTANY, Mr. ROGERS of Michigan, Mr. DUNCAN, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. COBLE, Mr. BOEHNER, Mr. THORNBERRY, Mr. GOHMERT, Mr. REICHERT, Mr. ROSKAM, Mr. NUNES, Mr. HELLER, Mr. HERGER, Mr. TIBERI, Ms. GINNY BROWN-WAITE of Florida, Mr. BRADY of Texas, Mrs. MCMORRIS RODGERS, Mr. CANTOR, Mr. MCCARTHY of California, Mr. KLINE of Minnesota, Mr. PITTS, Mr. WOLF, Mr. CAMP, Mr. MCHENRY, Mr. SESSIONS, Mr. SHIMKUS, Mr. BARRETT of South Carolina, Mr. BONNER, Mr. BROWN of South Carolina, Mr. SHADEGG, Mr. CULBERSON, Mr. CONAWAY, Mr. UPTON, Mr. ROGERS of Alabama, Mr. REHBERG, Mr. CASSIDY, Mr. MORAN of Kansas, Mr. SMITH of Texas, Mr. MCKEON, Mr. AKIN, and Mr. POSEY):

H.R. 3765. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mr. KANJORSKI, Ms. VELÁZQUEZ, Mr. CARDOZA, Mr. FATTAH, and Mr. CUMMINGS):

H.R. 3766. A bill to use amounts made available under the Troubled Assets Relief Program of the Secretary of the Treasury for relief for homeowners and affordable rental housing; to the Committee on Financial Services.

By Mr. BISHOP of Utah:

H.R. 3767. A bill to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts:

H.R. 3768. A bill to extend the temporary suspension of duty on certain untwisted filament yarns; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 3769. A bill to extend the temporary suspension of duty on certain synthetic filament yarns; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. PIERLUISI, Mr. BOREN, Mr. WILSON of South Carolina, and Mr. JOHNSON of Georgia):

H.R. 3770. A bill to make technical corrections to subtitle A of title VII of the Consolidated Natural Resources Act of 2008, and for other purposes; to the Committee on Natural Resources, 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. GRIJALVA, Mr. RYAN of Ohio, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FUDGE, Mr. CLAY, Mr. DAVIS of Illinois, Mr. HARE, Mr. TOWNS, Ms. SUTTON, Mr. MEEKS of New York, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Ms. BORDALLO, Mr. JOHNSON of Georgia, Mr. CUELLAR, Mrs. CHRISTENSEN, Mr. HASTINGS of Florida, and Ms. RICHARDSON):

H.R. 3771. A bill to amend the Small Business Act to establish mentorship and assistance programs designed to help minority, veteran-owned, and women-owned small businesses operate in the construction industry, and for other purposes; to the Committee on Small Business.

By Mr. DAVIS of Illinois (for himself, Mr. ELLISON, Mr. SIRES, Mr. SCOTT of

Virginia, Ms. FUDGE, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, and Mr. STARK):

H.R. 3772. A bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget; to the Committee on the Budget.

By Ms. EDWARDS of Maryland (for herself, Mrs. BIGGERT, Mr. BROUN of Georgia, Mr. SARBANES, Mr. VAN HOLLEN, and Mr. LOBIONDO):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. FORTENBERRY:

H.R. 3774. A bill to implement title V of the Nuclear Non-Proliferation Act of 1978 and to promote economical and environmentally sustainable means of meeting the energy demands of developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey:

H.R. 3775. A bill to exempt certain small businesses from the attestation requirement of section 404 of the Sarbanes-Oxley Act of 2002; to the Committee on Financial Services.

By Mr. GRAVES:

H.R. 3776. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself and Mr. TAYLOR):

H.R. 3777. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the term ''first applicant'' for purposes of filing an abbreviated application for a new drug; to the Committee on Energy and Commerce.

By Mr. KANJORSKI:

H.R. 3778. A bill to authorize the Secretary of Health and Human Services to establish a program of grants to newly accredited allopathic medical schools for the purpose of increasing the supply of physicians; to the Committee on Energy and Commerce.

By Mr. LANCE:

H.R. 3779. A bill to amend the Internal Revenue Code of 1986 to extend and expand the homebuyer tax credit; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, 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. MAFFEI:

H.R. 3780. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit for members of the Armed Forces and certain Federal employees serving on extended duty; to the Committee on Ways and Means.

By Ms. MARKEY of Colorado (for herself, Mr. COFFMAN of Colorado, and Mr. MINNICK):

H.R. 3781. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States; to the Committee on Natural Resources, 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. NORTON:

H.R. 3782. A bill to amend the Elementary and Secondary Education Act of 1965 to encourage the implementation or expansion of prekindergarten programs for students 4 years of age or younger; to the Committee on Education and Labor.

By Mr. POSEY (for himself, Mr. BACHUS, Mr. PUTNAM, and Mrs. BACHMANN):

H.R. 3783. A bill to amend the Securities Exchange Act of 1934 to provide the Securities and Exchange Commission with the authority to contract for the collection of delinquent claims resulting from judgments or orders obtained by the Commission; to the Committee on Financial Services.

By Mr. ROONEY (for himself and Mr. BOCCIERI):

H.R. 3784. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit and increase the employer-provided child care credit; to the Committee on Ways and Means.

By Mr. SCOTT of Georgia (for himself, Mr. MARSHALL, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia):

H.R. 3785. A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of expanding the boundary of Chattahoochee River National Recreation Area; to the Committee on Natural Resources.

By Ms. SLAUGHTER (for herself, Mr. MCINTYRE, Mr. MICHAUD, Mr. HARE, Mr. HIGGINS, Mr. JONES, Ms. KAPTUR, and Mr. TONKO):

H.R. 3786. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements; to the Committee on Ways and Means.

By Mr. WALZ (for himself, Mr. LATHAM, Mr. ADLER of New Jersey, Mr. BILBRAY, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. CONNOLLY of Virginia, Mr. COURTNEY, Mr. FILNER, Mr. GONZALEZ, Mr. HALL of New York, Mrs. HALVORSON, Mr. HARE, Ms. HERSETH SANDLIN, Mr. MCNERNEY, Mr. MASSA, Mr. MICHAUD, Mr. MITCHELL, Mr. OBERSTAR, Mr. ORTIZ, Mr. PERRIELLO, Mr. PETERSON, Mr. POMEROY, Mr. RODRIGUEZ, Mr. ROE of Tennessee, Mr. TAYLOR, and Mr. TEAGUE):

H.R. 3787. A bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SKELTON:

H. Con. Res. 196. Concurrent resolution making corrections in the enrollment of the bill H.R. 2647; considered and agreed to.

By Mr. NYE (for himself, Mr. WEXLER, Mrs. MCCARTHY of New York, Mr. WITTMAN, and Mr. BUCHANAN):

H. Con. Res. 197. Concurrent resolution encouraging banks and mortgage servicers to work with families affected by contaminated drywall to allow temporary forbearance without penalty on payments on their home mortgages; to the Committee on Financial Services.

By Mr. FLEMING (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. CAO, Mr. CASSIDY, Mr. MELANCON, and Mr. SCALISE):

H. Res. 814. A resolution honoring the life and service of Dewey Lee Fletcher, Jr; to the Committee on Oversight and Government Reform.

By Mr. THOMPSON of Pennsylvania:

H. Res. 815. A resolution expressing support for recognition of Christopher Columbus and his role in the history of the United States and recognizing the importance of students learning about Christopher Columbus and the heritage and history of the Nation; to the Committee on Oversight and Government Reform.

By Mr. FALEOMAVAEGA (for himself, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. RAHALL, Ms. RICHARDSON, Mr. ACKERMAN, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, Ms. HIRONO, Mr. SABLAN, Mr. MANZULLO, Mr. FLAKE, Mr. HASTINGS of Washington, Mr. BURTON of Indiana, Mr. GUTIERREZ, Mr. LAMBORN, Mr. WAMP, Mr. SIRES, Mr. MCDERMOTT, Mr. PALLONE, Mr. MURTHA, Mr. BROWN of South Carolina, Ms. ROYBAL-ALLARD, Mr. ORTIZ, Mr. PIERLUISI, Mrs. NAPOLITANO, Mr. HONDA, Mr. CAO, Mr. MEEKS of New York, Mr. SERRANO, Mr. GONZALEZ, Ms. SHEA-PORTER, Mr. HINCHEY, Mrs. CAPPS, Mr. CHAFFETZ, Ms. CHU, Mr. WU, Mr. KENNEDY, Mr. KIND, Mr. DELAHUNT, Mr. AL GREEN of Texas, Ms. KILPATRICK of Michigan, Mr. COSTA, Mr. ENGEL, Mr. SMITH of New Jersey, Ms. DEGETTE, and Mr. PAYNE):

H. Res. 816. A resolution mourning the loss of life caused by the earthquakes and tsunamis that occurred on September 29, 2009, in American Samoa and Samoa; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas (for himself, Mr. ALTMIRE, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. BOSWELL, Mr. BRALEY of Iowa, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COSTA, Mrs. DAHLKEMPER, Mrs. DAVIS of California, Mr. ELLISON, Ms. EDWARDS of Maryland, Mr. FILNER, Ms. FUDGE, Mr. GONZALEZ, Mrs. BIGGERT, Mr. BURTON of Indiana, Mrs. CAPITO, Mr. CONAWAY, Mr. POE of Texas, Mr. GENE GREEN of Texas, Ms. HERSETH SANDLIN, Mr. HOLDEN, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. KENNEDY, Ms. KILROY, Mr. LARSEN of Washington, Mrs. MALONEY, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. MICHAUD, Mr. MINNICK, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. NADLER of New York, Mr. POMEROY, Mr. RUPPERSBERGER, Mr. REYES, Ms. SHEA-PORTER, Mr. SPRATT, and Ms. WASSERMAN SCHULTZ):

H. Res. 817. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence; to the Committee on Education and Labor.

By Mr. KING of New York (for himself, Mr. HOYER, Mrs. EMERSON, Mr. ANDREWS, and Mr. PASCRELL):

H. Res. 818. A resolution supporting the goals and ideals of Fire Prevention Week and the work of firefighters in educating and protecting the communities of this Nation; to the Committee on Oversight and Government Reform.

By Mr. POSEY:

H. Res. 819. A resolution amending the Rules of the House of Representatives to provide for division of the question on the legislative proposals involved to allow separate votes on disparate matters; to the Committee on Rules.

By Mr. ROYCE (for himself, Mr. WOLF, Mr. MORAN of Virginia, and Mr. CAO):

H. Res. 820. A resolution condemning the pervasive corruption of the Kingdom of Cambodia; to the Committee on Foreign Affairs.

By Ms. TITUS (for herself, Ms. BERKLEY, and Mr. HELLER):

H. Res. 821. A resolution recognizing and celebrating the 145th anniversary of the entry of Nevada into the Union as the 36th State; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. EHLERS.

H.R. 43: Mrs. MILLER of Michigan, Mr. HEINRICH, Mr. LANGEVIN, Mr. FARR, Mr. ETHERIDGE, Mr. KENNEDY, Ms. LORETTA SANCHEZ of California, Mr. LIPINSKI, and Mr. ANDREWS.

H.R. 208: Mr. MANZULLO and Ms. FUDGE.

H.R. 211: Ms. CHU, Ms. TITUS, and Ms. BERKLEY.

H.R. 213: Mr. HALL of New York.

H.R. 330: Mr. CUMMINGS.

H.R. 391: Mr. SHUSTER, Mr. THOMPSON of Pennsylvania, and Mr. CASSIDY.

H.R. 422: Mr. CROWLEY.

H.R. 442: Mr. CONNOLLY of Virginia and Mr. PETERSON.

H.R. 471: Mr. KUCINICH, Mr. ADERHOLT, and Ms. JACKSON-LEE of Texas.

H.R. 560: Mr. CASSIDY.

H.R. 571: Mr. KENNEDY, Mr. TOWNS, and Mrs. MCCARTHY of New York.

H.R. 648: Mr. CUMMINGS and Mr. COHEN.

H.R. 708: Mr. ROE of Tennessee and Mr. ADERHOLT.

H.R. 761: Mr. MILLER of Florida.

H.R. 766: Ms. LEE of California, Mr. TOWNS, and Mr. GRIJALVA.

H.R. 796: Mr. COHEN and Mr. MICHAUD.

H.R. 874: Ms. MARKEY of Colorado.

H.R. 886: Mr. HARE, Mr. LUETKEMEYER, Mr. MANZULLO, and Mr. BRALEY of Iowa.

H.R. 914: Mr. DEAL of Georgia.

H.R. 932: Mr. BRADY of Pennsylvania, Ms. KILROY, and Mr. CUMMINGS.

H.R. 953: Mr. CHAFFETZ.

H.R. 1054: Mr. CASSIDY.

H.R. 1065: Mr. GRIJALVA.

H.R. 1067: Mr. ARCURI.

H.R. 1086: Mr. NEUGEBAUER.

H.R. 1091: Mr. BERMAN.

H.R. 1094: Mr. DOGGETT.

H.R. 1132: Mr. WAMP, Mr. RADANOVICH, Mr. CALVERT, Ms. ROS-LEHTINEN, Mr. SPRATT, and Mr. MILLER of North Carolina.

H.R. 1147: Mr. KING of New York.

H.R. 1182: Mr. YOUNG of Florida.

H.R. 1191: Mr. CLAY, Ms. ESHOO, Mr. WEINER, Mr. WEXLER, Ms. WATERS, and Mr. BRALEY of Iowa.

H.R. 1193: Mr. CLAY.

H.R. 1242: Mr. KUCINICH and Mr. TIBERI.

H.R. 1250: Mrs. CAPITO.

H.R. 1258: Mrs. CHRISTENSEN.

H.R. 1283: Mr. DRIEHAUS.

H.R. 1327: Ms. KOSMAS, Mr. MARIO DIAZ-BALART of Florida, Mr. TOWNS, Mr. GRIJALVA, Mr. MACK, and Mrs. CAPITO.

H.R. 1402: Mr. MCNERNEY.

H.R. 1456: Ms. FUDGE and Mr. VAN HOLLEN.

H.R. 1458: Mr. BURGESS.

H.R. 1505: Mr. CLAY.

H.R. 1519: Mr. HELLER.

H.R. 1521: Mr. BARROW.

H.R. 1551: Ms. CORRINE BROWN of Florida.

H.R. 1588: Mrs. CAPITO.

H.R. 1643: Mr. ABERCROMBIE.

H.R. 1751: Mr. SNYDER.

H.R. 1758: Mr. CONYERS.

H.R. 1820: Ms. WATSON, Mr. MCCLINTOCK, and Mrs. NAPOLITANO.

H.R. 1826: Mr. WALZ, Mr. BOCCIERI, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, and Mr. THOMPSON of Mississippi.

H.R. 1829: Mr. DAVIS of Kentucky and Mr. WELCH.

H.R. 1835: Mrs. KIRKPATRICK of Arizona.

H.R. 1894: Mr. CONYERS.

H.R. 1908: Mr. TONKO.

H.R. 1912: Mr. OLVER.

H.R. 1964: Mr. RUSH.

H.R. 1986: Mr. MARSHALL.

H.R. 1993: Mr. KLEIN of Florida.

H.R. 2001: Mr. ACKERMAN, Mr. HALL of New York, Mr. HIGGINS, Mr. LYNCH, Mr. GRIJALVA, and Mr. RUPPERSBERGER.

H.R. 2017: Mr. WAXMAN and Mrs. KIRKPATRICK of Arizona.

H.R. 2062: Mr. PRICE of North Carolina.

H.R. 2080: Mr. HALL of New York, Ms. SHEA-PORTER, and Mr. ROSS.

H.R. 2112: Ms. BALDWIN.

H.R. 2132: Ms. JACKSON-LEE of Texas.

H.R. 2149: Mr. GENE GREEN of Texas, Ms. CASTOR of Florida, Mr. RUSH, and Mrs. CHRISTENSEN.

H.R. 2156: Mr. BACA.

H.R. 2190: Mr. WALZ.

H.R. 2194: Mr. BOUSTANY.

H.R. 2266: Mr. COHEN.

H.R. 2267: Mr. LARSON of Connecticut.

H.R. 2279: Mr. CLAY.

H.R. 2280: Mr. WITTMAN.

H.R. 2329: Mr. EHLERS.

H.R. 2350: Ms. SLAUGHTER.

H.R. 2365: Mr. MASSA.

H.R. 2377: Ms. MATSUI, Mr. SCHIFF, and Mr. HONDA.

H.R. 2378: Mr. SPRATT and Mr. WHITFIELD.

H.R. 2408: Mr. MEEKS of New York and Mr. SMITH of New Jersey.

H.R. 2413: Mr. BISHOP of Georgia.

H.R. 2414: Mr. PASTOR of Arizona and Mr. DOGGETT.

H.R. 2419: Mr. JONES.

H.R. 2452: Mr. SPRATT, Mr. Coffman of Colorado, Mr. LUETKEMEYER, and Mr. CASSIDY.

H.R. 2492: Ms. SCHWARTZ.

H.R. 2499: Mr. SERRANO, Mr. LARSEN of Washington, Ms. GINNY BROWN-WAITE of Florida, and Mr. SHADEGG.

H.R. 2502: Mr. LANCE and Mr. DAVIS of Illinois.

H.R. 2556: Mr. MANZULLO.

H.R. 2563: Mr. BURGESS.

H.R. 2573: Mr. NYE.

H.R. 2575: Mr. MORAN of Kansas.

H.R. 2577: Mr. YOUNG of Florida.

H.R. 2584: Ms. BERKLEY, Mr. MARCHANT, Mr. GOHMERT, and Mr. PERRIELLO.

H.R. 2606: Mrs. CHRISTENSEN.

H.R. 2626: Mrs. MILLER of Michigan.

H.R. 2710: Ms. HARMAN, Mr. MCGOVERN, Mr. BERMAN, Mr. BACA, Mrs. CHRISTENSEN, and Ms. MATSUI.

H.R. 2743: Mr. ROGERS of Michigan.

H.R. 2788: Mr. WOLF, Mrs. BLACKBURN, Mr. LUETKEMEYER, Mr. BARRETT of South Carolina, Mr. KILDEE, and Mr. BILBRAY.

H.R. 2811: Mr. LEVIN.

H.R. 2815: Mr. GERLACH.

H.R. 2824: Mr. HELLER and Mr. TIBERI.

H.R. 2849: Mr. MCDERMOTT.

H.R. 2866: Mr. MILLER of North Carolina and Ms. WASSERMAN SCHULTZ.

H.R. 2887: Mr. PERRIELLO.

H.R. 2932: Mr. HASTINGS of Florida.

H.R. 2946: Mr. RAHALL and Mr. PRICE of North Carolina.

H.R. 2964: Mr. WOLF, Mr. BUCHANAN, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. BROUN of Georgia, Mr. MCHENRY, Mr. HUNTER, Mr. THOMPSON of Pennsylvania, Mr. ROONEY, Mrs. BONO MACK, Mr. MACK, Mr. BARRETT of South Carolina, Mr. BRADY of Texas, Mr. GERLACH, Mr. BISHOP of Utah, and Mr. SCHOCK.

H.R. 2999: Mr. GENE GREEN of Texas.

H.R. 3015: Mr. BARRETT of South Carolina and Mrs. BLACKBURN.

H.R. 3017: Mr. SALAZAR.

H.R. 3024: Ms. SHEA-PORTER, Mr. AL GREEN of Texas, Mr. WITTMAN, Mr. KENNEDY, Mr. ROTHMAN of New Jersey, and Mr. GEORGE MILLER of California.

H.R. 3037: Mr. MOORE of Kansas, Mr. GRIJALVA, and Mr. FORBES.

H.R. 3044: Mr. LATOURETTE and Mr. DAVIS of Kentucky.

H.R. 3116: Mr. FRANK of Massachusetts.

H.R. 3238: Mr. FILNER.

H.R. 3258: Mrs. MALONEY.

H.R. 3307: Mr. YOUNG of Florida.

H.R. 3400: Mr. ISSA.

H.R. 3402: Mr. LATOURETTE.

H.R. 3408: Mrs. MALONEY.

H.R. 3421: Mr. RYAN of Ohio and Ms. CLARKE.

H.R. 3445: Mr. ROONEY.

H.R. 3463: Ms. JENKINS.

H.R. 3464: Ms. MARKEY of Colorado.

H.R. 3486: Mr. CROWLEY and Mr. MICHAUD.

H.R. 3487: Mr. ISRAEL and Mr. PALLONE.

H.R. 3502: Mr. CASSIDY.

H.R. 3503: Ms. KILPATRICK of Michigan and Ms. LINDA T. SÁNCHEZ of California.

H.R. 3510: Mr. GRIJALVA, Mr. LEWIS of Georgia, and Mr. MASSA.

H.R. 3524: Mr. GOODLATTE.

H.R. 3545: Mr. QUIGLEY.

H.R. 3554: Mr. TAYLOR.

H.R. 3589: Mr. BOUCHER, Ms. PINGREE of Maine, Mr. LANGEVIN, Ms. SHEA-PORTER, Mr. FRANK of Massachusetts, Mr. STUPAK, and Mr. KENNEDY.

H.R. 3597: Mr. MICHAUD, Mr. GENE GREEN of Texas, and Ms. DELAURO.

H.R. 3606: Mr. POSEY and Mr. KANJORSKI.

H.R. 3608: Mr. CAMP.

H.R. 3610: Mr. LATOURETTE, Mr. HASTINGS of Washington, and Mr. GOODLATTE.

H.R. 3613: Mr. BISHOP of Utah, Mr. BOOZMAN, Mr. KIRK, Mr. WILSON of South Carolina, Mr. INGLIS, Mr. GARRETT of New Jersey, and Mr. ROGERS of Kentucky.

H.R. 3621: Mr. TIM MURPHY of Pennsylvania and Mr. DEFAZIO.

H.R. 3633: Mr. CAO.

H.R. 3635: Mr. CASSIDY, Mr. FLEMING, Mr. ALEXANDER, Mr. BOUSTANY, and Mr. MELANCON.

H.R. 3636: Mr. SABLAN.

H.R. 3639: Ms. FUDGE and Ms. TITUS.

H.R. 3640: Mr. ELLSWORTH.

H.R. 3650: Mr. MARIO DIAZ-BALART of Florida and Ms. EDWARDS of Maryland.

H.R. 3664: Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mrs. MALONEY, Mr. CAPUANO, Mr. ISRAEL, Mr. RUPPERSBERGER, Ms. DELAURO, Mr. MCGOVERN, Mr. VAN HOLLEN, and Mr. SMITH of Washington.

H.R. 3665: Mr. DOGGETT and Ms. SCHAKOWSKY.

H.R. 3666: Mr. LARSON of Connecticut and Ms. KILPATRICK of Michigan.

H.R. 3669: Ms. KAPTUR and Mr. GEORGE MILLER of California.

H.R. 3676: Mr. DUNCAN, Mrs. BLACKBURN, Mr. SHADEGG, and Mr. GALLEGLY.

H.R. 3677: Mr. WITTMAN.

H.R. 3679: Mr. RUSH.

H.R. 3693: Mrs. EMERSON, Mr. CONAWAY, Mr. SMITH of New Jersey, Mr. SMITH of Texas, and Mr. KIRK.

H.R. 3696: Mr. CHAFFETZ.

H.R. 3697: Mr. BOREN.

H.R. 3698: Mr. MOORE of Kansas.

H.R. 3699: Mr. NADLER of New York.

H.R. 3700: Mr. KINGSTON, Mr. DEAL of Georgia, Mr. WESTMORELAND, and Mr. MILLER of Florida.

H.R. 3703: Ms. SPEIER, Mr. SMITH of New Jersey, and Ms. WATSON.

H.R. 3706: Mr. HOEKSTRA, Mrs. BACHMANN, and Mrs. MYRICK.

H.R. 3709: Mr. WALDEN.

H.R. 3721: Mr. KUCINICH and Mr. VAN HOLLEN.

H.R. 3731: Ms. SCHWARTZ, Mr. SESTAK, Ms. FUDGE, Mr. CONYERS, Ms. LORETTA SANCHEZ of California, Mr. THOMPSON of Mississippi, and Mr. STUPAK.

H.R. 3742: Mr. BACA, Mr. HEINRICH, Mr. INSLEE, Mr. BOREN, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. STUPAK, Mrs. NAPOLITANO, Mr. SHULER, and Mr. HONDA.

H.R. 3744: Mr. COURTNEY, Mr. RODRIGUEZ, Mr. MASSA, Mr. HIGGINS, Mr. CARTER, and Mr. BARTLETT.

H.R. 3745: Mr. THOMPSON of California.

H.R. 3749: Mr. CONAWAY, Mr. BOCCIERI, Mr. BROWN of South Carolina, Mr. WALZ, Ms. FALLIN, Mr. SULLIVAN, Mr. ROE of Tennessee, Mr. CAMP, Mr. BOOZMAN, and Mr. REHBERG.

H. J. Res. 50: Mr. SMITH of New Jersey.

H. Con. Res. 79: Mr. BRADY of Pennsylvania.

H. Con. Res. 129: Mr. CRENSHAW, Ms. KILPATRICK of Michigan, Mr. BOYD, and Mr. YOUNG of Florida.

H. Con. Res. 139: Mr. CONAWAY, Mr. COURTNEY, Ms. SHEA-PORTER, Mr. MILLER of Florida, Mr. ROGERS of Alabama, Mr. BOYD, Mr. FORTENBERRY, and Mr. ADLER of New Jersey.

H. Con. Res. 158: Mr. NYE, Mrs. HALVORSON, and Mr. MURTHA.

H. Con. Res. 160: Mr. SNYDER.

H. Res. 111: Mr. CARTER.

H. Res. 150: Mr. RUSH.

H. Res. 159: Ms. KAPTUR.

H. Res. 397: Mr. MANZULLO.

H. Res. 521: Mr. PLATTS.

H. Res. 568: Mr. CLEAVER, Ms. ROS-LEHTINEN, Mr. WITTMAN, and Mr. LATTA.

H. Res. 581: Mr. CONAWAY, Mr. JORDAN of Ohio, Mr. GOHMERT, Mr. TERRY, Mr. HUNTER, Mrs. MYRICK, and Mr. KIRK.

H. Res. 633: Mr. BACA.

H. Res. 660: Mr. TONKO.

H. Res. 666: Mr. YOUNG of Florida.

H. Res. 700: Mr. THOMPSON of California and Mr. FRANK of Massachusetts.

H. Res. 708: Mr. TURNER, Mr. OBERSTAR, Mrs. MYRICK, Mr. BROWN of South Carolina, Mr. DAVIS of Illinois, Mr. SABLAN, Mrs. Dahlkemper, Mr. CLAY, Mr. RANGEL, and Mr. MCCAUL.

H. Res. 709: Mr. CUMMINGS, and Mr. NYE.

H. Res. 711: Mr. STARK.

H. Res. 713: Mr. BERRY, Mr. BISHOP of Georgia, Mr. BRADY of Texas, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CAMPBELL, Mrs. CAPITO, Mr. CLEAVER, Mr. DEFAZIO, Mr. GENE GREEN of Texas, Mr. JONES, Ms. KILROY, Ms. JACKSON-LEE of Texas, Mr. LEWIS of California, Mr. JOHNSON of Georgia, Mr. ORTIZ, Mr. MEEKS of New York, Mr. MICHAUD, Mr. GARY G. MILLER of California, Mr. POE of Texas, Mr. REYES, and Ms. RICHARDSON.

H. Res. 716: Mr. QUIGLEY and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 721: Mr. WITTMAN.

H. Res. 729: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of Pennsylvania, Mr. Hall of Texas, and Mr. MASSA.

H. Res. 747: Ms. SHEA-PORTER and Mr. MASSA.

H. Res. 756: Mr. CALVERT and Mrs. BONO MACK.

H. Res. 771: Mr. LIPINSKI.

H. Res. 776: Mr. HALL of New York, Ms. SHEA-PORTER, Mr. BOUCHER, Mr. DOGGETT, Mr. WELCH, Mr. REICHERT, and Mr. BLUMENAUER.

H. Res. 777: Mr. GRIJALVA.

H. Res. 783: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEK of Florida, Mr. SESSIONS, Mr. SHIMKUS, Ms. LEE of California, Mr. HENSARLING, Mr. WELCH, Mrs. LUMMIS, Mr. COFFMAN of Colorado, Mr. SIMPSON, Mr. VISCLOSKY, Ms. WASSERMAN SCHULTZ, Mr. BARRETT of South Carolina, Mr. BISHOP of Utah, Mr. GERLACH, Mr. LUETKEMEYER, Mr. GRAVES, Mr. PLATTS, Mr. SMITH of New Jersey, Mr. MICA, and Mr. FRELINGHUYSEN.

H. Res. 787: Mr. CONYERS, Mrs. MYRICK, Mr. MEEK of Florida, Mr. KILDEE, Mr. FARR, Mr. GUTIERREZ, Mr. SCOTT of Virginia, Mr. TAYLOR, Mr. KAGEN, Mr. WILSON of Ohio, Mrs. NAPOLITANO, Mr. KLEIN OF FLORIDA, Mr. ORTIZ, Mr. CLAY, and Ms. BERKLEY.

H. Res. 790: Mr. MCDERMOTT, Mr. YARMUTH, and Ms. SCHWARTZ.

H. Res. 793: Mr. BAIRD, Mr. FRANK of Massachusetts, Mr. PLATTS, Mr. COURTNEY, and Mr. MILLER of North Carolina.

H. Res. 797: Mr. MCCAUL.

H. Res. 798: Mr. RUSH, Ms. BORDALLO, Ms. WATSON, Mr. ABERCROMBIE, Mr. DUNCAN, Mr. WEINER, and Mr. SNYDER.

H. Res. 800: Mr. WOLF, Mr. MITCHELL, Mr. ALTMIRE, Mr. KAGEN, Ms. WATERS, Mr. CAMPBELL, Mr. DANIEL E. LUNGREN of California, Mr. FLAKE, Mrs. NAPOLITANO, Mr. HARE, Mr. MICHAUD, Mr. KISSELL, Ms. TITUS, Mrs. HALVORSON, Mr. TEAGUE, Ms. PINGREE of Maine, Ms. KOSMAS, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. WELCH, Mr. MARCHANT, Mrs. KIRKPATRICK of Arizona, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MATSUI, Mr. MANZULLO, Mr. ROSKAM, Ms. KAPTUR, Mr. COURTNEY, Mr. PALLONE, Mr. PASCRELL, Mr. ROTHMAN of New Jersey, Mr. WAXMAN, Ms. LEE of California, Mr. CLEAVER, and Mr. SKELTON.

H. Res. 810: Mr. SMITH of Washington, Mr. FALEOMAVAEGA, Ms. BORDALLO, Mr. FORTENBERRY, and Mr. MORAN of Virginia.

H. Res. 812: Mr. ROGERS of Alabama.

H. Res. 813: Mr. DAVIS of Illinois.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, OCTOBER 8, 2009 No. 145

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O, God of light shining in darkness, O, God of hope lifting from despair, we turn our thoughts to what You have done in our lives, what You are doing, and what You promised to do in the days to come. Let our gratitude for Your grace rise up in joy and praise to Your throne.

Lord, use the talents of our lawmakers for Your purposes. Inspire them to dedicate their abilities to You to be used in faithful service. Show them how to maximize their opportunities to bring justice, equality, and peace to our Nation and world. Empower them to enable justice to prevail over injustice, reconciliation to replace conflict, and caring to replace apathy. Lord, give them a sense of destiny and a deep dependence on Your guidance. Strengthen their desire to have congruity between beliefs and behavior as they seek to live worthy of their privilege.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR 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 8, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR 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 proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first 30 minutes. The majority will control the second 30 minutes.

Following morning business, the Senate will resume consideration of the Commerce, Justice, Science Appropriations Act. We hope to reach short time agreements on available conference reports. Senators will be notified when any votes are scheduled during today's session of the Senate. Senators SHELBY and MIKULSKI feel we can finish the bill that we are working on today.

FINANCE COMMITTEE CBO REPORT

The Finance Committee report came out yesterday from CBO. It was outstanding, $81 billion, bending the curve. That bill will be voted on by the Finance Committee on Tuesday morning. It will be reported to the Senate.

Since Harry Truman was President, Democrats have fought to make it more affordable to live a healthy life in America. Every day we come closer to achieving that goal. Yesterday was a landmark occasion. Yesterday the nonpartisan Congressional Budget Office confirmed that the Finance Committee plan, which is one of the five plans in Congress to reform the way health insurance companies treat people in this country, will reduce the deficit.

It did not say it will keep the deficit the same. It did not say it will increase it, not even by one penny. It said, in black and white, that the Finance Committee's bill will reduce our deficit, not just in the short term but over the long term as well.

That is something progressives, conservatives, and Independents, everyone in between, can be thankful for and can applaud. Today we stand closer than ever to fulfilling that fundamental promise, the one for which we have fought more than 60 years. We stand closer than ever to fulfilling the cause of Senator Ted Kennedy.

But as anyone who has even superficially followed the debate knows, the route to realizing Senator Kennedy's dream is far from smooth sailing. There are still those who will not rest until the American people are denied the change they demanded, those who will not be happy unless the status quo is sustained. There are those who still want to pick fights against us, even though we are interested only in fighting for hardworking American families. There are those who consider this a zero sum game and will only declare victory if President Obama concedes defeat. So let me be very clear. Just as Democrats believe in ensuring quality, affordable health care for every American citizen, we believe equally as strongly that this country has no place for those who wish for its leaders to fail.

Just as yesterday brought us another step closer to real reform, it also brought us another round of Republican excuses, from the Republican

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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leadership on down. The other side remains trapped in its strategy of distortion, distraction, and deception. Yesterday on the Senate floor, the Republican leader asked rhetorically: What happens to Medicare under our plan? Well, let me answer that question. Under our plan, seniors pay less for their medicine. Under our plan, seniors pay nothing for their annual checkup. Under our plan, seniors pay nothing for preventive care. And, under our plan, doctors who treat seniors get a raise.

But the other side is not letting those facts get in the way of a good sound bite. Instead, yesterday on the Senate floor, the Republican leader said: Our plan will cut Medicare. What he did not bother to say is that the only thing we are cutting is the waste rampant in that system, waste that you as a taxpayer pay in every paycheck.

Yesterday on the Senate floor, the Republican leader said: ''Republicans have tried to protect Medicare throughout the debate.''

Listen to that one: ''Republicans have tried to protect Medicare throughout the debate.''

What he did not bother to say is that this debate is also the first time in history Republicans ever found such an interest. The fact is that ever since Senate Republicans opposed the creation of Medicare, they have spent the past 40 years on the wrong side of history when it comes to helping seniors.

In the past 10 years, Republicans have voted against protecting and strengthening Medicare 59 times. When President Bush vetoed the Medicare Improvement Act last year, the only Senators who supported that disastrous veto were his fellow Republicans here in the Senate. So the American people can be excused for not buying the Republicans' eleventh-hour claim that they are the true guardians of seniors' health care.

It is telling that after weeks of negotiations, months of debate, and decades of national movements for health insurance reform, this is the best they can came up with. It is telling that one of their most oft-repeated arguments protests not the contents of the bill but now the number of the pages of the bill. How is that for criticism: The bill has too many pages.

Let's not forget the Republicans only offer arguments in response to our plan to make health care more stable and more secure. We have yet to hear any Republican arguments in support of their own health care ideas. Why? Because there are not any. They do not exist.

The Republican plan is nothing more than the status quo. Under the Republican plan, insurance companies can continue to deny a person coverage when they need it the most. Under the Republican plan, insurance companies can deny you coverage because you have high cholesterol or hay fever or even heart disease.

They can raise your rates because you are getting older, because your dad had prostate cancer, or simply because you are a woman. Under the Republican plan, if you have health insurance, your family has to pay at least $1,000 a year more to cover all of the other families who have none.

Republicans in Congress are the only ones who support that plan. The rest of the country knows we need to act and we need to act now. Here is a list of those who support our plan to improve our health insurance in the short term and the long term alike: doctors; hospitals; the pharmaceutical industry; a bipartisan group of Governors; President Obama, who has made fixing health care his top priority; Democrats in Congress who are committed to getting it done this year; and, at the top of that list, the American people, 9 of 10 of whom say high health care costs are hurting their families, crushing their families.

In recent days, prominent, courageous, independent-minded Republicans throughout this country have added their names to that list of people who are crying for health care reform. Arnold Schwarzenegger, the Governor of a State with 38 million people, the most populous State in the Union; Michael Bloomberg, the mayor of the most populous city in the country; Bobby Jindal, the Governor of Louisiana—Republicans asked him to provide their party's response to President Obama's first ever address to Congress—Tommy Thompson, former Governor of Wisconsin, former Secretary of Health and Human Services under President Bush; Mark McClellan, former head of the Centers for Medicare and Medicaid Services under President Bush; Bill Frist, former Senate majority leader and a physician who said last week, if he were still in the Senate, he would vote for health insurance reform; and, Bob Dole, today, announced that he supports something being done. This former majority leader and Republican nominee for President this week encouraged his party to drop their ''just say no'' strategy. He was even stronger in his statements today.

Here is a list of those who think things are just fine the way they are: Republican leaders in Congress. That is it. That is the list. And that is the real match-up in this health care debate. It is clear to see who is listening to the American people, who has tuned them out.

Democrats are willing to listen not only to the American people, we are also more than willing to listen to congressional Republican ideas, if they offer any, to move this debate forward. We would be happy to end up with a bill that does not rely on 60 Senators but one that can earn a lot more.

But until that happens, until Republicans in Congress show they want to be productive partners rather than partisan protesters, we will continue to do what the vast majority of the American people demand that we do; that is, continue moving forward to improve a badly broken system.

I agree with President Obama who told Congress last month: We have no patience for those who seek more of the same failed ideas. We have no patience for those who contribute only criticism and not constructive input. We have no patience for those who mischaracterize our plan or mislead the people, and will call them out when they do.

That is what the speech was all about. We believe this because we believe the American people deserve to be told the truth. We believe hard-working families already have enough real problems to worry about without having their time wasted with fake problems. We believe this country is no place for those who hope for failure, failure of their leaders.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

HEALTH CARE: WEEK XII, DAY II

Mr. MCCONNELL. Mr. President, yesterday morning, our friends across the aisle came to the floor to defend the health care plan that they and their colleagues are pushing through Congress—a plan that has as its foundation a trillion dollars in spending, half a trillion dollars in cuts to Medicare, higher premiums, higher taxes on just about everyone at a time of near double-digit unemployment, and limits on the health care choices that millions of Americans now enjoy. Later in the day, we got a cost estimate. It is irrelevant. The bill it is referring to will never see the light of day.

What matters is that the final bill will cost about a trillion dollars, vastly expand the role of government in people's health care decisions, increase premiums, and limit choice.

For months, Republicans have taken every opportunity to talk about the kinds of commonsense reforms we need and that Americans actually want. Personally, I have spoken just about every day we have been on the floor since June about step-by-step reforms to lower costs, commonsense ideas that we should all agree on like malpractice reform, equalizing the tax treatment for businesses and individuals, and prevention and wellness programs—all of which would get right at the heart of our health care problems.

We have talked about these things because they address the problems we have, problems of cost and access, without limiting the choices Americans now enjoy. We have talked about these things because these are the reforms Americans want.

I have spoken about reform 43 times on the Senate floor. Yet some don't seem to be listening. And this is precisely the problem Americans have identified with some of the advocates of the Democrats' health care plans.

They are not listening to our commonsense proposals any more than they are listening to the concerns of the American people.

In fact, listening to the proponents of these plans, one gets the sense they are more concerned about their legacies than what the American people actually want. ''This is the moment'' . . . ''Be a part of history . . .'' These are the kinds of things they say to each other about health care reform. Here is an idea: How about asking the American people what they want instead?

Everyone wants reform. I have said so almost every day on the floor for months. But a 1,000-page, trillion-dollar bill that cuts Medicare by half a trillion dollars, raises taxes on virtually everyone, raises premiums, and limits the health care choices Americans now enjoy is not the kind of reform Americans want. And what matters more than that?

The views of the American people are relevant in a debate about legislation that will have a profound and lasting effect on their lives. And these same Americans overwhelmingly oppose the 1,000-page, trillion-dollar plans they have seen from the administration and Congress. They have been saying so for months.

Take the issue of cost. One of the things Americans are concerned about is how much this legislation will cost. They are asking the question. They are not getting a straight answer.

We have seen a lot of numbers thrown around. As I have already noted, yesterday we got another one from the CBO. It doesn't tell the whole story. The fact is, the bill it is referring to will never see the light of day. That is because the real bill will soon be cobbled together in a secret conference room somewhere in the Capitol by a handful of Democratic Senators and White House officials.

The other numbers we have seen are intended to explain how much this bill will cost over 10 years. What most people do not realize is that the new plans would not go into effect for another 4½ years. So what is being sold as a 10-year cost is really a 5½ year cost. That means you can take the numbers you are getting and nearly double them.

Here is what we know about the true cost of the three bills we have seen so far: The Budget Committee has determined that the Finance Committee Bill, as introduced, will cost $1.8 trillion over 10 years, and we do not expect it to get any better from here on out. The HELP Committee bill will cost $2.2 trillion over 10 years. And the House bill will cost $2.4 trillion over 10 years. So the average cost of these bills, when fully implemented, is more than $2 trillion.

Americans are concerned about all this spending. They want straight answers. Advocates of the administration's health care proposal seem to think that the bigger the proposal, the more complicated, the more expensive, the better. That is not what the American people think. They are making it clear. It is about time we listen.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 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 Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, would the Chair please advise when I have consumed 9 minutes.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, I congratulate the Republican leader for his comments. If it weren't so serious, he and I and the Senator from Texas would probably all be amused to hear the Democratic leader come here day after day and say the Republicans don't have a health care plan and then attack our plan. That is typical of the kind of talk we are getting about health care reform from the Democratic side. We are getting double-talk.

It reminds me, a few years after I was Governor of Tennessee—it must have been the early 1990s—I was driving along in Nashville as a private citizen. I had the radio on. It might have been an Arkansas radio station, but I think it was a Nashville station. The announcer said: Big news. The Tennessee legislature has passed a new law creating a Medicaid program called TennCare. Here is what it will do. It will cover twice as many people for the same amount of money.

Everybody was happy about that. Nobody had to raise taxes. Nobody had to pay any more money. Twice as many people get health care. I remember what went through my mind: I bet that doesn't happen. That sounds too good to be true.

The same idea went through my mind when I picked up a paper this morning and read: The Senate Finance Committee has finished its work. We are going to give 29 million more Americans health care. It is going to cost hundreds of billions of dollars more, and it is going to reduce the Federal deficit all at once. What went through my mind was: That sounds too good to be true. It sounds like the TennCare story.

Let's remind ourselves what the Republican leader said a minute ago. The focus is reducing cost. We all know there are people who don't have health care and who need it. We would like to extend it to them. But we can't afford to do that until we reduce the cost of the health care we have. It is going to bankrupt us as individuals if we don't reduce the cost of our health care premiums. It is going to bankrupt our government if we don't stop the growth of health care. Our first goal is reducing cost, which is why the Republican plan for health care is to take several commonsense steps in the right direction—reducing cost—that will get us where we want to go. We have said those on the floor time after time after time.

They include allowing small businesses to pool their resources so they can offer insurance to more of their employees. They include taking steps to stop junk lawsuits against doctors, which are driving up malpractice premiums and causing problems for patients. For example, many women who are pregnant in rural West Tennessee counties have to drive all the way to Memphis to see a doctor because doctors would not practice there anymore because of the high cost of medical malpractice premiums, which is driving up the cost of health care. We could create exchanges in each State so people could shop for individual insurance. We could allow people to buy their insurance across State lines. We all believe that if we did a better job of encouraging technology, we could reduce cost and reduce paperwork. All doctors and nurses and medical assistants know that.

Those are five steps we could take together to reduce cost, and we could begin to add to our rolls the 11 or 12 million people who are already eligible for programs we have today. That would make a big difference.

Instead, what our friends on the other side want to do is transform the system at a cost of closer to $1.6 to $1.8 trillion, when fully implemented. The question will be, Will it reduce our costs? That is why we want to read the bill. We want to know what it costs. This is not a bill. This is some pages of concepts. This is not a formal, complete estimate of its cost. That only comes when we have a bill.

We have had 8 Democratic Senators who have written to the majority leader and said what all 40 Republicans have said. The legislative text and the complete budget scores from the Congressional Budget Office that are going to be considered should be available on a Web site for 72 hours prior to the first vote. Democrats voted that down in the Finance Committee. They voted down the idea of allowing 72 hours to read a 1,000-page bill and to find out what it costs. Apparently, some Democrats are coming to their senses and saying: No, we would like to have the bill. We would like to read it. We would like to have a formal, complete score—their words—of what it costs, and then we will start voting. This is not a bill. These are concepts.

Then the majority leader is going to put this all together into another bill or create a bill. Then it will take a couple weeks to find out what that costs. We have some questions to ask in the meantime. First, we would like the Democrats to join us in step-by-step solutions to reduce cost. Next, we want to know whether it is going to reduce the cost to government and whether it will reduce the cost to each of us who is buying health insurance. As I look at the outlines, I think it might not. For example, as the Republican leader said, we know it is going to cost about twice as much as the $800 billion advertised because it doesn't start taking effect for a few years. The taxes start right away, but the benefits don't start for a few years. That is the first thing.

The second thing is, it is going to put 14 million more people into the Medicaid Program—not Medicare, this is the Medicaid Program. This is the program States operate that is paid for two-thirds by the Federal Government and a third by the States, about which all the Governors have said: If Washington is going to expand the Medicaid Program, Washington ought to pay for it. I suspect when we start asking questions, we will find Medicaid Program costs are underestimated. All the Governors think so. We had one of the most painful letters I have ever read from the Democratic Governor of Tennessee. Senator CORKER put it in the RECORD. He talked about how Tennessee's condition was similar to the condition of most States.

He said: For example, by 2013, we expect to return to our 2008 levels of revenue. We will already have cut programs dramatically. We will have to start digging out. We haven't given raises to State employees or teachers for 5 years. Our pension plans will need shoring up. Our rainy day fund will have been depleted. We would not have made any substantial investments in years. There will be major cuts to areas such as children's services.

We are going to expand a program that is already causing the State of Tennessee and most other States to go toward bankruptcy. That is the way we are going to achieve reform. That is half the reform. Most Governors who have had anything to do with the Medicaid Program say that dumping low-income Americans into the Medicaid Program, where 40 percent of the doctors would not see them, is not health care reform. Medicaid costs are underestimated.

Also, I don't think the Congressional Budget Office estimate of these concepts we saw includes what we inelegantly call the doc fix. Every year the system we have reduces payments to doctors who work on Medicare patients. So we come back and raise the amount of money. If we only pay doctors 10 years from today what we are paying them today to serve Medicare patients, it will cost $285 billion, and that is not in this bill. When we ask our questions and read the bill and find out what it costs, we will find it doesn't reduce the deficit. Even if it did, it is going to cost $1.6 or $1.8 trillion. Who is going to pay for it? Half of it is going to come from cuts in Medicare, which serves seniors. Instead of putting any savings in Medicare to strengthen that program, which is going bankrupt in 2015–2017, we are going to spend it on a new program. Eight hundred billion will come in new taxes. Our insurance premiums are likely to go up instead of down because we will all be buying new government-approved programs.

If Speaker PELOSI is successful in adding the government-run option into the bill before it finally gets through, millions of Americans will be losing their insurance because employers will be paying a fine, instead of the insurance, because their employees can go to the government program. We are going to be paying for it. If you are a Medicare beneficiary, if you pay taxes, if you are a State taxpayer, if you buy insurance, you are going to be paying for this program. So it is important for the next 3 to 4 weeks that as we debate this, we ask these questions.

Mr. President, I see the Senator from Texas on the floor, and I wonder, as I conclude my remarks, whether he has thought a little bit about whether it is going to be possible to ensure 29 million more people, spend hundreds of billions of dollars, and still reduce the deficit and reduce costs to the American people who are trying to afford their insurance premiums today.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I would respond to the distinguished Senator from Tennessee, of course not. The American people are smart. They can understand that these numbers are not going to add up. As our Republican leader said this morning, this bill that was reported in the newspaper and scored by the Congressional Budget Office yesterday will never see the light of day. So this is a work in progress.

We are committed, I think on a bipartisan basis, to reform our health care system. But the goal—and we need to keep our eye on the goal—is to bring down the cost and to cover people who currently are not covered. This bill, unfortunately, does not accomplish those goals. But we are going to keep working with our colleagues, if they will be open to our suggestions. But I have to tell you, as a member of the Finance Committee, virtually every suggestion Republicans made during the amendment process to this bill was voted down on a party-line basis.

I came to the floor to talk about one of those amendments the Senator from Tennessee mentioned, where we asked merely that the bill—once it is reduced to legislative language and the cost is determined—be put on the Internet for 72 hours. That was voted down along a party-line vote. But I thank the Acting President pro tempore and other folks on the other side of the aisle, eight of whom have written to the majority leader saying that makes sense to them. So I hope we will build a bipartisan consensus for more transparency in the debate.

I have also come to the floor to talk about how it makes no sense to cut Medicare benefits for 11 million Medicare beneficiaries who happen to be engaged in the Medicare Advantage Program in order to pay for this bill. Why would you take $½ trillion from Medicare, which is on a pathway to bankruptcy by 2017, in order to create a new government program? It can only make sense inside the beltway and if you voluntarily suspend your powers of disbelief. It does not make sense across the country. That is why it is so important to have these discussions, ask these questions, have transparency.

Today I wish to ask another question: Will the health care proposals, such as the Finance Committee proposal and others, break the President's promise of not raising taxes on families making less than $250,000 a year? Unfortunately, the Finance Committee bill does, in fact, raise taxes on families making less than $250,000 a year. So the President cannot keep his promise if we pass this particular legislation.

For example, this bill imposes a penalty on individuals who do not meet the Washington-imposed mandate that will be enforced by the Internal Revenue Service. The Internal Revenue Service is going to impose a penalty on you if you do not have health insurance that meets the Washington-imposed mandate.

According to the Joint Tax Committee, the penalty initially included in the bill would especially hit middle-class families hard. They found that at least 71 percent of the penalty would come from people earning less than $250,000 a year.

The bill also increases the penalty from 10 percent to 20 percent for Americans who use a portion of their health savings account for purposes other than qualified medical expenses. It seems to me we ought to be encouraging more people to use their health savings accounts rather than less. But as I discussed yesterday on the telephone with the CEO of Whole Foods, John Mackey, he said the health savings accounts—they call them wellness accounts, which are overwhelmingly successful and voted on every year with the satisfaction rate of some 85 percent or more by the employees of Whole Foods, headquartered in Austin, TX—will be an illegal plan under this mandate. Insurance premiums, of course, will go up in the process.

This bill also raises the floor on deductions of medical expenses to 10 percent from its current level of 7.5 percent. So you will be able to deduct less of your medical expenses if you have serious health care expenses, which means your taxes will go up. If you can deduct less, your taxes will go up.

The committee did, I would point out, consider an amendment that was

intended to bring the bill in line with the President's promise not to raise taxes on people making less than $250,000 a year, and it was voted down along party lines. Republicans were for it and Democrats were against it. This amendment would have protected families who earn less than $250,000. But, as I say, it was voted down.

In addition to imposing taxes on people the President promised not to impose taxes on, this also imposes additional so-called industry fees, which experts have said will ultimately be passed down to consumers in higher insurance costs. So instead of making insurance more affordable, this bill would actually make it less affordable and head in the wrong direction. The nonpartisan Congressional Budget Office and the Joint Tax Committee both confirmed these fees would be passed along to consumers and ultimately raise insurance premiums.

So my question for today is: Will these proposed health care reforms break the President's promise not to raise taxes on those making $250,000 or less? Unfortunately, the Finance Committee proposal, which we will now apparently vote on on Tuesday of next week, does break the President's promise.

But Republicans stand ready to work with our friends on the other side if they will accept some ideas on how to do this to bring down costs and to cover more people to make health coverage more affordable. But so far all those suggestions have been rejected along party-line votes.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, along with my colleague, I noticed, with great interest, the headline in this morning's paper that said the Congressional Budget Office has said the health plan that is coming out of the Finance Committee will not increase the deficit. I thought: That is a little bit hard to believe. Then I looked at the details, and all of this reminded me of a scene out of an old movie. The movie is not worth talking about, but the scene is worth talking about to describe what is happening.

It was a circumstance where a spendthrift husband comes home to a frugal wife with a new car. The wife takes one look at the new car and says: Why in the world are we doing this? We can't afford a new car.

He said: No. Remember, we got that windfall. There was an inheritance that came through. We got some extra money. We can afford the new car, and it will not add—to use the terms of politicians—a dime to the deficit because we have this windfall coming in and we can spend it on the new car.

She said: Are you kidding? The roof is leaking. The college fund for the kids is empty. Our house payments are in arrears. We got that windfall. We could take care of some of these other problems. We don't need a new car.

Well, he said: We got the money and I have already spent it on the car and there is nothing you can do about it now.

As it turned out in the movie, the new car got repossessed later on because he had only made a downpayment on it, and they could not afford the payments to keep the car.

Why do I say the health care debate reminds me of this scene from the movie? The Federal debt is rising. The deficits from the regular appropriations bills are enormous. We are wallowing in red ink in the Federal Government. But this bill is not going to add to the deficit because we found $1 trillion as a way to pay for it. We found $1 trillion someplace else we can use to pay for this bill. We can buy this new car, and, OK, the roof is leaking, the college fund is gone, the house payments are in arrears, but somehow we have a trillion extra dollars that we think is best spent on the new car.

If the new car is that much better than the old car, maybe the case could be made that we should take this $1 trillion and spend it on the new car. What do we get for $1 trillion from the Baucus bill? The $1 trillion, which, if it is available to make this thing deficit-neutral, could very well be spent in balancing other budgetary problems and paying down the national debt and doing other things with it.

If we do have $1 trillion to spend here, what are we getting for it when we are spending it entirely on the Baucus bill? Well, we are getting a continuation of defensive medicine because there is no significant malpractice reform, tort reform in this bill.

In his speech to the Congress, President Obama said:

> I don't believe malpractice reform is a silver bullet, but I have talked to enough doctors to know that defensive medicine may be contributing to unnecessary costs.

I do not want to argue with the President that much because I was delighted when he said that, and I was on my feet applauding with others for that particular statement. I would say, defensive medicine not ''may be'' contributing to unnecessary costs; defensive medicine ''clearly is'' contributing to unnecessary costs. But we are not dealing with that in the Baucus bill. We are raising $1 trillion somewhere else so we can continue business as usual with respect to defensive medicine and malpractice awards within our present system. So the new car is no better than the old car. It is costing us a lot more money, but it is no better than the old car.

Are we getting coverage of the 47 million Americans whom we hear about over and over again in the debate, when they say: Well, the whole purpose we have to undertake this is because we have 47 million Americans who do not have health care coverage. Are we getting them taken care of? Do we have room for them in the new car? Well, not really.

According to the paper this morning, we are going to get 29 million of the 47 million taken care of, which means roughly 20 million left out. We can go into the details of who the 47 million are. As we do, we find out it is a very mixed bag of people who are just passing through that category, people who deliberately choose not to be there. If we are spending $1 trillion just to get to 29 million out of the 47 million, we are not getting a very good new car. We are not getting an improvement over what we have already.

Again, that $1 trillion could be spent in a much better and wiser way. If, indeed, we have an extra $1 trillion we can spend on health care—if, indeed, we do have an opportunity to buy a new car—this is the kind of thing we could get for the $1 trillion, if we said: All right, we have an extra $1 trillion lying around, let's put it in health care. We could double cancer research funding; we could provide treatment for every American whose diabetes or heart disease is going unmanaged; we could create a global immunization campaign to save millions of children's lives; and we would still have enough money left over to keep doing these programs for at least a decade and probably more.

That is what we could get for a new car in the form of health care reform, if we were willing to spend the trillion dollars on trying to improve people's health. Instead of trying to improve people's health, we are simply trying, through this bill, to keep the present system as it is.

I have heard my friends from the other side of the aisle say repeatedly: The present system is broken. The present system is not an acceptable alternative. The present system must be changed. I say: Hooray. I agree. I just wish the Baucus bill would deal with the present system. I just wish the Baucus bill would give us, in fact, a new car rather than simply replacing the old car with a duplicate of the old car that happens to cost an extra $1 trillion.

So I am hoping that as we move things forward, we can make some significant changes in it because at the present time what we have here is a program that would spend Federal cash for a clunker.

I yield the floor and 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.

Ms. MIKULSKI. 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.

Ms. MIKULSKI. What is the pending order, Mr. President?

The ACTING PRESIDENT pro tempore. The Senate is in morning business for another 27 minutes.

HEALTH CARE REFORM

Ms. MIKULSKI. Thank you very much, Mr. President.

As the dean of the Democratic Women in the Senate, we wish to tell our colleagues and the American people that we want to join together as women of the Senate today to talk about the compelling issues facing the American people in terms of the need for health care reform. We are going to be speaking out and speaking up about the need for reform. I will be the wrap-up speaker.

In order to kick it off, I am going to yield—how much time does the Senator from Minnesota need?

Ms. KLOBUCHAR. I would say 5 minutes.

Ms. MIKULSKI. We have nine speakers.

Ms. KLOBUCHAR. I will need 3 minutes.

Ms. MIKULSKI. I yield 3 minutes to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I rise today to talk about the importance of health care reform to the women of this country.

Let me tell my colleagues how I got interested in this issue. When my daughter was born, she was very sick. She couldn't swallow. She was in intensive care. They thought she had a tumor. It was a horrendous moment for our family. I was up all night in labor, up all day trying to figure out what was wrong with her, and they literally kicked me out of the hospital—my husband wheeled me out in a wheelchair after 24 hours—because at that point in our country's history, they had a rule; it was called driveby births. When a mom gave birth, she had to get kicked out of the hospital in 24 hours.

Well, I went to the legislature with a number of other moms and we said: Enough is enough. We got one of the first laws passed in the country, in the State of Minnesota, guaranteeing new moms and their babies a 48-hour hospital stay. My favorite moment of this was at the conference committee when there were a number of people who were trying to get the implementation of this bill delayed so it wouldn't take effect. I went there with six pregnant friends of mine. When the legislature said, when should this bill take effect, the pregnant women all raised their hands and said, ''now.'' That is what happened. That is what the women of America are saying today. They are saying, ''Now.'' They cannot keep having these escalating health care costs that are making it harder and harder for them to afford health care.

I always tell the people in my State to remember three numbers: 6, 12, and 24. About 10 years ago, the average family was paying $6,000 for their health insurance. Now they are paying something like $12,000, a lot of them paying even more; small businesses, even more. Ten years from now, they are going to be paying $24,000, if we don't do something to bend this cost curve.

Medicare is something that is so important for women in this country. It is going to go in the red by 2017.

One of the things that really bothers me about the current situation is this preexisting condition issue. I couldn't believe what I found out last week: In nine States and the District of Columbia, women who are victims of domestic abuse or who have been victims of domestic abuse can be denied health care coverage because domestic abuse can be considered a preexisting condition. So they get abused and then they can't even get the health care coverage to help them. Maternity, being pregnant—these things can all be preexisting conditions, and that is something we need to stop.

That is why I am so glad one of the major proposals in this reform is to do something about preexisting conditions. We also need to make sure preventive care—so important to women—things such as mammograms are covered in our health care plan.

Finally, one of the things I know the Senator from Maryland has been such a leader on is aging parents. People such as myself, we have kids of our own and then we also have aging parents. We are caught in what they call the sandwich generation: taking care of our own kids and making sure our parents get care at the same time. Predominantly, a lot of women are in this situation. That is why the CLASS Act, which Senator Kennedy proposed and which is in one of the health care proposals, which allows Americans to use pretax dollars to pay for their health insurance and their long-term care insurance is so important.

So I am glad for American women that we are moving forward on this health care reform.

Thank you very much, Mr. President. I yield the floor.

Ms. MIKULSKI. Mr. President, we thank the Senator for her advocacy to end this driveby delivery and other punitive practices.

I yield 3 minutes to the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I am joining my colleagues on the floor today to talk about how health care reform will improve women's access to care.

I recently received an e-mail from a woman in Raleigh that truly underscores why women need health care reform in America. Julie wrote to me about her sister who was uninsured and waited years for a mammogram because she literally couldn't afford to pay for one. Then she found a lump in her breast. By the time the lump became a mass, Julie's sister finally got a mammogram and had to pay for it with cash. The mammogram confirmed what she suspected: She had breast cancer. But now that she had the diagnosis, she had no way to pay for the treatment. Julie's sister lost her battle with breast cancer this March. Like thousands of women across America, perhaps Julie's sister could have beaten this cancer if she had had access to affordable, preventive care and, after her diagnosis, access to either insurance or medical care to cover her cancer treatment. In this heartbreaking situation, Julie's sister was sick and stuck.

Unfortunately, I hear about such cases far too often. Inefficiencies and discriminatory practices in our health care system disproportionately affect women. In all but 12 States, insurance companies are allowed to charge women more than they charge men for coverage. The great irony here is that mothers, the people who care for us when we are sick, are penalized under our current system.

My daughter Carrie recently graduated from college and had to purchase her own health insurance. For no other reason than her gender, her insurance policies cost more than they do for my son Tilden.

Yesterday, a 23-year-old staffer in my office, a female from Fayetteville, shopped for health insurance on the individual market for the most basic, bestselling plan. It would cost her $235 a month; for a man of the same age, $88. That is 2½ times more expensive, close to $1,800 more per year.

Many women who have health insurance are still stuck. Insurance companies don't often cover key preventive services such as mammograms and pap smears. Often, the copays for these critical services can be out of reach for many women when they range as high as $60 a visit. More than half of all women, like Julie's sister, have reported delaying preventive screenings. Without insurance, mammograms cost well over $100.

In many cases, the difference between life and death is early detection. The Affordable Health Choices Act—which I worked with my colleagues on the Health, Education, Labor and Pensions Committee to craft—makes preventive care possible for women across America. It eliminates all copays and deductibles for recommended preventive services.

We are also stopping insurance companies from charging women more than men or using preexisting conditions as a reason to deny anyone health insurance.

The PRESIDING OFFICER (Mr. KIRK). The Senator's time has expired.

Mrs. HAGAN. I thank the Chair and yield the floor.

Ms. MIKULSKI. Mr. President, I now yield 3 minutes to the Senator from Michigan.

Ms. STABENOW. Mr. President, I thank the dean of the women in this Senate, Senator MIKULSKI, for bringing us all together on the Senate floor, and I join with my great colleagues from California and North Carolina and other colleagues who will be joining us

as well, to talk about the importance of health care reform for women.

Women are the majority of the population. We have the ability to benefit from this reform that holds insurance companies accountable and creates more opportunity for coverage. We will see a great benefit to come from all of this, and I want to speak to just one piece of it. We know the majority of people today—men and women, families—have insurance, and there are a multitude of bad insurance company practices that are occurring today stopping people from getting coverage because they have a preexisting condition.

By the way, we found out just last week, from an article in the Washington Post, that some insurance companies treat pregnancy, or the intention to adopt, as a reason to reject someone for a preexisting condition. I mean that is pretty shocking to me. In fact, the same report said that being pregnant or being an expectant father, with some companies, was grounds for automatic rejection—automatic rejection—when it comes to being able to get a health insurance policy.

So this reform is about making sure everyone benefits; that women who have insurance, as well as women who don't currently have access to health insurance, can see protections and changes that stop the discrimination and create better access to health care because that is what this is all about, being able to find affordable health care and health care that meets our needs. All women across the country certainly are desperately concerned about that. We have 62 million American women right now who are in their childbearing years, and I was quite shocked to learn that right now, according to the Women's Law Center, nearly 60 percent of the individual insurance plans that are out there in the marketplace—if you are not getting insurance through your employer, but you are going out yourself to find an insurance policy for you and for your family—nearly 60 percent don't provide any coverage for maternity care or even an option of supplemental insurance for an additional cost.

So for the women in these plans who are attempting to get insurance, no amount of money can buy the maternity care that they need. So this bill is about changing that and making sure the women of this country have the care they need.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. I thank the Chair.

Ms. MIKULSKI. I now yield 3 minutes to the Senator from California, Mrs. BOXER.

Mrs. BOXER. I thank Senator MIKULSKI for her leadership. Everyone in America has a stake in health care reform, even if they are happy with their insurance at the moment. The main reason is that costs are exploding and health care insurance companies are walking away without any penalty. They come up with a reason, and then we all are paying for those who have no insurance and wind up in the emergency room.

Women have even more at stake. Why? Because they are discriminated against by insurance companies, and that must stop, and it will stop when we pass insurance reform.

Now, how are women discriminated against? If they have been victims of domestic violence, that is considered to be a preexisting condition and, therefore, they are told they can't get insurance, and that happens in eight States and the District of Columbia. It is a tragedy, and it will change when we pass health insurance reform.

If a woman is pregnant, only 14 States in America require insurance companies to cover maternity care. Imagine, a country that puts family values first and yet only 14 States will cover maternity. That will change.

Everyone is faced with huge increases in cost, but women 18 to 55 are charged nearly 40 percent more than men for similar coverage in my home State, and that happens in most States, and health reform will stop that.

Because of discrimination, women are at risk under the current system. More than 52 percent of women reported delaying needed care or avoiding it completely because of cost compared to 39 percent of men. Now, 39 percent is terrible, but 52 percent is deplorable. People are walking around sick because they can't afford to go to the doctor. Health insurance reform will stop it. There will be no more gender rating.

Women earn less than men, and that is why it is an impossible situation. In my home State, over the past 9 years, premiums have risen more than four times as fast as earnings. We spend more than twice as much as any other industrialized Nation on health care. You would think we would have greater outcomes, Mr. President, but we rank 29 out of 30 industrialized nations in infant mortality. It isn't surprising, when so many women are not getting prenatal care.

Medicare: More than half of those on Medicare are women. If we do nothing, Medicare goes broke in 2017. So when politicians try to scare our seniors, it is despicable because it is the status quo that is dangerous. When we fix Medicare—and we will in health reform—women will get free preventive care, mammograms, and annual physicals.

So in summary, women, children, and men need us to act on health reform. We must make our voices heard.

I thank my colleagues, my women colleagues, for coming to the floor of the Senate today to wake up this Nation.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. Mr. President, I now yield 3 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank our leader, the Senator from Maryland, BARBARA MIKULSKI, for organizing this effort on the Senate floor this morning. I am pleased to join my sisters and colleagues in the Senate this morning to raise some specific and important issues relative to this reform debate that is moving forward. They are important facts as we press forward with our reforms.

I would like to begin, just briefly, with reminding all of us that we began—as the President called for us to do—to focus on health care reform and to reduce cost—cost to our Nation, cost to our States, cost to individual businesses as they continue to see these premiums skyrocketing beyond their ability to either afford or to control, and cost to individuals.

The Baucus mark in the Senate Finance Committee, which is pending, goes a significant step forward in terms of the cost issue. That is very encouraging to those of us who believe that health care reform is essential for several reasons. But one of the important reasons is to get cost under control and to begin to help balance the Federal budget and get us back on a sure financial footing, which—as has been stated by many experts, Mr. President—is impossible without fundamental insurance reform. So that is point 1.

Point 2, the benefit of moving forward with reform will significantly improve outcomes for women, as the Senator from California, Mrs. BOXER, stated. It is going to help all Americans, but it is going to be particularly helpful for women of childbearing age, who are often discriminated against with insurance rates because they have to see doctors more often just by the very nature of pregnancy and the care they require. Because they have to see their doctors more often, their insurance is sometimes significantly higher.

In fact, the records show that the cost of an insurance plan for a 40-year-old woman can be up to 38 percent more than a 40-year-old man in the same circumstance—same health, same geographic location. Our reform efforts will eliminate that bias and make health care more affordable for everyone but particularly for women.

I wanted to take my last minute to talk about a letter I received from Denelle Walker, a 25-year-old woman living in Baton Rouge, who just graduated from school and went on to get a job.

Mr. President, 20 percent of Denelle's modest paycheck—20 percent—is going toward insurance. This bill will help young women such as Denelle, middle-aged women, and older women on the issue of affordability.

Ms. MIKULSKI. Mr. President, I now yield 3 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am very pleased to join my women colleagues in the Senate today to talk about the importance of passing health

care reform for all the women in this country, and I want to thank Senator MIKULSKI for her leadership on this issue.

Plainly and simply, the status quo is not working. Today's health system is simply not meeting the needs of women. For too many women and their families today, quality, affordable health care is out of their reach.

It should surprise no one that women and men have different health care needs. Despite this difference, it is unacceptable that women are not treated fairly by the system and do not always receive the care they require and deserve. In cases where women can find coverage that is affordable, often it is woefully inadequate.

A recent survey by the National Women's Law Center found that the vast majority of individual market health insurance policies did not cover maternity care, and only a few insurers sell a separate maternity rider. That isn't that surprising when you consider, as we have heard, that only 14 States require maternity coverage and insurance companies are all about their bottom line. Defending the practice, one insurance spokesman called pregnancy ''a matter of choice.'' To make matters worse, many insurance companies consider C-sections a ''preexisting condition.'' One insurer simply rejects women who have had C-sections. This is unbelievable.

What is most shocking to me is that insurance companies can deny coverage to a woman for having been a victim of domestic violence. Domestic violence—something no woman plans for or wishes upon herself or anyone else—can be used to deny insurance coverage. Mr. President, this cannot be allowed to continue.

Without a doubt, the current private health insurance framework leaves too many women uncovered. For those who are covered, care often falls short. It is time to end the insurance discrimination that women face. I am pleased that both Senate bills which have come out of committee ban discrimination based on preexisting conditions, and I also applaud the Finance and the HELP Committees for putting an end to gender discrimination in pricing insurance and ensuring that women and men pay the same price for the same coverage.

We must come together to pass comprehensive health reform to help all the women of our Nation who are facing high insurance costs just because they are women. I applaud the women on the HELP and the Finance Committees for the work they have done and reiterate that any legislation we consider must level the playing field and make health care accessible and affordable for all.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. SHAHEEN. I thank the Chair, and I yield the floor.

Ms. MIKULSKI. Mr. President, how much time is remaining in morning business?

The PRESIDING OFFICER. There is 5½ minutes remaining.

ORDER OF PROCEEDINGS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that morning business be extended for another 15 minutes.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. I withhold that unanimous consent request. I ask unanimous consent for 15 minutes and that it be equally divided. I ask unanimous consent that morning business on our side be extended for 15 minutes and that 15 minutes also be added to the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I assure my colleagues on the other side that all time will be protected. I think there is a little confusion. I have not been briefed on the order. I can assure everyone's time agreement will be protected at the time they were assured they could speak.

I now yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise today to speak in support of health care reform on behalf of greater access to health care for women. I am very grateful to Senator MIKULSKI for her extraordinary leadership on this health care debate.

There are few Americans who are not hurt by the rising cost of health care. However, it is shocking to think that in today's America, over half of this country could be discriminated against in one of their most basic life needs. Women must shoulder the worst of the health care crisis, including outrageous discriminatory practices in care and coverage.

According to the data compiled by the National Women's Law Center, under the current system, a 25-year-old woman pays up to 45 percent more for the same or identical coverage.

Some of the most essential services required by women are not covered by many insurance plans, such as childbearing, Pap smears, or mammograms. As a mother of two young children, I cannot imagine how awful it would be for a woman who does not have these basic needs covered. That is exactly what millions of women and young mothers face because of the costs of childbirth.

A standard in-hospital delivery costs between $5,000 and $10,000 and much more if there are complications. In the current system, pregnant women can be turned down for health care coverage because insurance companies would rather evade those costs. Pregnancy should never be a preexisting condition. Such discrimination is unacceptable and is contrary to our core American values of equality and equal rights.

As we address the inadequacies of our current system, we must safeguard the women's health clinics that are an essential point of care for millions across this country. Their work is being politicized as part of this debate. Politicizing health care delivery endangers young women, putting them at risk for teen pregnancy, STDs, cervical, or breast cancer. Women's health clinics provide critical services to women every day.

In my own State, over 400,000 New Yorkers receive health care from Planned Parenthood each year. About 50 percent are working adults whose jobs do not include health benefits. Our strategy for reform must protect these critical services that clinics provide and expand upon their success.

The health care crisis is a life-and-death issue for so many Americans—one that disproportionately affects women in this country. We must reform our broken health care system and disparities among race and gender and make quality, affordable health care available for every single American.

Ms. MIKULSKI. Mr. President, I now yield 4 minutes to the Senator from Washington State.

Mrs. MURRAY. Mr. President, I thank my colleague, Senator MIKULSKI, and all of the women who are out on the floor today to talk about this critical issue because the rising cost of health insurance is hurting women and it is hurting our country.

For the millions of women across this country who open the mail each month to see their premiums rising dramatically, who cannot get preventive care, such as mammograms, because the copays are too much or they work part time or for a small business that does not provide insurance for them and their families, who cannot get covered for prenatal care or who are forced to stay in an abusive relationship because if they leave, their sick kids will lose their health care coverage, we are their voice.

I remember a similar debate such as this on this floor almost 16 years ago. Senators in this Chamber were debating legislation that would allow 35 million Americans to stay home to take care of a newborn or sick child, a parent or spouse, without fear of losing their jobs. I came to the floor then and I told the story about a woman I knew whose child was sick at the time and who was not allowed to take time off from work to care for him as he was dying because she would lose her income and the health insurance that covered him.

At the time, as a new Member of the Senate, I spoke passionately about that. I told the story. As I was walking off the floor, one of our colleagues came up to me and said: You know, here in the Senate, we don't tell personal stories. I remember well what I said to him: I came here to tell the stories of the people I represent. They deserve a voice in the Senate.

Those stories impacted that debate, and we passed the family and medical leave law.

I am back today to tell the story of a woman whose child was sick. I want to tell every one about the story of this little boy, Marcelas Owens. I met him at a health care rally in Seattle. He was 10 years old and his two sisters who we see in this picture as well have been through a lot. Two years ago their mother Tifanny, who is not in this picture—that is his grandmother—lost her life because she was uninsured, 27 years old.

How did that happen? Tifanny was a single mom who felt strongly about working to support her family. She worked as an assistant manager at a fast food restaurant. She had health care coverage for her family. But in September of 2006, she got sick and missed some work. Her employer gave her an ultimatum: Make up the lost time or lose your job. Because she was so sick, she physically could not make up the time, and she did lose her job.

When she lost her job, she lost her health insurance. Without the coverage and care she needed, in June of 2007, Tifanny lost her life, and Marcelas and his sisters lost their mom.

Our health care system is broken. It is broken for moms such as Tifanny who work to provide for their families and do the right thing, and for men who lose their health care in this market we have today. It is broken for women we have heard about who have been denied coverage or charged more for preexisting conditions such as pregnancy or C sections or, tragically, domestic violence. It is broken for their families and for little boys such as Marcelas who will never get back what he lost.

Enough is enough. The time is now. The status quo that is being defended by the other side is not working. For women across this country, for their families, for our businesses, for our Nation's future strength that as mothers we care about so much, we have to get this right. We have to remember these stories. We need to be their voice. That is why we are here today and why we are going to keep fighting to make sure that we reform the health care insurance system in this country finally and do it right.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, as we wrap up our discussion on health insurance reform, I want to say as the senior Democratic woman that I am very proud of my colleagues today and how they have spoken up about the terrible practices of the insurance companies discriminating against women.

What you heard loudly and clearly today is that health care is a women's issue, health care reform is a must-do women's issue, and health insurance reform is a must-change women's issue because what we demonstrated is that when it comes to health insurance, we women pay more and get less.

We stand today on the Senate floor to say we want equal access and equal benefits for equal premiums. We women pay more and get less when we do pay our premiums. A 25-year-old woman is charged more than a 25-year-old man of equal or similar health status. And at age 40, it is often up to almost 50 percent. And when we do pay our benefits, when we are able to cross that barrier of getting health insurance, we get less coverage because insurance companies have certain punitive practices.

No. 1, we are often denied coverage because of something called a preexisting condition. These preexisting conditions are not catastrophic. We hear horror story after horror story that a woman who has had a baby by a C section which was medically mandated is then denied subsequent coverage because she had that. We have heard horror story after horror story in some States that victims of domestic violence are denied health insurance because they have been battered by a spouse and then they are battered by the insurance company.

This has to change. Coverage for women is often skimpy and spartan. I think people would find it shocking, good men would find it shocking that maternity care is often denied as a basic coverage or we have to pay more to get coverage for maternity care. Often on basic preventive care, such as mammograms and cervical screenings, we have to pay significant copays in order to get them.

So we the women are fighting for health care reform. We have very basic things we support. No. 1, we want to make sure that Medicare is strengthened and saved. We know that Medicare is a woman's issue and a family issue not only because there are more women on Medicare than there are men, but we know that with Medicare, often without it or if it is curtailed or shrunk, it would mean disaster.

Mr. President, you see that I am speaking from a wheelchair. It is because I had a fall coming out of 4 o'clock mass a couple of weeks ago. When going through the ER, the OR, the rehab room, if I did not have Medicare and my health care benefit, I would be bankrupt today.

If health care is good enough for a U.S. Senator, it is good enough to make sure we have health care for U.S. citizens. So we want to save Medicare.

We also want to close that doughnut hole. The doughnut hole for prescription drugs has been very difficult to swallow. It is time to change that. We want to end the punitive insurance practices of discriminating on the basis of gender—so whether you have had a C section or whether you need mental health benefits after you have been raped, you can get your coverage.

Later on this weekend, there will be many in my State who will be ''Racing for the Cure.'' I think it is great that we are looking for a cure for breast cancer, and we salute the Komen Foundation. But we not only want to do the research to find the cure, we want to make sure women have access to the preventive screening for breast cancer, ovarian cancer, and cervical cancer. We are fighting to make sure that access is provided for these important screenings and there are no barriers for payment.

In a nutshell, we, the women of the Senate, have fought for equal pay for equal work. Now we are fighting for equal benefits for equal premiums. We hope that when the insurance debate comes to the Senate, we will be able to elaborate. But today, we wanted to say: Let's get rid of the mob scene that is going around the debate on health care. Let's focus on the important human needs.

I now conclude my remarks, and I believe this concludes morning business. I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2847, which the clerk will report.

The legislative clerk read as follows:

A 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.

Pending:

Vitter/Bennett amendment No. 2644, to provide that none of the funds made available in this act may be used for collection of census data that does not include a question regarding status of United States citizenship.

Johanns amendment No. 2393, prohibiting the use of funds to fund the Association of Community Organizations for Reform Now.

Bunning amendment No. 2653, to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

Levin/Coburn amendment No. 2627, to ensure adequate resources for resolving thousands of offshore tax cases involving hidden accounts at offshore financial institutions.

Durbin modified amendment No. 2647, to require the Comptroller General to review and audit Federal funds received by ACORN.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2626

Mr. McCAIN. Mr. President, I send amendment No. 2626 to the desk, and I ask for its immediate consideration or, if necessary, set aside the pending business and call up amendment No. 2626.

The PRESIDING OFFICER. Is there objection to the pending amendment being set aside?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2626.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate funding for Public Telecommunications Facilities, Planning and Construction)

On page 111, strike lines 4 through 15.

Mr. MCCAIN. Mr. President, I come to the floor with an amendment that would eliminate another unneeded and unwanted earmark which is suggested by the President of the United States.

Before I go into that, I ask unanimous consent to have printed in the RECORD an article from this morning's Washington Post entitled ''Ex-Staffers Winning Defense Panel Pork, Study Finds.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EX-STAFFERS WINNING DEFENSE PANEL PORK, STUDY FINDS

(By Carol D. Leonnig)

In the coming year's military spending bill, members of a House panel continue to steer lucrative defense contracts to companies represented by their former staffers, who in turn steer generous campaign donations to those lawmakers, a new analysis has found.

The Center for Public Integrity found that 10 of the 16 members of the House subcommittee on defense appropriations obtained 30 earmarks in the bill worth $103 million for contractors currently or recently employing former staffers who have become lobbyists. The analysis by the Washington Watchdog group found that earmarks still often hinge on a web of connections, despite at least three criminal investigations of the practice that became public in the past year. Those probes focus on a handful of defense contractors and a powerful lobbying firm that together won hundreds of millions of dollars in work from the House panel and are closely tied to its chairman, Rep. John P. Murtha (D–Pa.).

On Tuesday, the Senate approved a $636 billion military spending bill for fiscal year 2010; the House approved its version in July. House and Senate members now will work in conference to resolve differences between their two bills.

The Center for Public Integrity's analysis found some shifts in earmarking patterns since its similar analysis of the 2008 defense bill. First, Rep. Peter J. Visclosky (D–Ind.), whose office records were subpoenaed by federal prosecutors in May, has markedly reduced his earmark requests and sought no work for private companies. Also, defense appropriators are generally steering more earmarks to nonprofits.

The Washington Post has documented more than $400 million in defense earmarks that Murtha has directed in the past decade to research groups in his district, including the Penn State Electro-Optics Center and the John P. Murtha Institute for Homeland Security, which steered much of the funds to private contractors.

Since last fall, federal investigators have been probing the PMA Group, a now-shuttered lobbying firm whose clients had unusual success in winning earmarks from Murtha's subcommittee. Founder Paul Magliocchetti is a close friend of Murtha's and worked as a defense appropriations staffer when Murtha was a rank-and-file member of the committee.

PMA and its clients had been big donors to Murtha and his fellow subcommittee members in the past decade, according to a Center for Responsive Politics report, with Murtha receiving the most. Since 1998, workers at those firms and their family members provided $2.4 million to Murtha—who helped insert more than $100 million in defense-related earmarks into 2008 appropriations bills. Visclosky was second, collecting $1.4 million, and Rep. James P. Moran, Jr. (D–Va.) was next, with $997,000.

Mr. MCCAIN. Mr. President, I quote from the beginning of it, something that is well known but continues to be authenticated about the corruption of the process that we go through in appropriations. It says, ''Ex-Staffers Winning Defense Panel Pork, Study Finds.''

In the coming year's military spending bill, members of a House panel continue to steer lucrative defense contracts to companies represented by their former staffers, who in turn steer generous campaign donations to those lawmakers, a new analysis has found.

Not an astonishing finding but, again, authenticating of the corruption that goes on around here and the reason Americans are fed up.

The Center for Public Integrity found that 10 of the 16 members of the House subcommittee on defense appropriations obtained 30 earmarks in the bill worth $103 million for contractors currently or recently employing former staffers who have become lobbyists. The analysis by the Washington watchdog group found that earmarks still often hinge on a web of connections, despite at least three criminal investigations of the practice that became public in the past year.

Mr. President, I bring forward another amendment—this will be my sixth—to eliminate a program and the appropriations for it that the President of the United States has asked for. I often quote from this document. This will be the sixth one. This document is entitled, ''Terminations, Reductions and Savings, Budget of the U.S. Government, Fiscal Year 2010.''

Again, I would like to read from the introduction. This comes from the administration. It says:

The President's 2010 Budget seeks to usher in a new era of responsibility—an era in which we not only do what we must to save and create new jobs and lift our economy out of recession, but in which we also lay a new foundation for long-term growth and prosperity. Making long overdue investments and reforms in education so that every child can compete. . . .

It goes on and on. In the next paragraph:

Another central pillar of a sound economic foundation is restoring fiscal discipline. The administration came into office facing a budget deficit of $1.3 trillion for this year alone—

By the way, I think that is up to $1.4 trillion now—

and the cost of confronting the recession and financial crisis has been high. While these are extraordinary times that have demanded extraordinary responses, we cannot put our Nation on a course for long-term growth with uncontrollable deficits and debt.

It goes on to talk about the problems we face.

[T]he President has announced a procurement reform effort that will greatly reduce no-bid contracts and save $40 billion, and at the Cabinet's first meeting, he directed agency heads to identify at least $100 million in administrative savings.

Then it says:

This volume is the first report of that effort. In it, the Administration identifies programs that do not accomplish the goals set for them, do not do so efficiently, or do a job already done by another initiative—and recommends these programs for either termination or reduction.

We are talking about the administration speaking. We have identified 121 terminations, reductions, and other areas of savings that will save approximately $17 billion next year alone.

It goes on to describe what they are:

Half of these savings for the next fiscal year come from defense programs and half come from non-defense. No matter their size, these cuts and reductions are all important to setting the right priorities with our spending, getting our budget deficit under control, and creating a Government that is as efficient and it is effective.

As I said at the beginning of my remarks, this will be the sixth amendment I have offered to support the President's request for reduction or termination of unneeded or unwanted programs. I am confident this will be the sixth time that the appropriators on both sides of the aisle will vote down the President's request—not my request, not my assumption, but that of the President of the United States and the Office of Management and Budget.

By the way, had the Senate agreed with my amendments—which they did not—and supported the call of the President to end programs that do not accomplish the goals set for them, we would have saved the taxpayers $87 million. In this day and age with multitrillion-dollar deficits, $87 million is not a lot around this town, but it certainly is back in my home State of Arizona.

What this amendment does, and I quote again from the President's document, and I will read from it:

The Budget supports public broadcasting through increased appropriations to the Corporation for Public Broadcasting and eliminates the unnecessary Public Telecommunications Facilities Grant Program.

Let me make it clear. The administration is supporting increases in public broadcasting but is trying to eliminate the unnecessary Public Telecommunications Facilities Grant Program in the Department of Commerce.

PTFP funding equals less than 4 percent of the Corporation for Public Broadcasting funding and has in recent years supported the transition to digital television broadcasts which will be completed in fiscal year 2009.

The administration goes on to say:

Since 2000, most [of these] awards have supported public television station's conversion to digital broadcasting. Digital broadcasting facilities mandated by the Federal Communications Commission will be completed in fiscal year 2009, and there is no further need for this program.

Again, it goes on to say:

The Administration proposes to support public broadcasters through CPB, and the

Budget includes $61 million for the Corporation for Public Broadcasting in 2010, which is in addition to the $420 million enacted advance appropriation, for total proposed 2010 resources of $481 million, nearly $20 million above 2009. The Budget also includes an advance appropriation request for the Corporation for Public Broadcasting in 2012 of $440 million to support public broadcasters. The Corporation for Public Broadcasting funds can support the same types of capital projects as PTFP funding as well as stations' operating and programming costs. . . .

The National Telecommunications and Information Administration, the Commerce Department bureau that has administered this program, was provided $4.7 billion in the American Recovery and Reinvestment Act to implement the new Broadband Technology Opportunities Program. Terminating this program will enable the NTIA to focus its efforts on BTOP, [the Broadband Technology Opportunities Program] a major challenge for this small Commerce Department bureau, and one which will aid the nation's economic recovery and help promote long-term competitiveness.

These are not my words. These are the words of the President of the United States. We are talking about $20 million savings by eliminating this program.

One of the arguments we are going to hear, and one of the great sacred cows around here, is the Corporation for Public Broadcasting. This does not affect the increase in funds for public broadcasting. It simply terminates a program that the President of the United States believes is not necessary because its mission has been completed.

I imagine we will lose again with appropriators on both sides of the aisle voting not to eliminate a program—again, the sixth amendment I have had trying to implement the recommendations of the President of the United States and the Office of Management and Budget, and while we are staring at a $1.4 trillion deficit for this year and a $9 trillion debt for the next 10 years. Those estimates have been completely underestimated.

I tell the managers, the American people are mad. They are very angry. There is going to be another tea party in my home State this weekend. You know we are mad because we are stealing their children's money; 43 cents out of every dollar we are spending today is on borrowed money. Who is going to pay it back? They know they are. They know our kids and grandkids are. We cannot even eliminate a program or programs the President of the United States requests that we terminate. There will come, and it will come fairly soon, a day of reckoning.

The reason I added this article from the Washington Post this morning is because, I say to my friends and colleagues, there is corruption, and there is corruption in the earmarking and porkbarrel process that goes on. The American people are tired of it. I urge my colleagues to adopt the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second.

There appears to be a sufficient second. The yeas and nays are ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

Ms. MIKULSKI. 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.

Ms. MIKULSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I strongly oppose the amendment of the Senator from Arizona to strike the funding in the bill for the Department of Commerce Public Telecommunications Facilities. His amendment would eliminate from the bill $20 million. That $20 million goes for competitive grants for public radio and TV stations around the Nation to upgrade their infrastructure and technology. His amendment would terminate the grant program in fiscal year 2010.

He argues that President Obama's budget proposed to eliminate the program, so Congress should too. We are a separate and coequal branch of government. In this case, the CJS Committee respectfully disagrees with the President's budget. We know our President inherited a terrible mess. We know the previous administration ran up debts and deficits and now, as we try to clean it out, our President is looking for modest cuts to the budget. But here, with public telecommunications facilities, this is exactly what we need during these troubled economic times to provide access to quality TV to ordinary people who might not be able to afford cable TV, satellite TV, or dish TV.

I am ready to dish on the McCain amendment. We need jobs in this country, and we need to let people know their government is on their side and that they can have access to public television—public television.

Sure it is a public option. We like the public option on TV.

But we know for our local stations, where donations are down and their revenues starved, you cannot put up the necessary antenna and other technology by doing it on bake sales and dialing for dollars. They need help from their government. This is what this does: A modest $20 million that will help replace equipment such as antennas, power, and telephone hookups, generators and other kinds of things.

It will improve technology to keep up with changing requirements. Grants are competitive. There are no porkbarrel projects in this, no earmarks. The grants are competitive. The Commerce Department selects what are the ones that meet the compelling needs in communities. By the way, the local community has to provide 25 percent of local cost share so it is not a free ride.

The President's budget and the amendment sponsor argue that this technology program is no longer needed because all radio, public radio and TV stations are already going from analog to digital, so we do not need it.

This argument is flawed for two reasons. First, digital conversion has never been nor ever will be the sole purpose of the Public Telecommunications Facilities Program. The Public Telecommunications Facilities Program was intended to help public radio and TV upgrade their infrastructure and buy new equipment. Digital conversion equipment is eligible, but that is not all.

I am saying this because not only do we provide public TV. It is great to have the Corporation for Public Broadcasting. That is about content. About content. But you need to have an infrastructure to deliver the content. In many of our communities, the infrastructure is worn. It is dated. It is 20, 22 years old. So they are looking to replace it. Guess what. When they do replace it, it creates jobs, jobs, jobs in those local communities. It takes talented men and women to put that antenna or that tower up, to install that very important new digital equipment.

For $20 million, we can broadcast to people, we can broadcast quality, and we have people going to work putting up and replacing dated equipment. Last year this program received almost $50 million in applications but had only $20 million to award. This funding is important in rural and underserved areas.

Last year, the technology program received 57 applications from Native American communities alone. The President and the Senator from Arizona argue it is not needed because the Corporation for Public Broadcasting will pick up the slack. I will repeat: I love Orszag, but maybe he did not read the fine print, which is the Corporation is for ongoing operations and programming. It does not provide funding for new infrastructure.

It is about infrastructure; just like we want to have money to build our highways, we need to have superinformation highways. This helps the public facilities be able to do it. The local communities depend on the Commerce Department to do this.

The program has built the Public Broadcasting System. It ensures that the American public has access across the Nation. This is not Senator MIKULSKI talking because she is the chair of the CJS and she wants to hold onto every program. I got a letter, as did my ranking member, from 21 Members of the Senate, including the chairman of the Commerce Committee, asking us to put $44 million into the Appropriations Committee to fund this. We could only afford to do $20 million, the same as last year.

Why? Let me read from their letter: For some four decades, PTFP has served as a critical infrastructure program for building public broadcasting systems of radio and TV stations that reach 95 percent of the American people.

What does this do? It maintains infrastructure for transmitters, translators for the deaf, power, and antennas.

It has been drastically underfunded in the past several years since suffering an 18-percent cut in 2002 and 2003. Over the years, PTFP has foregone $270 million in Federal funds over the authorized level during the last 8 years.

I am not going to sound like an accountant here. I want to sound like I have accountability to my communities. I want them to have access to public TV and public radio and the technology to transmit it. ''PTFP's preservation role has always been most important,'' says the letter from the 20 Senators, ''because it is the only source of Federal emergency funds for public radio and television in the event of an emergency.''

After Katrina and Rita, several stations in the gulf region were awarded these emergency grants so they could start rebroadcasting. Without those funds, many communities would have been vulnerable to the compounded effects of losing local news and the kinds of programs they needed as they were struggling to rebuild.

On average, according to the letter from my 21 colleagues, including the chairman of the Commerce Committee, stations leverage these PTF funds by an additional 50 percent. So this is a Federal-local partnership.

PTF funding is about providing access to quality TV. In my own community, it has meant access to educational programs. It has meant a way to link up to community colleges and the way they have done distance learning. Many of the early children's programs, many of those early children's programs often help get children learning ready. Again, yes, that is about content. But content cannot be delivered without infrastructure.

During several weeks this summer as I lived in a rehabilitation facility getting physical therapy, many of my constituents said: Well, is it not great to watch public TV? We can see what is going on in the world. They loved the MacNeil/Lehrer show, even though it is not called that anymore, to get news about what was going on in the country.

They loved hearing public debate in a civil way, thrilled and enjoyed ''Mystery Theater,'' and at the same time were excited that their grandchildren were able to get learning ready, either at the preschool level or the work it was doing in the community college.

There are a lot of things government does that is unpopular with people. But one of the things it does that is very popular with the American people is public TV and public radio. We have to maintain quality content. We have to maintain quality infrastructure.

Because of that, I urge the defeat of the McCain amendment eliminating $20 million and essentially zapping those much-needed antenna and monitoring and transmission facilities we need. There are other things we can zap. Let's not zap public TV and public radio.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 12:15 p.m. today the Senate proceed to vote in relation to the McCain amendment No. 2626; with no amendment in order to the amendment prior to the vote; further that prior to the vote, there be 2 minutes of debate equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have come to the floor very briefly to talk about the Congressional Budget Office's score of the health care reform proposal that is before the Senate Finance Committee.

I understand that earlier today there were members on the other side who were questioning whether the Finance Committee's proposal is paid for and whether it reduces the deficit and whether it bends the cost curve of health care in the right way.

Let me say that the Congressional Budget Office has now issued their determination on all those issues. Their conclusions are very clear. The Congressional Budget Office has said—and I will put on the chart stand a page from their report. It shows very clearly, over the 10 years of the bill, from 2010 to 2019, that the deficit will be reduced by $81 billion if the Finance Committee proposal were to become law.

With respect to the question that apparently has been raised by some, as to whether this bill is paid for, the Congressional Budget Office has answered clearly and unequivocally. They have said the bill is not only paid for over the 10 years, but it actually reduces the deficit by $81 billion.

Second, on the longer term question of bending the cost curve and whether this proposal bends the cost curve in the right way, the Congressional Budget Office has also been clear and unequivocal. Here is what they said in their report of October 7, just yesterday:

> In subsequent years, beyond 2019, the collective effect of the Finance plan would probably be continued reductions in Federal budget deficits.
>
> . . . CBO expects that the proposal, if enacted, would reduce federal budget deficits over the ensuing decade relative to those projected under current law—with a total effect during that decade that is in the broad range of between one-quarter and one-half percent of gross domestic product.

What does that mean? What CBO is saying is in the first 10 years, the Finance Committee plan would reduce the deficit by $81 billion. In the second decade, they are saying it would reduce the deficit by one-quarter to one-half percent of gross domestic product. Gross domestic product over that decade, the second decade, is estimated to be cumulatively $260 trillion. That would be the gross domestic product of the United States from 2020 on through the next 10 years. One-quarter percent of $260 trillion is $650 billion of deficit reduction in the second 10-year period. That would be one-quarter of 1 percent of GDP. One-half percent of GDP over that second 10-year period would be $1.3 trillion.

Just to be clear, CBO has told us in their report of yesterday—and the Congressional Budget Office is the nonpartisan scorekeeper, the one we all look to for objective facts—that the Finance Committee proposal reduces the deficit by $81 billion over the next 10 years and in the second 10 years would reduce the deficit by one-quarter to one-half percent of gross domestic product. No one can be certain what the gross domestic product will be in the second 10 years. Current projections are that it will be $260 trillion. So one-quarter to one-half percent of that second decade would be a reduction in the deficit from what would otherwise occur of $650 billion to $1.3 trillion, bending the cost curve in the right way.

I might add parenthetically, the Finance Committee plan is the only plan that has been produced that the Congressional Budget Office says reduces the deficit in the first 10 years and bends the cost curve in the right way, has further deficit reduction, in the second 10 years.

I am a little disappointed when I hear some of my colleagues coming to the floor and suggesting that this really isn't paid for. We have a way of determining what scores are around here. We can all make up our own facts or we can rely on the Congressional Budget Office, which is the objective scorekeeper, nonpartisan. I have great respect for them even though I have had strenuous disagreements with them at times about how they score things. Indeed, I had strong disagreements with them on how they scored some of these proposals. But there has to be an arbitrator here, somebody we look to, someone with credibility, and the Congressional Budget Office does.

For Members to come to the floor and suggest this isn't paid for flies in the face of the facts before us from the CBO. The Congressional Budget Office reported yesterday clearly and unequivocally that the Finance Committee plan is paid for; that it, in fact, reduces the deficit by $81 billion over the next 10 years; that it has further deficit reduction in the second decade of one-quarter to one-half percent of GDP. As I have said, in the second 10 years the forecast is that gross domestic product over that 10-year period

will approach $260 trillion. One-quarter to one-half percent of that amount would be $650 billion to $1.3 trillion of additional deficit reduction in the second decade. Those are the unvarnished facts. I hope that during the debate, which will be tough enough, which will be contentious enough, we will not resort to trying to mislead people as to the objective facts before us.

It has been said by a previous President that facts are stubborn things. Indeed, they are. One of the stubborn facts is, we are on a course that is utterly unsustainable with respect to health care. Today, we are spending $1 of every $6 in this economy on health care. Seventeen percent of the gross domestic product is going to health care. The CBO long-term budget outlook says that in the next period from 2010 to 2050, we will go to spending 38 percent of our gross domestic product on health care unless we do something. That would be more than $1 of every $3 in this economy going to health care; in fact, close to every $1 of every $2.50 going to health care. That is an unsustainable course.

The question before this body and before the Congress and before this President will be, Do we act or do we stick with the status quo? I suggest sticking with the status quo is utterly indefensible. There is no way to suggest that sticking with the status quo is going to succeed for America's families, businesses, or the government itself.

The hard reality is, Medicare and Medicaid spending as a percentage of GDP is going up dramatically during this forecast period. It has been happening. This chart shows clearly, between 1980 and 2009, the share of our gross domestic product going to Medicare and Medicaid has been rising inexorably. We know that trend will continue unless we do something about it. That means we have to act. That means we have to take responsible steps to rein in the skyrocketing cost of health care. That is critically important to families, businesses, and their competitive position, and it is absolutely essential to the Federal Government. The trustees of Medicare have told us clearly: Medicare is going to go broke in 8 years unless we act. The Medicare trust fund has already gone cash-negative. The Social Security trust fund has already gone cash-negative. The time and the need for action is about as clear as it can possibly be.

I appreciate the opportunity to respond to what some colleagues suggested this morning. It is clear—the Congressional Budget Office has told us—that the Finance Committee proposal is not only paid for, it actually reduces the deficit both over the next 10 years and over the next decade after that 10-year period as well. That is a significant accomplishment by the Finance Committee chairman who laid down this mark. We will see where the votes lie on Tuesday.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I wish to speak on behalf of those of us who are concerned about NASA and express my personal appreciation to the Senator from Maryland, chairman of the appropriations subcommittee that handles NASA, for the tremendous work she has done in appropriating money to keep NASA going. If I may, I want to go beyond the Senator's appropriation. She has taken the very difficult task of a budget that is quite lean, put out by the President, and has come up with the best she can come up with in trying to sustain the Nation's human space program with those resources.

What we know is, over the course of the last several years, the Office of Management and Budget and the White House have not given adequate resources to those of us in this Chamber who want a vigorous human space program. We simply, over the last several years, have not been able to get the resources we need for NASA to do everything it has been asked to do, with the result that NASA is now at a crossroads.

I commend Senator MIKULSKI for her work in how she has put together this budget. We find ourselves now with the opportunity beyond this specific budget to strengthen and advance our leadership in the world or to stand by and allow what has become a hallmark of U.S. leadership to slip by the wayside.

Last month, the blue ribbon panel the President appointed, called the Augustine Commission, released a summary of the findings from the final report on the Nation's space program. That report has not come out in detail. We await its release. In part, what it says is, the U.S. human space flight program that has made America a world leader in science and technology ''appears to be on an unsustainable trajectory.''

Specifically, the report will say:

> [O]ur space program is being asked to pursue goals without the appropriately allocated resources.

So this country stands at a crossroads for NASA with a stark choice before us: We can continue on the path we are on—underfunding and underallocating our space program—or we can choose to act. We can choose to act by ensuring that the appropriate resources are allocated to meet the goals laid out before us.

The Augustine Commission was abundantly clear. It said that—while the current path we are on is unsustainable—''meaningful human exploration is possible under a less constrained budget'' with an additional $3 billion a year. That is $30 billion additional over a 10-year period. These are not my words. These are the Augustine Commission's words.

Even though we face uncertain economic times—certainly in a recession—the challenge of finding that additional money is one we cannot afford to ignore.

I wish to add my voice to others from this Chamber in asking the President to divert $3 billion to NASA from the unspent portion of the $787 billion in the economic stimulus recovery money. The stimulus bill—that we passed by a one-vote margin back earlier this year—was to get this economy moving again, to stimulate, to electric shock therapy the economy back to life by getting dollars out, turned over, and jobs created.

That is a very good source for this money, for NASA to be able to continue on the road of what almost every American wishes for—to continue to explore the unknown.

We have identified other possible revenue sources for future years. But no matter how much we find by scraping the bottom of the barrel, it is still going to come down to one thing: It is going to be the President's decision.

If we remember, similar to President John Kennedy before him, a President has to decide and has to commit the resources. If this President will do it, it will commit the space program that will keep America a global leader in science and technology.

Why do I say that? Think of all the effects of the spinoffs that came out of the Apollo Program when President Kennedy said: We are going to the Moon and back, and that was within a 9-year period.

Currently, our space program is funded at less than 1 percent of the total Federal budget. Yet our space program has always paid back dividends—both tangible and intangible—which is vastly greater than the initial investment.

The additional funding for NASA, I have indicated, will ensure the United States remains at the very top for the peaceful use of technology for the betterment of humankind. Of singular importance, this commitment will help us to inspire the next generation of explorers and the next generation of scientists and technologists and engineers and mathematicians and educators. It is this payoff which is Apollo's greatest and lasting legacy.

We have a similar opportunity right now in front of us. You think about that generation of kids who got inspired when President Kennedy said we were going to do what was almost thought to be the impossible and how many of those kids went into math and science and technology and engineering. Look what that generation brought to us in the global marketplace.

The Augustine Commission notes that the time may finally be upon us when commercial space companies can begin to carry some of the burden of the access to low-Earth orbit. Many of

these companies are already developing capabilities to give us a commercial resupply of the International Space Station. Are they going to be successful? We certainly hope so. Are they going to be timely? We do not know. These commercial ventures are already behind the timeline. We certainly hope they are going to be timely.

This ability, according to the Augustine Commission, is critical to ensuring our ability to operate the station beyond 2016. Almost everybody unanimously agrees we should be planning to keep the International Space Station, of which we are still continuing to complete its construction and equipping, to keep that going at least until 2020 and to maximize the return of what has become a substantial $100 billion investment.

Those commercial endeavors serve another function. They also create new industries and, with that, new jobs for Americans. But we are still going to have to have the question of: What is NASA's new mission, new architecture? How are we going to fund it? What are we going to do with the workforce in the meantime that is going to have severe disruptions?

This is what the President of the United States is going to have to decide as soon as the Augustine Commission report is final and is published.

The International Space Station has proven to us that many nations can work together on enormous endeavors in a peaceful fashion. The station—just now being completed—is at its dawn, and its many economic, scientific, and social payoffs from our investment are still to be realized. But the international partnerships formed during the design, the construction, and the ongoing operation of the station have proven something. It has proven that the world community looks to the United States for leadership in space.

Many of the world's nations are patiently waiting to see which direction our country chooses, which direction this country chooses as a result of our President's decision. At the same time, these many nations are prepared to follow the U.S. lead in the form of additional commitments and resources in space. To turn our backs on space at this moment would have negative effects that would reverberate around the world.

It is interesting that last night President Obama hosted several young people at the White House for a star-gazing party. Oh, that must have been very exciting for those young people. They had the opportunity to view, in vivid detail, craters on the Moon, the rings of Saturn, the colors of the planet Jupiter, and the belt of the Milky Way. For many of those kids, it was the first time they ever even thought of viewing those things.

The wonderment displayed by those children—and many of those adults there as well—proved, once again, that the space program inspires. If all goes well, tomorrow morning America will successfully plow a rocket into the surface of the Moon to help determine conclusively whether large quantities of water can be found just beneath the lunar surface. Imagine, this mission may reveal new knowledge about a source of water for astronauts in the future and fuel for their rockets to explore the cosmos.

A suitably funded space program is the best catalyzing element to gather and organize the energies and abilities of this Nation. In return, this program will pay many dividends, perhaps the most important of which is to inspire, encourage, and motivate the next generation of Americans.

I ask my colleagues to join me in supporting Senator MIKULSKI on her appropriations bill but then to join me in supporting increased funding for NASA and this Nation's space program.

You can tell I am quite intense about this subject. I have had the privilege of being a beneficiary of our Nation's space program. I have seen us achieve extraordinary things. It is a part of our character as a people. We are, by nature, as Americans, explorers and adventurers, and I do not want us to ever give that up. That is why I make this plea to the Congress of the United States and to the President of the United States for NASA's funding.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, many of my colleagues have taken to the floor in recent weeks to discuss the details of health care reform and, in particular, the clear need for a public option.

We have heard from distinguished Senators on both sides of the aisle. For the most part, this has been a healthy debate. But it is a debate that has been going on for almost a century. Over the years, the problem has grown. Care has become more and more expensive.

Today, $1 out of every $6 spent in this country goes to pay for health care. Insurance company profits are up. Health outcomes are down. After a century of thoughtful debate, I believe the way forward is clear—very clear. The only way to achieve meaningful health care reform and bring costs down is through a public option that creates real competition in the system.

Let me be clear. I will not vote for any health care bill that does not include a public option. That is because the stakes are too high to settle for anything less.

Every day, more people get sick and die because they cannot get the quality care they need; 45,000 Americans died last year because they did not have adequate coverage. That is one death every 12 minutes and 45,000 more will die this year and next year and every year until we pass meaningful health care reform.

Some of my colleagues think we are moving too fast, and they say we should wait. I say the American people have been waiting long enough. We must not wait another moment.

A public option would restore choice and accountability to the insurance market. It would help bring down costs and make quality care affordable for every single American.

If you cannot afford private insurance under the current system, you will have the opportunity to buy a low-cost public plan or a private plan that is guaranteed to be affordable based on your income level.

If you have private insurance but it is too expensive or they do not treat you right, you will have the opportunity to switch to an affordable and high-quality public plan. No American has ever experienced such freedom of choice when it comes to health coverage. That is because consolidation in the insurance market has left a few corporations with control of the whole industry. In Illinois, two companies dominate 96 percent of the market. They can charge excessively high premiums, drop your coverage for any reason or no reason at all, and cap the amount they will spend on treatment in any given year. That is why their profits are breaking records and growing four times faster than wages, while the rest of us suffer the effects of a terrible recession.

But we can rein in these costs. If we pass insurance reforms that include a public option, these corporations would have to compete for your business. Premiums would come down. No one would be able to drop your coverage because of a preexisting condition. Companies would not be able to drop you in the event of a catastrophic illness, and they would not be able to place a cap on the benefits you can receive during your lifetime. Honesty and fair play would be restored to the system.

I don't understand how my colleagues on the other side of the aisle can oppose such a plan. I don't understand how they can oppose competition in the market, which I have always regarded as a quintessential American idea. Certainly there is nothing wrong with making a profit. Insurance companies play an important role in our system, and I support that role. But between 2000 and 2007, the profits for the top 10 insurance companies grew at an average of 428 percent. Let me repeat that. Between 2000 and 2007, the profits of the top 10 insurance companies grew by an average of 428 percent. This is not only unreasonable, it is breaking American businesses and families.

Many analysts agree that health care costs have contributed to the severity of the current economic crisis, and it is easy to see why. Competition and appropriate regulations will rein in these excessive profits and put pressure on the companies to improve coverage or risk losing customers.

Reform with a public option will restore choice to the insurance industry. Millions of Americans will be able to get coverage for the very first time. And far from driving companies out of business, health reform will allow an estimated 1 million to 3 million new customers to purchase coverage from private insurers. It will enhance their business.

Some of my colleagues have expressed concerns about the cost of a public plan, but if they look at the way the program will function, they will see there is no reason for concern. As in any business, a not-for-profit public insurance option would require some initial capital to get it off the ground, but afterwards it would rely on the premiums it collects to remain self-sufficient. The current system is a strain on the American taxpayers. A public option will not be.

There will be no government takeover. I will repeat that. There is no such thing as a government takeover. There will be no death panels, no rationing, and no red tape between you and your doctor. The public option would complement private insurance providers, not drive them out of business.

It is time to take decisive action. This Senate has been debating health care reform for almost a century, while outside this Chamber ordinary Americans suffer more and more under a broken system. I believe we have been talking about it enough. Our way forward is clear. Now is the time for us to act. That is why I will not compromise on the public option.

I urge my colleagues to join with me to stand on the side of the American people and demand nothing less than the real reform a public option would provide. We must not wait another moment.

Mr. President, I thank you, and I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we will shortly be voting on the McCain amendment. We look forward to closing that debate. But before we do, I wish to comment that we are going to dispose of as many amendments as we can today and we are also going to arrive at a finite list of amendments. So for those Senators who do have amendments on both sides of the aisle, Senator SHELBY and I ask our colleagues to come and offer them so we can dispose of them, as we did with the Senator from Arizona. He offered his amendment, we had a good debate, and we are going to vote on it. So please, colleagues, if you have amendments, come to the Senate floor and offer them.

Second, if you have amendments that you wish to file, this is the day to file them. We are trying very hard to see if we can finish today, but that seems to be a bit of an exuberant wish on my part and on the part of Senator SHELBY. But if we can't finish today, we would at least like to get a sense of the amendments colleagues wish to bring over today. Then when we get to the Columbus Day weekend, we can work to either come to an agreement to take them, or a way of disposing of them when we come back from commemorating when America was discovered by Columbus.

Again, I ask my colleagues to come forward and either offer amendments or file amendments.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. 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. 2646

Mr. BEGICH. Mr. President, I ask unanimous consent that the pending amendment be set aside and I call up amendment No. 2646.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. BEGICH], for himself and Ms. MURKOWSKI, proposes an amendment numbered 2646.

Mr. BEGICH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To allow tribes located inside of certain boroughs in Alaska to receive Federal funds for their activities)

At the appropriate place, insert the following:

SEC. ____. Section 112(a)(1) of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 62) is repealed.

Mr. BEGICH. Mr. President, at a later time I will have a floor statement.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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. 2626

There will now be 2 minutes of debate, equally divided, prior to a vote in relationship to amendment No. 2626, offered by the Senator from Arizona, Mr. MCCAIN.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, this is another attempt to agree with the President's request to cut some unneeded spending. This time, it is only $20 million, which around here is obviously chicken feed. But the President has requested that this $20 million be cut. It is not needed. The program it was funded for is complete.

I ask my colleagues to vote for the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, as the manager of the bill, I oppose the McCain amendment. This $20 million is competitive funding that helps local public TV and radio stations with equipment, things such as antennas, generators, fire-suppression equipment, and transmission. It improves technology. It enables our very important public TV stations to modernize.

This is a competitive grant program—no earmarks but big footprints. It does require local cost sharing of 25 percent. It also creates jobs in local communities by actually installing this equipment, while we move out the very wonderful content of public TV and public radio.

We, too, are stewards of the purse. The Commerce Department——

Mr. MCCAIN. Mr. President, we have to have the regular order at some time.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. Mr. President, I do like to know that. I like to follow the regular order. If the Chair would have notified me, I would have stopped sooner.

I call for the vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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 Massachusetts (Mr. KERRY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 64, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—33

Alexander	Crapo	Johanns
Barrasso	DeMint	Kyl
Bayh	Ensign	LeMieux
Bennett	Enzi	Lugar
Brownback	Graham	McCain
Bunning	Grassley	McConnell
Chambliss	Gregg	Risch
Coburn	Hatch	Roberts
Cochran	Hutchison	Sessions
Corker	Inhofe	Thune
Cornyn	Isakson	Wicker

NAYS—64

Akaka	Cardin	Gillibrand
Baucus	Carper	Hagan
Begich	Casey	Harkin
Bennet	Collins	Inouye
Bingaman	Conrad	Johnson
Bond	Dodd	Kaufman
Boxer	Dorgan	Kirk
Brown	Durbin	Klobuchar
Burr	Feingold	Kohl
Burris	Feinstein	Landrieu
Cantwell	Franken	Lautenberg

Leahy	Nelson (FL)	Stabenow
Levin	Pryor	Tester
Lieberman	Reed	Udall (CO)
Lincoln	Reid	Udall (NM)
McCaskill	Rockefeller	Vitter
Menendez	Sanders	Warner
Merkley	Schumer	Webb
Mikulski	Shaheen	Whitehouse
Murkowski	Shelby	Wyden
Murray	Snowe	
Nelson (NE)	Specter	

NOT VOTING—3

Byrd	Kerry	Voinovich

The amendment (No. 2626) was rejected.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 2653

Ms. MIKULSKI. Mr. President, unless the distinguished Democratic leader is ready to speak, I ask unanimous consent that the Bunning amendment, No. 2653, be the pending business.

The PRESIDING OFFICER. Without objection, the amendment is the pending.

Ms. MIKULSKI. Mr. President, I also make a point of order against the amendment that it violates rule XVI, paragraph 4—legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained and the amendment falls.

Ms. MIKULSKI. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I am very disappointed the majority has chosen to block full consideration of my amendment. What I am trying to accomplish is simply more transparency in the Senate. This would be accomplished by requiring a Congressional Budget Office score and posting of legislation 72 hours before consideration by committees or the full Senate.

As a recent poll has shown, 83 percent of the American people support a waiting period before Congress votes on bills. My amendment would provide this to the American people. I think it is outrageous the other side is using a procedural tactic to block consideration of this amendment on this bill.

Be assured I will be back to bring up this issue again and get a fair and full consideration of it by the Senate.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2648, AS MODIFIED

Mr. ENSIGN. Mr. President, I call up amendment No. 2648, and I send a modification to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 2648, as modified.

Mr. ENSIGN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funds for the State Criminal Alien Assistance Program by reducing corporate welfare programs)

At the appropriate place insert:

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

For an additional amount for the State Criminal Alien Assistance Program $172,000,000 to remain available until expended.

OFFSET.—All amounts appropriated under this Act, except for amounts appropriated for SCAAP, shall be reduced on a pro rata basis by the amount necessary to reduce the total amount appropriated under this Act, except for amounts appropriated for SCAAP, under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, by $172,000,000.

Mr. ENSIGN. Mr. President, I rise today to propose an amendment adding $172 million for the State Criminal Alien Assistance Program and offset it with corporate welfare funding currently in the bill.

The State Criminal Alien Assistance Program, known as SCAAP, provides Federal payments to States and localities that incur correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of State or local law and are incarcerated for at least four consecutive days during the reporting period.

This program also reimburses State, county, parish, tribal, or other municipal governments for the costs associated with the prosecution of criminal cases declined by local U.S. Attorney's Offices.

While we have made strides in securing our border, illegal immigration remains a significant problem, and the Federal Government should bear the additional burden placed on States and local governments. While this amendment does not fix our problems with illegal immigration, it does help local communities address costs associated with the incarceration of illegal immigrants who continually and repeatedly violate the laws of our country.

This will bring this program's funding up to the 2009 level of $400 million. This increase will match the level the other Chamber, the House of Representatives, accepted by a nearly unanimous vote of 405 to 1. With increased funding for SCAAP, we can keep more repeat offenders off our streets and reduce some of the catch-and-release practices instituted by many communities that just don't have the resources to keep these criminals where they belong, which is behind bars.

So I urge my colleagues to support this amendment to ensure that critical funds reach our State, county, parish, tribal, and municipal governments to help battle the problems associated with illegal immigration and to keep lawbreaking illegal immigrants off our streets.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Las Vegas Review-Journal relating to this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAS VEGAS POLICE REFER 2,000 INMATES TO IMMIGRATION OFFICIALS

(By Antonio Planas and Lynnette Curtis)

The Metropolitan Police Department forwarded the names of nearly 2,000 inmates to federal immigration officials during the first 10 months of a controversial partnership that allows specially trained corrections officers to start deportation proceedings against immigration violators.

The agreement between the Police Department and U.S. Immigration and Customs Enforcement officially began Nov. 15 and is limited to the Clark County Detention Center.

Nearly 10,000 county jail inmates through Sept. 19 were identified as being born outside the country or their identities were in question, said officer Jacinto Rivera, a Las Vegas police spokesman.

Police sent the names of 1,849 inmates who were determined to be in the country illegally to ICE for possible deportation.

It's unknown how many of those inmates were deported. ICE doesn't track removals that way, the agency said Wednesday. Illegal immigrants referred to the agency by local law enforcement become part of ICE's larger caseload. Those cases can drag on for months or even years.

The Police Department's partnership with immigration officials has always been narrower in scope than that of Maricopa County in Arizona and does not allow officers to arrest people for immigration violations. Only once an individual has been arrested on unrelated charges can he or she be screened for possible deportation.

Sheriff Doug Gillespie has repeatedly insisted the partnership is meant to target violent criminals.

In fact, police did not forward to immigration officials the names of an additional 1,808 inmates who also were identified as being in the country illegally because those inmates had no violent criminal history, Rivera said. Overall, 62,803 people were booked into the county jail between Nov. 15, 2008, and Sept. 19, 2009.

Hispanic and civil rights groups have fiercely criticized ''287 (g)'' partnerships, named for the corresponding section of the federal Immigration and Nationality Act, saying they target Hispanics and could lead to racial profiling and make people afraid to report crimes.

''Evidence is mounting across the country that 287 (g) programs are being run in problematic ways,'' said Maggie McLetchie, an attorney with the American Civil Liberties Union of Nevada. ''We understand federal immigration laws need to be enforced, but that's the job of federal immigration officers, not the job of Las Vegas police.

MOTION TO RECOMMIT

Mr. ENSIGN. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to recommit the Act H.R. 2847 to the Committee on Appropriations with instructions to report the same back to the Senate with changes that reduce the aggregate level of appropriations in the Act for fiscal year 2010, excluding amounts provided for the Bureau of the Census, by $3,411,000,000 from the level currently in the Act.

Mr. ENSIGN. Mr. President, what this motion is similar to the motions I have made on previous spending bills. What we are asking the Appropriations

Committee to do is to fund our government at the 2009 level.

In 2009, we saw huge funding increases. Then, with all of the spending programs, the government has seen massive increases on top of the increases in spending we had last year. So what we are saying is, while businesses, families, local governments, and State governments across the country are cutting their budgets, the Federal Government should freeze spending levels to 2009 levels. Let us not go on this massive increase in spending.

We understand the census, which we do just once every 10 years, is not part of the normal budget process, so we allowed for that. We allow for the census to be funded. But everything else should be funded at 2009 levels.

We allow the Appropriations Committee to set the priorities; that is, what funding is to go into which particular program. Some programs are more effective than others, and they may have different priorities. That should be the prerogative of the Appropriations Committee. But what this body should be doing is sending a message to the American people that we care about our children and our grandchildren.

What we are seeing right now is that we are borrowing 43 cents of every dollar we spend. Think about that. Think about a family or a business borrowing 43 cents out of every dollar they spend. That is what we are doing. I think this next chart illustrates very well on whom this burden is going to fall.

The picture of this young lady was taken out in the public. She had a sign around her which said: I am already $38,375 in debt, and I only own a dollhouse.

It is a picture of a cute little girl, and it would really be a cute picture if it wasn't so sad because it is true. Every child in America has a huge debt burden put on them because of the spending.

During the last many years we have heard about the spending programs. The other side of the aisle actually ran on fiscal discipline. They said we spent too much money under the Bush administration. By the way, I agreed with that statement. I think we did spend too much money during the first part of this decade. But the spending levels now, in comparison, are skyrocketing. We are adding trillions and trillions of dollars in debt to future generations.

So my motion, very simply, says: Instead of this large increase in this spending bill, we are going to live at last year's numbers. We are not even going to cut in ways State governments and local governments are doing. They are cutting. We are going to live within last year's funding levels—which were, by the way, increased dramatically. Last year, I think the same appropriations bill got a 15-percent increase. Let's at least live at last year's level instead of living on huge increases this year.

I think this motion is the responsible thing to do for future generations and for the future of our country. We have to think about this debt. What is this debt going to do? We are hearing about the weakening dollar. There are articles every day in financial magazines about what a weak dollar means to America. The higher the debt, the weaker the dollar gets. We are adding trillions of dollars onto the debt. That weak dollar is going to hurt our economy into the future. We have to worry about not only inflation, but hyperinflation. We have to worry about whether jobs are going to continue to go overseas because of a weak dollar.

Every country that has tried to handle their debt by devaluing their currency, which is what seems to be going on now—has never succeeded. The only way to control your debt is to get spending under control. That is what we have to do in this body. That is what we have to do in this country. My motion says: Time out. Time out from all the spending. Let's at least live at last year's spending level. Let's put a freeze on Federal spending so we are not hurting future generations. I encourage my colleagues to vote for this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. UDALL of Colorado are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Ohio is recognized.

HEALTH CARE

Mr. BROWN. Mr. President, I come to the floor regularly to share letters from constituents of mine, Ohioans, letters we get from people commenting on the health care system. Many of these letters—most of them, in fact—have come from people who thought they had good insurance. If you had called them a year ago or 3 years ago or even, in some cases, a month ago and said: Are you satisfied with your insurance, they most likely would have said yes. Then one of their family members gets sick and it is a very expensive illness, spend weeks in the hospital or has all kinds of doctors visits and tests, and they end up spending so much that they lose their health insurance. The insurance company cancels them. The insurance companies call it a rescission.

You read the fine print and you see these policies are not what they are cracked up to be. That is one important reason why this health insurance bill is so important.

Let me share a couple of these letters with my colleagues.

Edward, from Montgomery County, that is the Dayton area—Dayton, Kettering, Huber Heights, that area of Ohio, sort of southwest Ohio.

About 5 years ago I took my wife to the hospital one evening because she hurt her back. They took an X-ray but told her nothing was wrong. She came back home, but she stayed up all night crying in pain.

I then took her to the emergency room where the doctors took an MRI. It showed she had a ruptured lumbar disc that could have led to paralysis. The insurance paid for the MRI, but their attitude was sickening. After being admitted that night, the next day the hospital told her she had to go home because the insurance wouldn't pay for the stay.

The doctors and nurses disagreed with that decision, but insurance rules.

The public option is the only thing that will keep these companies honest.

Edward from Montgomery County has it exactly right. He knows we need insurance reform so the insurance companies can no longer deny care for preexisting conditions, no longer discriminate against people because of gender or disability or age or geography. He understands there should not be a cap, an annual cap or a lifetime cap, on coverage, so if someone gets very sick and it is very expensive, their insurance could no longer be canceled.

But he also understands not only do we need to change the rules, as our bill that we will bring to the Senate floor does, to change those rules so insurance companies can no longer game the system, this legislation also includes a strong public option as Edward asked for. A public option will make sure the insurance companies stay honest. It will inject competition into the insurance industry, and it will give people choice. That is why we call it a public option. It is a choice.

If you are in southwest Ohio, in my State, you only have two insurance companies, and they have 85 percent of the insurance market. That is not competition. You know that means rates are higher. That is why injecting competition with the public option will help stabilize insurance rates and make the insurance companies behave a whole lot better than they have been.

Let me share two other letters. I see my colleague from Pennsylvania, Senator CASEY, is in the Chamber. Linda from Hamilton County, also southwestern Ohio, Cincinnati, Blue Ash, Avondale, that part of Ohio.

I am 60 years old and I have private health insurance—if you want to even call it that. I pay $450 a month and so few services are covered until I reach a $10,000 deductible.

Three years ago I had a double mastectomy. As a result, I can no longer go to another insurance company because of preexisting conditions.

I have a good life. My husband and I worked hard, saved our money, and have enjoyed our retirement so far. But I now find myself not being proactive about my health care because I know I will have to pay out-of-pocket for care until I reach $10,000.

That's not insurance. It is highway robbery. I want you to vote——

She says: Senator——

I want you to vote for the public option. Get in there and fight for those who have nothing and for those of us who want to remain healthy in our golden years.

Listen to what she says:

I now find myself not being proactive about my health care——

Because she has a $10,000 deductible, living now, it sounds like, probably, on a fixed income, she simply cannot afford to pay that kind of money out of pocket to get the sort of maintenance of care she needs. So she simply is not taking as good care of herself. She is not able to have physicians and nurses and others help her maintain her health the way we encourage our constituents to do. We want people to get regular checkups. We want them to do all kinds of preventive care. She can't afford to because of this deductible. So she already, in some sense, has been a casualty of our health care system. I pray it is not worse than that. But in too many cases, that has happened. She argues again—she says: I want you to vote for the public option. She understands she will not have this kind of $10,000 deductible if she chooses the public option—a choice, but a choice that she sounds like she would make. She will not be turned away or in her mind think she can't get this other health insurance, these other health care services because they are so expensive. She understands and she asks for a choice—the choice of a public option.

This is the last letter I will read before I yield the floor.

Christopher from Summit County, the Akron area, northeast Ohio, Akron and Barberton and Tallmadge and Stow and that area of the State, writes:

> As a 58-year-old self-employed entrepreneur, it is virtually impossible to obtain serious and genuine health coverage insurance. Thanks to a relatively minor pre-existing condition and total lack of a public option, I fall through the cracks in the wealthiest nation in the world.

Two sentences he writes: ''It is impossible to obtain serious and genuine health insurance'' and ''Thanks to a relatively minor pre-existing condition and lack of a public option, I fall through the cracks in the wealthiest nation in the world.'' Why can't somebody like Christopher—he is self-employed, he had the initiative to start a business and employ himself, and he wants to have insurance. He is 58 years old. His medical problems don't sound particularly severe, but he has a minor preexisting condition. He can't get insurance. That is why we are changing the law. We are no longer allowing denial of care for preexisting conditions, but we also need a public option, as Christopher asks for, for him to choose from if he would like to choose the public option or Aetna or Medical Mutual, an Ohio company, or CIGNA or BlueCross or whatever. But he also understands that the public option will enforce these rules, so the insurance companies can no longer game the system. In other words, the public option, as the President has said, will make the insurance companies more honest.

It is clear our legislation does a handful of things that are so important. It is clear this will move our country forward. It says: If you have insurance and you are satisfied with it, you can keep that insurance, but we are going to build consumer protections around that insurance: No more denial of care for preexisting conditions; no more caps on coverage if you get very sick and you lose your plan—they can't throw you off your plan then; no more discrimination based on gender or geography or disability or age.

The third thing our legislation does is it gives all kinds of incentives to small businesspeople to insure their employees: tax credits, allowing them to go into a larger pool with consumer protections. And our legislation provides insurance for people who do not have it, with some help from the government if people are low or median income.

So all of that will mean a healthier population. It will mean choices for people because they can choose the public option or they can choose private care, and they know the public option will make our whole health care system much better.

As we move forward and get this legislation to the President's desk before Christmas, I am excited about what we can do to make peoples lives better and to make for a healthier country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, first of all, I commend the words of my colleague, Senator BROWN, on the issue of health care but in particular the importance of having a public option in our health care plan and the legislation the Senate will take up.

AFGHANISTAN POLICY

I rise today to speak in particular with regard to the debate we are having—just beginning to have, by the way, and need to have a lot more debate about—the U.S. role in Afghanistan, with a special focus in terms of my own remarks today on building the Afghanistan National Army. At the same time, I would also like to recognize the dedication of the Pennsylvania National Guard as well.

But first with regard to Afghanistan, the challenge we face in Afghanistan and Pakistan is a grave challenge indeed. Those who might disagree on the way forward or what to do next can agree on that, that it is a grave challenge. In order to get it right, and we must get it right, we need to debate these issues thoroughly.

I have been fortunate enough in the 3 years since I have been in the Senate to be a member of the Foreign Relations Committee. As a member of that committee, most recently—the last couple of months, really—I have had several opportunities, as others have on the committee, to examine the military, political, diplomatic, and regional implications of our presence in Afghanistan. Chairman JOHN KERRY has taken a very comprehensive approach, and I applaud his efforts.

I also support the administration's deliberate consideration in making this strategic determination. The President is taking the time that I believe is necessary to make the right decision.

General McChrystal as well has contributed much to this debate, not only with his report but, more importantly than what he put on paper, the kind of leadership he has provided to our troops on the battlefield and the way he has assessed the threats to our security and to our troops and to the Afghan people and the way he has articulated those threats.

Now he has made a recommendation to the President. We hear a lot about what General McChrystal's report said, at least parts of it. We also hear a lot about General McChrystal's recommendation on troops. What we have heard very little about and need to hear more about is the nonmilitary part. What will happen on the nonmilitary aspects of this counterinsurgency strategy? That is vitally important and at the same level of importance as what we do militarily. So we have to get it right militarily and in terms of the other strategy.

But one thing we have not heard a lot about is that General McChrystal has actually, in words I am quoting from the New York Times, endorsed the President's deliberate approach. General McChrystal was quoted on October 2 in the New York Times as follows: ''The more deliberation and the more debate we have, the healthier that is going to be'' for the strategy. So for as much attention as has been paid to what his report says, or at least part of what his report says, I think it is also important to listen to his words about taking the time to debate it and taking the time to deliberate it because if all we do in the Senate is point a finger to the White House and say the White House must do this or the President must do this or the administration must do this, we are not fulfilling our responsibilities in the Senate.

A number of us have been talking about this challenge, but we have to hear from more voices here and we have to debate this in a very substantive, serious, thorough, and bipartisan way. I will talk more about that in a moment.

In that same New York Times story, General McChrystal was also quoted as saying: ''I don't think we have the luxury of going so fast that we make the wrong decision.'' So I think it is important to highlight what General McChrystal has said about the approach we take, the approach President Obama is taking, spending a number of weeks looking at this, focusing on the strategy before the resources. A lot of people in this town want to just talk about troop levels only and resources only instead of getting a sense of where we should be strategically first and then getting to resources.

We should consider the ideas set forth in a recent Wall Street Journal op-ed by the following Senators: MCCAIN, GRAHAM, and LIEBERMAN—all

respected voices on national security and foreign policy.

This is not going to be the strategy going forward, the solution to a difficult problem; this is not going to be a Democratic solution and it is not going to be a Republican solution; this has to be a strategy and a solution that comes from both parties.

Also, I should say that only by working together can we develop the best strategy, and to literally focus on strategy before the question of resources. We cannot simply use sound bites to communicate the complexities of this conflict or simply reassert talking points from the Iraq war debate. If that is all we are going to do around here, we might as well not have a debate because that will not do it for this debate, especially when we are talking about what is at stake here and especially in this case. Politics must stop at the water's edge. I think we can do that. This body has done it in the past, and we can do it again.

Let me say at the outset that our problems in Afghanistan are political in nature and will ultimately require a political solution. This does not mean additional troops may not be needed, but it does indicate to me that our strategy needs to reflect a deeper commitment to supporting the Afghan people in their efforts to focus on at least three principal areas—one, the obvious priority of security. There is a lot to talk about just under that umbrella. The second focus we have to have, as well as the Afghan people, is governance. We cannot govern for them; they have to govern themselves. President Karzai and whoever else has authority in that country to provide services have to demonstrate to us and to the world that they can govern themselves. So first security and then governance and finally development, and that obviously is a joint effort, not just American-Afghan but all of the more than 40 nations that are helping us in Afghan to help communities with water systems and infrastructure and education and so many others—health care included—so many other aspects that involve development or at least quality of life in Afghanistan.

Ultimately, our success will come in empowering Afghan institutions to address their own internal security. In some cases, this may mean co-opting certain elements of the Taliban, in other cases taking on the Taliban directly. We are now at a stage where the United States can play a positive role in making sure the political framework for the country is sound.

The chairman of the Armed Services Committee, CARL LEVIN, has helped to focus attention on the critical importance of training the Afghan National Army or the so-called ANA. I applaud Chairman LEVIN's leadership in this regard and support his call for an acceleration—a rapid acceleration of troop training to the levels of 240,000 Afghan National Army troops by 2012. While there is some disagreement over these training timelines, no one disputes the central importance of getting the Afghan security forces trained well and soon. As this force is prepared to provide security, it will decrease the need for a robust U.S. presence in the country.

I applaud the efforts of Major General Formica, head of the U.S. unit charged with training the Afghan troops. While the ANA certainly needs substantial additional assistance, we need to acknowledge the fact that this fighting force did not exist 7 years ago. Due in large part to the extraordinary efforts of coalition forces and people like the general, the ANA can be considered a measured success. Without these remarkable efforts, the Afghan National Army would not be in a position to grow at the pace necessary in the coming months.

I should also add that the recent Presidential election in Afghanistan presented a very difficult security challenge, and both the Afghan National Army as well as the police performed pretty well. We could witness some security problems but on a much more limited basis than many would have predicted. So that is a bit of good news in all the bad news we hear about Afghanistan.

Challenges do remain, however, and this training process will not be easy. A little more than 40 percent of the population in Afghanistan is of the Pashtun ethnicity, although they are not fully represented in the army at these levels. The officer corps of the Afghan National Army, based on traditions that go back decades, is primarily made up of Tajiks, who represent just over 25 percent of the population. The most substantial fighting in Afghan currently takes place in the Pashtun belt, an area of the country in the south and east along the border with Pakistan. I hope the Afghan National Army can continue to take these important ethnicity concerns into consideration as they grow the force.

These are critically important concerns about ethnicity. We have to recognize that and not turn away from it.

Second, Afghanistan has a very high illiteracy rate; some estimate as high as 70 percent. This presents considerable complication in troop training as some recruits are not able to read or write orders, understand maps or interpret instructions on how to operate equipment. Our trainers have come up with creative training techniques using pictures, for example, but this is no substitute for basic skills required in a modern army.

The third challenge with regard to building up the Afghan National Army and perhaps the most significant is posed by the substantial resources needed to stand up such a force. Army recruits are paid only $100 a month, while there are reports that the Taliban pays as much as $300 a month. Both are small amounts, but when the Taliban is paying three times as much, that presents a challenge that we must confront, if we are serious about this. The Afghan National Army should begin to address the discrepancy. Overall the cost of maintaining this expanded force will be considerable, and it is unlikely that the Afghan Government will be able to shoulder this burden anytime soon. It is a challenge that involves both cost and the reality that the government doesn't have the resources to do all it needs to do in building up the Afghan Army. We need to be honest about that. This will be expensive but nowhere near as expensive as the continued deployment and costs associated with maintaining an international coalition force.

I have tried to outline some of the realistic challenges we face in standing up the Afghan Army. Afghan Defense Minister Wardak, whom I met during my trip in August, oversees this effort in Kabul. Minister Wardak has been commended for his leadership of the Afghan armed forces. He believes these ambitious troop increases are challenging but possible. I hope we can aggressively pursue Chairman LEVIN's plan, no matter what comes of the President's strategy. An expanded and enhanced Afghan Army should be a central part of the equation. In the final analysis, this fight against the Taliban is an Afghan fight. We need to be there to support them, but a stable and peaceful Afghanistan will ultimately depend upon how well the Afghan Government can provide security for its own people.

(The further remarks of Mr. CASEY are printed in today's RECORD under ''Morning Business.'')

Mr. CASEY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. THUNE. Mr. President, this week the latest version of the health care reform plan was scored by the CBO. The expectation is that sometime in the next few days, the Finance Committee will report out a bill which at some point will be merged with the bill that was produced by the HELP Committee. I rise to make some observations about the process generally, because we are talking about literally one-sixth of the American economy. This is not something that is inconsequential, and certainly it is something that is personal to most Americans. Health care is something they value deeply. Any type of reform ought to focus on patient-centered health care—not insurance centered, not politician centered, not Washington, DC centered, but patient-centered health care. As we get into this debate, we ought to have an opportunity not only for Members of the Senate to carefully examine what is in

this legislation but also for the American people. The American people deserve and have a right to know what is going to be in any final bill.

My first point is that we have tried. An amendment was offered in the Finance Committee by the Senator from Kentucky, Mr. BUNNING, that would require for any bill that ultimately, once it is reduced to legislative language and has an estimate from the CBO about what it might cost, there be 72 hours for people to evaluate it, Senators as well as the general public. That amendment was defeated in the committee deliberations. Seventy-two hours is the bare minimum that ought to be required and necessary for people here in the Senate to look at what will be inevitably north of 1,000 pages of legislative language.

The reason I say ''will be'' is because we don't know yet. We haven't seen legislative language to date. All we have is a concept paper. The Finance Committee will be voting out a concept paper. That concept paper has been scored by the Congressional Budget Office but it is just that. It is a concept paper. We have yet to see anything that resembles legislative language that ultimately is what we in the Senate will be asked to vote on.

The simple expectation is that there ought to be an adequate amount of time, whatever that amount is, but at a minimum 72 hours was all that was requested by the Senator from Kentucky in his amendment before the Finance Committee. That was defeated by the Democratic majority.

He subsequently offered that today, a resolution as an amendment to the currently pending legislation, the CJS appropriations bill. It was objected to. There was a point of order raised against it. It is pretty clear that our colleagues on the majority side do not want to consider having any sort of a requirement imposed that would allow people an adequate amount of time to review this incredibly consequential and impactful piece of legislation coming before the Senate.

I make that observation to start with because it is relevant. This process needs to be open and transparent. The American people have a right to know exactly what is in this legislation. Even Senators and Senators on the Finance Committee right now don't know because they haven't seen bill language. What they are going to be voting on is a concept paper. And what the estimate that has been provided by the CBO is in response to is a concept paper, not legislative language. I argue to my colleagues that we need to have at least a certain amount of time. I would argue more than that—it ought to be 2 weeks, when we are talking about something this voluminous and this consequential for Americans or the American economy. I regret that our colleagues on the Democratic side of the aisle are objecting to what is even a minimum amount of time to review this legislation, and that would be a 72-hour time limit.

I don't believe for a minute that the Finance Committee bill, even if and when it is reduced to legislative language, is the thing we will be voting on. There has been a lot of reaction to it and a lot written in the last couple of days about how this would be scored by the CBO. And there is a story out today that it actually would reduce the deficit, which I will get into in a moment.

But before addressing that, this bill, when it does become a bill, will have to be married with another bill passed earlier by the HELP Committee. Those two will be merged. Where will they be merged? They will not be merged on the floor of the Senate. They will be merged behind closed doors in the majority leader's office by a handful of people who will be determining what is in the legislation. Then at some point they will have to come out and we will get an opportunity to look at it.

I don't think the work the Finance Committee is putting in right now is anywhere close to what the end result will be. I argue that we will see a very different product produced by the majority leader when they go behind closed doors and a handful of people write the health care bill that will come before the Senate.

Those are a couple of observations I wished to make with respect to the process and how flawed I believe it is with regard to the issue of being open and transparent and making sure there is accountability to the people.

The second observation I wish to make has to do as well with the fact that most Americans believe there is a right way and a wrong way to do this. The right way ought to be making sure we are prioritizing our spending and being careful with taxpayer dollars.

The wrong way is for Washington to go about this in the traditional way; which is, to raise taxes still higher, put the country further into debt, and more money into programs we do not believe—at least a lot of us do not believe—will work in the long run. Again, I will point out in a minute why we think this is the case, why these programs will not work in the long run.

The right way to do this is for us to protect and expand that doctor-patient relationship and to do it in a way that is fiscally responsible and to do it in a way that gets at the real crux of the issue; that is, how do we reduce the cost of health care in this country.

As to the current bill, which I mentioned earlier, there have been some news stories in the last day or so about how this bill reduces the deficit, with $829 billion in spending and about $81 billion in surplus to reduce the deficit. What I think is important for people to focus on is, because there is a delayed implementation of these provisions in this bill that do not start kicking in until 2014 or thereabouts, the numbers that are being used by the other side and being reported upon by the media reflect a 10-year period starting now and going forward.

But when the bill is fully implemented, when all the provisions are finally in place and we get the 10-year window from that point forward—or from that point through the 10-year window—that is when we get a real assessment of what the costs are. If we do that, the cost of this legislation is not the $829 billion that has been put out publicly and has been sort of picked up by the media in the last day or two, but it is nearly double that amount. It is $1.8 trillion.

So it is a massive amount of new spending, a massive expansion of the Federal Government at the Federal level, and a massive amount of spending that somehow is going to have to be paid for either in the form of additional revenues, cuts in Medicare—which is what is being proposed—which I do not think, frankly, is ever going to happen. We tried back in 2005 when we were reforming Medicare to shave $10 billion out of that. We could not get the votes for it in the Senate. We had to bring the Vice President back from Pakistan to cast the deciding vote.

So the notion that somehow we are going to be voting to cut $500 billion from Medicare is a pipe dream. You would have to be smoking something to believe that is actually going to happen. That is one of the ways that $1.8 trillion of new spending is paid for.

The other way it is paid for is with higher taxes. The problem with that is the taxes do not just fall on the ''rich'' or ''wealthy.'' They do not just fall on the insurance companies, which is where some of the taxes and fees in the Finance Committee bill are directed. They fall on the American people. In fact, I think it is important to point out the Congressional Budget Office, when asked about this, said 90 percent of the tax burden in 2019—90 percent of the tax burden in the health care bill—would fall on wage earners making less than $200,000 a year. That directly violates and contradicts the commitment and the promise the President made that he would not impose taxes on people making less than $250,000 a year.

So we have these massive tax increases which, according to CBO, are going to fall disproportionately on people making less than $200,000 a year, and we have these cuts in Medicare which, in my view, are not going to happen or, if they do, could be very devastating to seniors, as well as to a lot of the health care providers across this country.

But here is what is most amazing about all that: almost $2 trillion in new spending over a 10-year period—$500 billion, $600 billion of tax increases; $500 billion in Medicare cuts to pay for this—and who is to say if the Medicare cuts do not happen a lot of this will not end up being borrowed, which piles up huge debt on future generations of Americans. But after all that, and after all the bills, including the Finance Committee bill, it assumes a tremendous level of government intervention and involvement in the health care

economy of this country. The government is going to be in the middle of making decisions that traditionally have been made by doctors and patients.

But after all that, we would assume, at the end of the day, the underlying purpose and goal of this—which is to reduce health care costs—would have been achieved. The truth is, it does not reduce costs. The bottom line is, after everything else is said and done, and we look at all the spending and all the taxing and all the new government expansion and all the new government interference and involvement and intervention in the health care economy and the fundamental doctor-patient relationship, we have not done anything to lower costs for the Americans who are struggling with the high cost of health care.

In fact, the Congressional Budget Office, during the Finance Committee markup last week, when asked whether the insurance company taxes would be passed on—and how would that impact the people who are actually having to pay the insurance premiums out there—they said those new taxes will be passed on dollar for dollar. We have seen all kinds of varying estimates about the amount of the increase, but there has not been a bill yet, of the five that have been produced by any of the committees in the Congress, that bends the cost curve down. They all raise and increase costs.

I think that is the Achilles heel, ultimately—that the American people, who are struggling with the high cost of health care, are looking for solutions and for reforms that will actually put downward pressure on prices, and all that is being talked about is spending a couple trillion dollars of their tax dollars, raising taxes and cutting Medicare in order to raise their overall cost of insurance. Only in Washington, DC, could something that stunning actually make it in the light of day.

So at the end of the day, it ought to be about reducing costs for Americans. It ought to be about trying to provide access for those who do not have access to health insurance. By the way, the most recent version of the Baucus bill—the Finance Committee bill—still leaves 25 million Americans uncovered. So we are not covering a lot of people we are proposing to cover. We are increasing costs of health care for people who currently have insurance, and we are creating a couple trillion dollars of new spending when this bill is fully implemented over 10 years that, again, is going to, in some way, have to be financed with taxes, Medicare cuts, or, worse yet, perhaps borrowing, which will come on the backs of future generations.

The amount of debt we are going to have at the end of 2019, according to CBO, is enough so that every household in this country will owe $188,000. Imagine if you are a young couple today just exchanging your vows, you are starting your family, you are getting ready to move on with your life, and you get handed a big fat wedding gift from the Federal Government to the tune of a $188,000 IOU. That is not fair to future generations.

We ought to learn to live within our means. We talk about reforming health care. We ought to put reforms in place that actually reduce the cost of health care for working-class families in this country, that do not raise their taxes, that do not borrow from their children and grandchildren. Those are the types of things we would like to see as part of this debate.

We have already put forward a number of proposals that would do just that: allowing people to buy insurance across State lines—interstate competition would put downward pressure on prices and insurance rates across this country—allowing people to join larger groups, small business health plans—something we voted on repeatedly in the Congress which has been consistently defeated in votes—dealing with the issue of defensive medicine, which it is estimated costs the health care economy about $100 billion annually; doing something about medical malpractice and all those physicians who order those additional tests simply because they are worried about being sued.

We have had proposals put forward that would change the tax treatment of employer-provided health care plans so that those who do not have insurance would have a tax credit that would be available to them so they could go out and buy health insurance in the private marketplace.

We are laying out a lot of solutions we believe actually get at the fundamental issue before the American people, and that is the high cost of health care and also trying to provide coverage for those who do not have it. None of these proposals, in my view—and I think the Congressional Budget Office, in their analysis, bears it out. These are all proposals that bend the cost curve up, that increase and raise insurance costs for this country.

The only reason they could go out like they did yesterday and say, well, this actually reduces the deficit, is because of the massive tax increases and the massive cuts in Medicare that it assumes will take place.

Again, I want to mention one more time, in closing, notwithstanding the numbers that were released yesterday by the Congressional Budget Office—and the way they were reported by the media—the number people need to focus on is the cost of this program when it is fully implemented.

Because it is delayed, because many of the provisions in the bill, in its entirety, for the most part, are going to be delayed—the implementation—until 2014, we have to get the full picture of the cost, what it is going to cost in the 10 years once it is fully implemented because a lot of the revenues are front loaded, the costs are back-end loaded. That is why this sort of wires and mirrors—the approach that is being used—understates the overall cost. They can go forward and say, well, we are reducing the deficit over 10 years because of all the tax increases, which kick in right away, but some of the costs in the program do not come into play until later on.

So the American people need to be engaged in this debate. They need to have their voices heard. Frankly, they have a right to know exactly what is in this legislation. That is why it should not be rushed. It should be done in a way that allows people to actually review this bill. It ought to be done in the light of day.

Secondly, it ought to be done in a way that actually is fiscally responsible to future generations so we do not pile this huge burden of debt on them. But even more importantly than that, it ought to accomplish the stated objective, which is to reduce the overall health care costs for Americans.

These proposals do not do that. There are ideas out there and solutions out there that do, some of which I just talked about. If we would be willing to sit down and come to a consensus about those things that actually do drive health care costs down, we could pass health care reform through the Senate this year, through the House of Representatives, put it on the President's desk, and do something that actually meaningfully reduces costs for Americans and what they pay for health care.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ERICA WILLIAMS AND HER SEC TEAM

Mr. KAUFMAN. Mr. President, I rise again today to honor a great Federal employee, something I have been doing each week on the Senate floor. I do so because I believe it is very important to recognize the unsung heroes who work every day on behalf of the Nation with great effort and often with great sacrifice.

Today, I want to honor an employee of the Securities and Exchange Commission, one of our most important independent Federal agencies, whose work affects all Americans. This great Nation was founded on a belief in freedom and fairness—two fundamental pillars of American society.

This is what the Revolutionaries fought for in the time of Samuel Adams and George Washington. It is what the Framers enshrined during the era of Alexander Hamilton and Thomas Jefferson. Maintaining democratic government and fair, open markets were the charge of every administration and Congress from their day to ours.

In the decades since World War II, American global leadership has focused on promoting these two concepts throughout the world. Democracy and

a fair marketplace complement each other perfectly. A society based on fair markets cultivates an egalitarian political culture. Likewise, democracy instills in all citizens the sense that they ought to enjoy in commerce what they so cherish in government: a marriage of liberty and equality.

I have already spoken from this desk several times about the challenges we and the SEC jointly face today in protecting our financial markets. I have talked repeatedly about how, as a nation, our credit and equity capital markets are a crown jewel. Only a year ago we suffered a credit market debacle that led to devastating consequences for millions of Americans.

I have squarely blamed the self-regulation philosophy of the SEC as being a major part of that problem. By this I mean that the SEC had too often deferred to those it regulates for knowledge, experience, and certitude. I feel so strongly about this because we have lived through an era where regulators and the leadership of regulatory agencies failed to regulate. Perhaps Congress, too, failed to give the regulators the tools and resources they needed to do their jobs effectively.

These failures have contributed not only to a financial disaster but also to a loss of public confidence in our markets and our national economy. In addition, these failures run counter to our ideals of democracy and market fairness.

During the time of the Revolution, we were a nation of farmers and merchants bound together by our common dependence on the trade of manufactured goods, foodstuffs, and local services. Today, we have become a nation of investors. Tens of millions of Americans own retirement accounts, and they depend on fair markets to protect those long-term holdings.

Many Americans have suffered directly as a result of the markets losing value. Those who have not been hurt personally surely know someone—a parent, a friend, or a coworker—who has. The financial crisis has forced many to delay retirement or even go back to work. Most working Americans have lost something; some have lost almost everything.

Under its previous leadership, the SEC lost its way. While the failure of the SEC to follow up on tips about the Bernie Madoff Ponzi scheme is certainly emblematic of this failure—and probably a huge blow to the morale of the agency—I believe morale at the agency may also have suffered for a much more fundamental reason. Too often in the past, the SEC leadership kept its employees from pursuing its core mission. This happened not only at the SEC but at other Federal agencies as well. There was simply a philosophical difference between their policies and the need for effective enforcement of regulations.

Employees at the SEC, while still working hard every day, sadly, I suspect, have become somewhat demoralized by this and by resulting setbacks. And, I might add, SEC employees have also had to endure criticism of the Commission in recent months by concerned Members of Congress—myself chief among them.

Today, the SEC stands at a crossroads.

In the wake of last year's historic election, Washington has been focused on change. The greatest thing about change is that it offers the promise of a new start. I wholeheartedly believe one of the most fundamental qualities of the American people is the ability to pick ourselves up, dust ourselves off, and return to the important task before us.

For the SEC, this means a renewed focus on its original mission: to maintain public faith in our markets, to protect all investors. The SEC needs to reassure our long-term investors—many of whom are average Americans saving for retirement—that the system is not rigged against them. I know the SEC can, and will, be a can-do agency once more.

In 2005, the SEC moved into a new headquarters just a few blocks from the Capitol. It is a beautiful glass and stone building with a high, curving facade. The lobby is full of light, and its windows frame a view of the Capitol dome. Much of the building wraps around a courtyard, and in the center of that courtyard is a playground for the children who attend the SEC's employee daycare. Across the street are a school and a row of small businesses, including a busy coffee house. Behind the new building are the tracks leading out from Union Station carrying business travelers and commuters each day.

The men and women who work in that building don't need to be reminded who they work for. They see them every day out of their windows. The stability and fairness of our financial markets affects every American, from the small business owner to the coffee house patron; from the daily commuter to the future of that toddler in daycare. I believe a new building provides a chance for a new beginning.

I agree with the President that at least with regard to the financial crisis, the worst is behind us. Now is the time for the SEC to step to the plate. I know they can do it. I have faith in the SEC because it stabilized our markets in the aftermath of the Great Depression. I have faith in the SEC because it always proved to be resilient during times of institutional change, and I have faith in the SEC because it has some of the most talented public servants who are now working tirelessly to catch up after several years of failed leadership.

One of those public servants is Erica Williams, a lawyer for the SEC's Enforcement Division. A graduate of the University of Virginia Law School, Erica has been with the SEC for 5 years. During that time, she has distinguished herself as a trial lawyer on several complex cases involving accounting and fraud. Before coming to the SEC, she worked at a major private sector law firm in Washington.

In July, she and her team of SEC enforcement attorneys won a hard-fought verdict in Federal court on a case involving insider trading. This case, commonly referred to as SEC v. Nothern, was a rare case involving U.S. Treasury bonds.

She could not have had better colleagues on this case than John Rossetti, Sarah Levine, and Martin Healy, all of whom equally deserve recognition. John is a graduate of Catholic University Law School, and he served for 9 years as an SEC enforcement attorney. Sarah, who holds a law degree from Yale, clerked for Justice David Souter before coming to the SEC in 2007 as a trial attorney. Martin supported their efforts as a regional trial counsel at the SEC's office in Boston.

Erica and her team had to prove that the defendant had insider knowledge from someone inside the Treasury Department. Approximately $3 million in illegal profits had been generated from this scheme. They argued their case strongly and thoroughly. They also had to prosecute the case with fewer resources than are usually available to private sector litigators. They worked weekends and sacrificed time with their families for long hours spent in the office or on the road. It all paid off, a victory that reflects what the SEC is all about: punishing and deterring wrongdoing.

What Erica achieved with her team is more than a court victory, however. She is helping to send a message the SEC is back; that those who are contemplating fraud better think twice. That is why I am honoring her as my ''Great Federal Employee'' of the week.

I know this is only the beginning. The SEC knows it needs to focus on deterring those activities that make our markets unfair. That is what Erica's victory and what other recent gains of the Commission have done. As new SEC Enforcement Division Director Robert Khuzami has said, the SEC is engaged in ''a rigorous self-assessment of how we do our job.'' Their victory is what Khuzami meant when he promised ''a focus on cases involving the great and most immediate harm and on cases that send an outside message of deterrence.''

I also have faith in SEC Chairman Mary Schapiro, who shares my concern about the stability and the quality of our markets. She understands the trade-offs between market liquidity and market fairness, and she recognized how important it is to protect the interests of long-term investors.

As my colleagues are aware, since March, Chairman Schapiro and I have exchanged communications, and I believe under her leadership the SEC is coming back stronger and better able to pursue its mission.

The famous Alabama football coach, Paul ''Bear'' Bryant, once said:

I have learned over the years how to hold a team together. How to lift some up, how to calm others down, until finally they've got one heartbeat, together, a team.

Chairman Schapiro believes in the SEC's mission, and she is working diligently to ensure that all who work there are doing so with one heartbeat—as a team. They, too, believe in the SEC's mission, and we have to make certain they get all the resources they need, not only to catch up but also to operate ahead of tomorrow's market threats.

Taped to the door of Chairman Schapiro's office is a sign for all those entering with new proposals or ideas. It reads: ''How does it help investors?'' This ethos must once again be the source of inspiration for everyone who works in that beautiful new building.

As the SEC embarks on its next chapter, I want all of its employees to know when they walk out of that lobby each day and see the Capitol dome, they should feel confident that those of us who work under it are their partners. We will be their partners by making certain the SEC is strong enough to do its job, and we will work together with the Commission to help identify and prevent new problems before they arise. The American people also should have patience and hope that the SEC is back and on the right track. We all hold a common stake in its success.

The era of looking the other way is now behind us. The time has come to look forward. I hope my colleagues will join me not only in honoring the service of outstanding Federal employees of the SEC such as Erica Williams and her team but in recommitting ourselves to help them pursue our common goal. When it comes to protecting America's investors, we must have one heartbeat.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR FORCE TANKER COMPETITION

Mr. SHELBY. Mr. President, I rise today to speak about the recently restarted Air Force KC-X tanker competition.

On February 29, 2008, after a lengthy competition, the U.S. Air Force announced that the team of Northrop Grumman and EADS was selected to deliver the best, most capable tanker to our warfighters, at a price of $3 billion less than their rival Boeing's offer.

It was only after the GAO sustained a mere 8 out of 111 complaints submitted by the losing team—Boeing—that the award was overturned and the competition was placed in limbo.

Even after GAO's recommendation, there is still nothing to suggest that the KC–45 was not the best tanker solution. This is a very important point to remember. The Air Force's contracting system may have been flawed, but nowhere did GAO state that the KC–45 is not the best tanker for our airmen.

A year later, Defense Secretary Robert Gates terminated the award and canceled the entire tanker acquisition program.

Secretary of Defense Gates' decision to cancel the Air Force's No. 1 acquisition priority outright clearly placed politics and business interests over the interests of the warfighter.

While Secretary Gates may have characterized this decision as a ''cooling off'' period, it sent a clear message that only a Boeing tanker will be acceptable. The defense acquisition policy was unmistakable: No Boeing, no tanker. That is a fundamentally flawed policy that may please some Members of Congress from the States in which Boeing would build the tankers, but it fails to satisfy the critical need for the best new tankers for our warfighters. In that case, politics obviously trumped military necessity and troop welfare.

After review of the September 24 draft RFP that begins the new tanker competition, I again have serious concerns that fairness and capability are being completely ignored.

For a moment, let me elaborate. As a result of the last protest, Northrop Grumman was compelled to submit its proprietary, competitive-sensitive pricing data to the GAO, which, in turn, provided that critical information to Boeing. Let me say it again. Boeing now has all of Northrop Grumman's competitive pricing information. Yet they are going to be competing again.

Boeing knows exactly how the Northrop Grumman team was able to offer the best deal to the Department of Defense during the last competition. Boeing knows all of Northrup Grumman's bidding strategies.

In a competition for a defense contract, nothing is more carefully protected than a company's pricing and bidding strategy.

Let me remind my colleagues here that Northrup Grumman/EADS offered a clearly better plane, at a price that was $3 billion less than Boeing. And now, today, Boeing knows how they did it.

Northrop Grumman has repeatedly asked the Department of Defense to level the playing field by providing them—Northrop Grumman—with Boeing's pricing information from the previous competition. To date, the Pentagon has continually denied Northrop Grumman's requests. The Department of Defense has stated that Northrop Grumman's pricing and bidding strategies are not relevant issues in the current competition, and that the data is outdated.

Not relevant? I could not disagree more. It is intuitively obvious to anyone who is even vaguely familiar with the concept of competitive government bidding that the Department of Defense, from the outset, is tilting the competition toward Boeing. Northrop Grumman is being severely penalized before the game even begins. This situation is inconceivable and must be changed.

Further, after review of the draft RFP, it is becoming increasingly clear that this competition is not structured around what we call a ''best value'' competition that would ensure that our warfighter receives the best plane. Rather, it is structured around the lowest price technically acceptable competition that does one thing and one thing only—it reduces the chances that our warfighters will receive the most superior plane on the market.

One would think that our Air Force's top priority would be to ensure that our men and women in uniform have the best, most capable equipment. It seems to me that is not the case.

A lowest price technically acceptable procurement process focuses heavily on cost and does not take into account additional or advanced capabilities that may be available on the aircraft that will help us in the years to come. This means that price is more important than quality; that performance is not a critical factor; that added capabilities, technology that could help save the lives of our men and women in uniform and have an edge on the opposition, is not a key factor in the draft RFP.

The fact that the draft RFP is structured so that cost is almost the only component considered in the competition makes the aforementioned pricing data issue even more relevant.

When combined with Boeing's knowledge of Northrop Grumman's pricing data and not vice versa, it has become abundantly clear that the Department of Defense and the Air Force have their thumbs on the scale in favor of Boeing.

As was clearly shown in the previous competition, Boeing has a less capable airframe, but Boeing now has all of Northrop Grumman's pricing data and a full understanding of Northrop Grumman's bidding strategies. This information is the holy grail for Boeing that provides them with everything necessary to surely submit a lower cost bid for their less capable aircraft.

If this matter should not be a concern, then there should be no issue whatsoever with the Department of Defense providing Boeing's prior data to Northrop Grumman because Boeing, again, has Northrop Grumman's data, as they recompete.

In order for this competition to be untainted, to be fair, to be at the level of openness and transparency that my colleagues and I were repeatedly assured would be the case, I believe it is imperative that Northrop Grumman be allowed to obtain Boeing's pricing data from the last tanker competition and that the competition shift away from

purely a cost basis to what is best for the warfighter.

It makes no sense for a procurement process that has been continually hampered by scandal, delays, and jail time for certain officials to begin the latest version of this competition with such an absurdly uneven playing field.

As we go forward, it is my sincere hope that the safety of our warfighters and the security of our Nation will become the priority, as it has been in the past, this time and decisions will not be based on political pressures that unfairly tilt competition.

Unless the Department of Defense and the Air Force live up to their commitment of impartiality and transparency, I am fearful that our warfighters will have to settle for second best. Apparently, that is just fine with some, as long as Boeing wins.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CARDIN pertaining to the introduction of S. 1765 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CARDIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. SHELBY. 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. 2625

Mr. SHELBY. Mr. President, I now call up amendment No. 2625.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The assistant bill clerk read as follows:

The Senator the from Alabama [Mr. SHELBY], for himself and Mrs. FEINSTEIN, proposes an amendment numbered 2625.

The amendment is as follows:

(Purpose: To provide danger pay to Federal agents stationed in dangerous foreign field offices)

On page 170 at the end of line 19 insert the following:

SEC. XXX. Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246, as amended by section 11005 of Public Law 107–273; 5 U.S.C. 5928 note) is amended:

(a) by striking ''or'' after ''Drug Enforcement Administration'' and inserting '', the''; and (b) inserting after ''Federal Bureau of Investigation'': '', the Bureau of Alcohol, Tobacco, Firearms and Explosives or the United States Marshals Service''.

Mr. SHELBY. Mr. President, I, along with Senator FEINSTEIN, have offered this amendment that would make the U.S. Marshals and the ATF agents, who put their lives on the line in dangerous foreign countries to protect our Nation and our citizens, eligible for danger pay.

The U.S. Marshals and ATF agents are actively assisting Mexican law enforcement and the Mexican military in one of the bloodiest wars in the world today—the Mexican drug war. There have been nearly 10,000 drug war murders and deaths in Mexico since January of 2007. President Calderon has deployed 45,000 troops and 5,000 Federal police to 18 Mexican States to help combat these cartels.

Every week, we read about the gruesome murders of Mexican law enforcement officers, many of whom have our own Federal agents serving at their side. Currently, FBI and DEA agents receive danger pay in Mexico, while U.S. Marshals and ATF agents do not. I believe it is outrageous that these agents—our agents—serving their country and risking their lives on a daily basis, do not receive this compensation like their Department of Justice counterparts.

This amendment I offer on behalf of myself and Senator FEINSTEIN simply brings danger pay parity to the Department of Justice Federal law enforcement officers working in dangerous foreign countries. This amendment, I believe, has a lot of merit, and although Senator MIKULSKI is not here right now, I believe she would join with me in support of this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. KOHL. Mr. President, I ask unanimous consent that at 3:30 p.m., the Senate proceed to the consideration of the conference report to accompany H.R. 2997, the Department of Agriculture, Rural Development, Food and Drug Administration Appropriations Act; that debate time on the conference report be limited to 30 minutes, equally divided and controlled between Senators KOHL and BROWNBACK or their designees; that if points of order are raised, any vote on the motions to waive occur beginning upon the use or yielding back of time; and that following the disposition of the points of order, and if the motions to waive are successful, then at 4 p.m., the Senate then proceed immediately to vote on adoption of the conference report; that upon adoption of the conference report, the Senate then resume consideration of H.R. 2847, and the Ensign motion to recommit with 2 minutes prior to a vote in relation to the motion, with no amendments in order to the motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of September 30, 2009)

Mr. KOHL. Mr. President, I rise in support of the conference report on H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for 2010.

This bill includes total spending of $121.1 billion. Of the total, $97.8 billion is for mandatory programs, and $23.3 billion is for discretionary programs. The discretionary spending in this bill is an increase of $2.7 billion and is within our 302(b) allocation.

This bill funds a range of programs that help improve the lives of Americans every day.

It provides more resources for food and drug safety.

It delivers low-income housing and supports rural communities who need sanitary water systems.

It fully funds the WIC, SNAP, School Lunch and School Breakfast Programs. It expands the Commodity Supplemental Food Program and the Child and Adult Care Feeding Program.

It significantly expands the McGovern-Dole Program so children in developing countries can get school meals. Often, that is the only reason they come to school.

It bolsters agricultural research so we can produce better crops and feed more people more efficiently.

It funds conservation, community development, animal and plant health, trade, and much more.

We worked closely with our counterparts in the House to come to satisfactory agreements on issues about which we had differing views.

We included compromise language on the reimportation of Chinese poultry, setting up a stringent system to protect public health. This language meets all of our WTO requirements and has been endorsed by all sides.

We included critical funds to aid the dairy sector which is suffering from historically low prices. Some will be used to purchase dairy products for food pantries, and the rest will provide direct relief to producers.

We fund development of new food aid products to provide higher nutritional content for food aid recipients; most of these products have not been updated for nearly two decades.

Overall, this bill is properly balanced. It provides appropriate funding and direction for the Department of Agriculture, FDA and other agencies. We worked to ensure that the concerns of all Senators were addressed, and I believe we have been successful.

I am very encouraged by the process that brought us to this point, and I am grateful to my ranking member, Senator BROWNBACK, and others who have been instrumental in its success.

I strongly encourage all Senators to support this bill.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague, Senator KOHL, who chairs this committee. This is the first year for me to be ranking member. He has been a delight to work with.

A number of issues are addressed in this bill. The centerpiece is the agriculture industry. It is of key importance. It is interesting to note, in this economic downturn we are in, that the agriculture industry has had a great deal of difficulty, although it has been one of the stronger industry sections we have had during this period. That is in no small part because of the strength of the industry, the willingness of people to work, to invest aggressively, to work hard, and to pay attention to details.

For us to support the research entities underneath it—a lot of that is in this bill. So we are researching aggressively what we can do to produce things efficiently, effectively, that the marketplace wants. It is a great export industry. It is one that provides a lot of exports out of my State, out of the State of the chairman, and the States of other Senators. That research is important. That is what is in the bill, the research and development industry. That is the primary piece of it. It is not the total, but it is a key part.

Looking into the future, I can see that places we need to go are in things that will require the research for us to be able to move forward, things such as cellulosic ethanol where people are excited about doing the grain-based ethanol. We need to have a stream from cellulosic ethanol so we can produce more of our energy needs domestically and renewably. That also goes into the energy field, but it is a key part of agriculture. It also grows jobs in rural areas where it is pretty hard at times to grow jobs. People go to more concentrated regions and places, but we need them in rural areas. If we can invest and if we can show ways people can invest and make money in rural areas, going into food and fiber and fuels and pharmaceutical products, these are things that can really work for us and for our people and around the world. I am pleased to work with Chairman KOHL on that. He has worked on this many years. This has been my first year as ranking member.

In particular, I would like to note two areas we made key investments in that are important for the country and to save people's lives. One is in the food and drug piece of this bill. The FDA is also appropriated in this bill.

One of those areas is rare and neglected diseases. There is language included in this bill that creates two groups within FDA to examine the agency's approach to rare and neglected diseases in the developing world and here.

Unfortunately, a number of people in the United States get diseases that maybe only 100,000 people get. That sounds like a big number, and it is a big number, but to a drug company looking at making an investment and then being able to develop a cure, it is looking for a much larger marketplace.

What we are asking in this bill is, are there ways within the FDA, for a rare disease or neglected disease, for us to cut down the cost process to develop a new drug? Otherwise, we are not getting any research into how we take care of diseases for somebody who is one of 50,000 who get it, and there is nothing going on research-wise to help them. I had a lady in my office this morning who had a disease in this category. She was basically told by her physician when she got diagnosed: You should get your affairs in order. That is not an acceptable answer, particularly as a policymaker.

We have two groups in here looking at rare or neglected diseases and how do we cut the cost of developing that drug so that a pharmaceutical company or others could say: This doesn't affect a lot of people, but my entry cost is lower, so I will look at this, I will go into this field. Our hope is we can stimulate some research in this country.

Then neglected diseases around the world that can affect huge numbers of people—the World Health Organization says that more than a billion people, nearly one in every six persons worldwide is affected by at least one of the neglected diseases. This isn't a small category, but they happen to be in countries that don't have high per capita income. So again a company looks at this and says: There are a lot of people affected, but there is no income level here, so I can't go into it. Well-known examples include malaria, tuberculosis, and cholera. They disproportionately affect low-income populations in developing countries. We are going at this issue too.

I can't think of a better place for us to invest more policy-wise than helping to save people's lives. People tend to like you more when you help save their lives. This affects a broad cross-section of people around the world. And we have the marketplace, the technology to work on it, if we can cut the cost down. These two really track together, and they are very important for us to save lives. I always consider it a great day if we can save a person's life by some policy move we are making that may make things work better. These are a couple of them.

Another area the chairman and I have been working on is the issue of food aid. Here, I have had a lot of disappointment in the fact that we put a lot of money in food aid and then not a lot of it hits the target. For every dollar we put in food aid, 60 percent is eaten up by transportation and administration. So 40 percent gets to the person who actually needs it.

A lot of these are food aid situations where it costs a lot to get the food there. Going into the interior in Sudan, it just costs a lot to get there, there is no question. But still I have to think we can do this better. We are starting to look at that but also pilot projects to help develop new food aid products and to develop micronutrient-fortified foods for infant through schoolage children, pregnant or nursing mothers. We haven't developed a new food aid product in over 20 years. The last one was a corn-soybean blend which is a good product. But I know the chairman and I don't eat the way we did 20 years ago. You kind of understand the body moves a little differently.

This area of micronutrients is the area that most researchers believe that if the world would invest in it, it is the highest yield category for us to save and positively affect the most lives, an investment in micronutrients. It may be a corn-and-soybean blend, but it also has vitamin additives put into it for that infant, that nursing mother, that person with AIDS or malaria. We have invested a lot to try to save the person with AIDS or malaria, but now they really can't get better because they don't have the nutrition in their body they need. We get that into the system.

I am excited about these steps and pilot projects, what we might be able to find out in these categories and do to save lives. These are well-spent funds.

It is tough economic times for us as a country. These are critical issues for us. I am always looking at ways we can hold the budget numbers down because I think we really have to get our budget under control. These are ones that have been good and wise investments. They are important places for us to work in.

I am appreciative of being able to work on these particular projects. As we move forward, looking at next year, I hope we can sharpen the pencil even more in areas that may have been a high priority in the past but they should not be now, for us to look at ways we can control and get our budget down. And then you move that money either into paying down the deficit so the deficit is much lower or you say: If we are going to put things in higher investment areas, we move them from low-investment to high-investment regions, and that we would emphasize

ourselves and work in the committee to see what areas are there that we should be taking money out of to put into higher need categories or to put back against the deficit that is just running way too high for us as a country.

We all know that. This deficit is way too high. It is nonsustainable. We need to sharpen our pencil every bit we can in these committees to do our part. I hope we can really spend some time this next year, even as we line up for the appropriations process, holding hearings on what are low-priority areas, what we can cut out of this budget. We tend to mostly focus on new ideas, new programs, and those are good and important, but in these budgetary times, we have to spend some time asking: What is it we could do without? That would be important for us to do.

It has been a pleasure to work with the chairman. I urge colleagues to vote for the conference report and to send it on to the President.

I yield the floor.

CONGRESSIONALLY DIRECTED SPENDING

Mr. KOHL. Mr. President, it has been brought to my attention that the Congressionally directed spending items table in the statement of managers to accompany the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act mistakenly listed Senator HUTCHISON as requesting funding for the medicinal and Bioactive Crops research project through the Agricultural Research Service. Additionally, Senator HUTCHISON's name was mistakenly omitted from the table for the Grain Sorghum research project through the National institute for Food and Agriculture and the Range Revegetation for Ft. Hood conservation project through the Natural Resources Conservation Service.

Mr. BROWNBACK. I agree with Chairman KOHL and appreciate him bringing these items to the Chamber's attention.

EMERGENCY DAIRY ASSISTANCE

Mrs. BOXER. Mr. President, I thank the Senator from Wisconsin and the Senator from Vermont for joining me to discuss $350 million in emergency dairy assistance funding included in the fiscal year 2010 Agriculture, Rural Development, and Food and Drug Administration Appropriations Act conference report.

I had a very encouraging meeting with the Secretary of Agriculture where he informed me that he intends to distribute emergency dairy assistance funds included in the conference report in a way that is regionally equitable, and to do so as quickly as possible.

As the author of the amendment to the fiscal year 2010 Agriculture appropriations bill that added $350 million in emergency dairy assistance funds, the Senator from Vermont stated on the floor that ''whether it is Vermont, Wisconsin, California, Colorado—rural America is hurting.''

The Senator from Vermont went on to say that ''I know the people familiar with dairy always say these are great regional fights, the Northeast is fighting the Midwest is fighting the Southeast is fighting the West coast, and every region has its own set of priorities. This is not a regional issue, this is a national issue.''

I ask the Senator from Vermont, was it your intention that emergency assistance be provided to dairy farmers in every region of the country?

Mr. SANDERS. Yes, that is correct.

Mrs. BOXER. I thank the Senator from Vermont. If I may ask the Senator from Wisconsin, as the lead Senate negotiator, can you tell us how the conference committee intended these funds to be used when crafting the final language?

Mr. KOHL. Let me start by saying that I appreciate the guidance and input I have received from my California colleague throughout this process.

The bill before us provides $290 million to the Secretary under broad authorities to assist our Nation's dairy farmers. The conference report does not direct any form this assistance shall take—an approach that was the result of a hard-fought negotiation with the House. Many members would have preferred to distribute this assistance through the MILC program formula. In fact, I must admit that such an outcome would have been my preference since programs such as MILC would greatly benefit my farmers in Wisconsin. But I knew that dairy farmers all across the country are suffering and an approach couched in inherently regional terms would not meet the test for national acceptance.

I understand the MILC program would impose limitations difficult for some regions to accept, and for that reason a more general authorization was employed to provide greater regional fairness in the distribution of assistance. My understanding is that the Secretary has three main goals in mind in administering this assistance: No. 1, the payments must be directed to actual dairy farmers, No. 2, the payments must go out as quickly as possible, and No. 3, the payments must reflect as much regional equity and fairness as possible. I agree with these three principles and trust that the Secretary will carry out this assistance in that fashion.

Mrs. BOXER. I thank the Senator from Wisconsin for his views and say further that his understanding of the Secretary's goals is correct. I thank my colleagues for joining me to discuss this issue.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act for fiscal year 2010.

The conference report provides $23.3 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of $17.7 billion. When outlays from prior-year budget authority are taken into account, nonemergency discretionary outlays for the bill will total $24.9 billion.

The conference report matches its section 302(b) allocation for budget authority and is $120 million below its allocation for outlays.

The bill is not subject to any budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

[Spending comparisons—Conference Report (in millions of dollars)]

	General purpose
Conference Report:	
Budget Authority	23,304
Outlays	24,905
Senate 302(b) Allocation:	
Budget Authority	23,304
Outlays	25,025
Senate-Passed Bill:	
Budget Authority	23,400
Outlays	25,030
House-Passed Bill:	
Budget Authority	22,900
Outlays	24,686
President's Request:	
Budget Authority	22,980
Outlays	24,904
Conference Report Compared To:	
Senate 302(b) allocation:	
Budget Authority	0
Outlays	−120
Senate-Passed Bill:	
Budget Authority	96
Outlays	125
House-Passed Bill:	
Budget Authority	404
Outlays	219
President's Request:	
Budget Authority	324
Outlays	1

Note: Table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111–32).

Mr. MCCAIN. Mr. President, today the Senate turns to the conference report for H.R. 2997, the Agriculture appropriations bill for fiscal year 2010. This bill spends about $120 billion in direct and mandatory spending. This is on top of the $108 million that was provided under the fiscal year 2009 omnibus bill, as well as the infamous economic stimulus package, which provided another $26.5 billion in Ag spending.

I acknowledge that many of the programs funded by this bill are valued for providing important services to the agriculture community at large, and I commend the members of the Senate Appropriations Committee for reporting this bill in a timely manner. I agree that we should ensure that our farmers stay out of the red, and that some Federal involvement is necessary to assist low-income families under nutrition programs. Unfortunately, Congress once again has conformed to the practice of diverting precious taxpayer dollars into an array of special interest

pork projects which have not been authorized or requested by the administration.

When the bill passed the Senate shortly before the August recess, the bill carried with it 296 ''Congressionally Directed Spending Items'' a fancy new term for earmarks—totaling over $220 million. Now that conferees have had their chance to feed at the trough, the number of earmarks has grown to 461 totaling over $360 million. None of these projects were requested by the administration. Many of them were not authorized, or competitively bid in any way. No hearing was held to judge whether or not these were national priorities worthy of scarce taxpayer's dollars.

Let's take a look at some of the earmarks that are in this bill: $2 million for a fruit laboratory in West Virginia; $819,000 for catfish genome research in Alabama; $360,000 for a corn ethanol research plant in Washington, DC; $75,000 to promote childhood farm safety in Iowa; $250,000 for the Iowa Vitality Center; $700,000 to improve cattle health in Maine; $300,000 to develop ''Best Practices in Agriculture Waste Management'' in California; $1.3 million for greenhouse nurseries in Ohio, which weren't requested by the administration; $2.9 million for shrimp aquaculture research in Arizona and Massachusetts; $693,000 for beef improvement research in Missouri; $165,000 for maple syrup research in Vermont; $195,000 to research how to increase the lifespan of peach trees in South Carolina; $349,000 for pig waste management in North Carolina; $500,000 goes to the National Wild Turkey Federation in Nebraska, and $250,000 for the Kansas Farm Bureau Foundation for a workforce development program.

The largest earmark in this bill goes to Hawaii. The Aloha State bags $5 million to continue construction of an Agriculture Research Service Center to study agriculture practices in the Pacific. As my colleagues know, ARS construction is one of the most heavily earmarked accounts in government. So much so that the President's budget actually proposed zeroing out ARS construction for fiscal year 2010 because:

> Congress routinely earmarks small amounts of funding for [ARS projects] located throughout the nation. The result of scattering funding in this manner is that . . . few if any of the projects are able to reach the critical threshold of funding that would allow construction to begin. Funding construction over such a long time significantly increases the amount of money needed to fully complete these projects, as well as postponing their completion for many years.

So here we have a program that is earmarked so severely that it delays and drives up the costs of approved construction projects. Not only are we funding this Hawaiian facility, but conferees approved 21 earmarks totaling over $71 million for ARS facility construction, some of them airdropped in conference.

During Senate consideration of this bill, I filed over 300 amendments to strike every earmark as well as cut funding to several USDA programs that the President proposed for termination including the ARS facilities account. It should come as no surprise that my amendments were defeated at every turn by appropriators on both sides of the aisle.

These projects may be meritorious and helpful to the designated communities, but considering our current budgetary crisis, it's inappropriate to include them on this year's agriculture spending bill, especially when they have been identified for termination or reduction. I hope my colleagues will agree that we have higher spending priorities that are directly related to the purposes of this agriculture bill. This bill is intended to address farmers, women, children, and rural communities with the greatest need, not for piggybacking pet projects that garner the support of special interest constituents.

I know that many of my colleagues have spoken about the economic struggles of America's hardworking farmers and low-income families. The farmers and struggling families I know are their tired of watching their hard-earned money go down the drain.

I will oppose this conference report and every other pork-laden bill that comes before this body.

Mr. INOUYE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the conference report which accompanies H.R. 2997 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. AKAKA. Mr. President, I am pleased that the Senate will pass H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for Fiscal Year 2010 conference report.

This legislation will fund important programs, such as food safety inspection, agricultural research, and the Supplemental Nutrition Program for Women, Infants, and Children. Programs such as these will benefit the entire Nation. My constituents will additionally benefit from a number of projects located throughout the State of Hawaii.

The bill will stimulate food and agricultural development in Hawaii through projects tailored to the State's needs. It will fund continued agricultural development and resource conservation programs through the local, community-based leadership of Hawaii's four Resource Conservation and Development Councils. It will foster food science and agricultural research that meets Hawaii's unique needs and that bolsters American competitiveness in such areas as floriculture, tropical fruit, and aquaculture.

Watershed and flood prevention projects in Hawaii also receive appropriate attention in this bill. Recent droughts underscore the importance of watershed projects to increase water storage capacity, delivery system efficiency, and water conservation. Projects on Maui and the Big Island will help make progress on the planning and construction of projects dealing with the limited natural resource of water.

Funding in the bill also includes programs to control invasive species in Hawaii such as termites, brown tree snakes, coqui frogs, and other alien pests and weeds that threaten agricultural lands and sensitive ecosystems. Hawaii is the only domestic supplier of varroa mite-free queen bees for honey producers and pollinators, and therefore the mite eradication efforts cultivated by this legislation are of national importance. Similarly, farmers in the continental United States will benefit from the establishment of a facility to provide a secure supply of sterile fruit flies used to control fruit flies that are destructive to fruit crops. Hawaii offers a premier location for rearing sterile fruit flies as four pestiferous fruit fly species are already established there.

In sum, this bill will fund programs meeting Hawaii's unique needs in addition to supporting local leadership that will aid agriculture nationally. I am glad to have advocated for this funding and thank the senior Senator from Hawaii, the Chairman of the Appropriations Committee, as well as the Chairman and Ranking Member of the Senate Appropriations Agriculture, Rural Development, and FDA Subcommittee for their work in crafting and managing this bill.

The PRESIDING OFFICER. Who yields time?

Mr. BROWNBACK. I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I ask for all the remaining time to be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, 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 conference report.

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 Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mrs. MCCASKILL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—76

Akaka	Gillibrand	Nelson (FL)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Hatch	Reid
Bennet	Hutchison	Risch
Bennett	Inouye	Roberts
Bingaman	Johanns	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kirk	Shaheen
Brownback	Klobuchar	Shelby
Burris	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lincoln	Vitter
Conrad	Lugar	Voinovich
Crapo	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wicker
Feingold	Murkowski	Wyden
Feinstein	Murray	
Franken	Nelson (NE)	

NAYS—22

Barrasso	DeMint	Kyl
Bayh	Ensign	LeMieux
Bunning	Enzi	McCain
Burr	Graham	McConnell
Chambliss	Grassley	Sessions
Coburn	Gregg	Thune
Corker	Inhofe	
Cornyn	Isakson	

NOT VOTING—2

Byrd	Kerry

The conference report was agreed to.

Mrs. FEINSTEIN. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

The PRESIDING OFFICER. The Senate will continue consideration of H.R. 2847.

MOTION TO RECOMMIT

There will now be 2 minutes of debate, equally divided, prior to a vote on the motion offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, this is a simple motion to recommit the bill to put it at last year's funding level, plus the money for the census. The census is once every 10 years, and it will allow for that funding increase.

But in this era of record deficits and uncontrolled Washington spending, we are living under last year's spending levels with this motion. We need to get serious in this body about getting our spending under control. We have to start with appropriations bills. We know we have to cut spending on entitlements.

Let's start now by living under last year's spending levels, instead of the large increases we are having on appropriations bill after appropriations bill.

My motion allows the Appropriations Committee to determine what levels programs would be at, but we are not going to allow across-the-board increases.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I vigorously oppose the motion.

First, the bill is consistent with the budget resolution and the CJS subcommittee 302(b) allocation.

Second, the bill is a product of bipartisan cooperation reported out of the Appropriations Committee unanimously.

Third, the consequences of cutting the CJS bill to 2009 levels by excluding the census would be devastating. If you take out the census and do a cut, guess whom you are cutting. First of all, you are cutting Federal law enforcement. If you think this is a simple resolution, tell that to the FBI. If you think it is simple, tell it to the marshals who are chasing sexual predators. If you think it is simple, tell it to the astronauts, who are waiting to make sure we put the money in the budget to keep them safe as they go into space.

There is nothing simple about this motion to recommit. I simply ask you to reject the Ensign motion.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is this a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

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 Massachusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 33, nays 65, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—33

Barrasso	Ensign	Lugar
Bayh	Enzi	McCain
Brownback	Graham	McCaskill
Bunning	Grassley	McConnell
Burr	Gregg	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Sessions
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	Voinovich
DeMint	Kyl	Wicker

NAYS—65

Akaka	Cantwell	Feinstein
Alexander	Cardin	Franken
Baucus	Carper	Gillibrand
Begich	Casey	Hagan
Bennet	Cochran	Harkin
Bennett	Collins	Inouye
Bingaman	Conrad	Johnson
Bond	Dodd	Kaufman
Boxer	Dorgan	Kirk
Brown	Durbin	Klobuchar
Burris	Feingold	Kohl
Landrieu	Murray	Snowe
Lautenberg	Nelson (NE)	Specter
LeMieux	Nelson (FL)	Stabenow
Leahy	Pryor	Tester
Levin	Reed	Udall (CO)
Lieberman	Reid	Udall (NM)
Lincoln	Rockefeller	Warner
Menendez	Sanders	Webb
Merkley	Schumer	Whitehouse
Mikulski	Shaheen	Wyden
Murkowski	Shelby	

NOT VOTING—2

Byrd	Kerry

The motion was rejected.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT REQUEST—H.R. 3548

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3548, which was received from the House. I further ask unanimous consent that a Reid substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, it is my understanding that we received this an hour and a half ago. I have no doubt at the appropriate time we will be able to work out some kind of agreement. But our side is going to need some time to look at it. We will need some Republican ideas or amendments as well, and we will need a CBO score.

At this time, I will have to, on behalf of Members on our side, pose an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, if I can just say—and I know others wish to speak on this issue—we have found a new stalling tactic. It is pretty new. It is CBO. Now I am sure everything is going to be ''CBO.'' I am sorry the consent request was not granted.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I was going to call up an amendment, but I think the Senator from New Hampshire wishes to speak. I ask unanimous consent that the Senator from New Hampshire be recognized and I be recognized after her.

Mr. REID. Madam President, if I may ask my friend, the chairman of the Finance Committee, does he wish to speak?

Mr. BAUCUS. That is correct, 2 minutes.

Mr. REID. Why don't we let the chairman of the Judiciary Committee go for 30 seconds to offer an amendment.

I ask unanimous consent that Senator BAUCUS be recognized following Senator LEAHY and then Senator JACK REED.

Mr. REID. And then Senator SHAHEEN.

The PRESIDING OFFICER. Is there objection to the leader's request?

Mr. GRAHAM. Reserving my right to object, and I don't intend to, I would advise my colleagues that somewhere in this line, I need a minute to call up an amendment I wish to have pending.

Mr. REID. Why don't you do that—you will have a minute following Senator LEAHY.

The PRESIDING OFFICER. Without objection, the Senator from Vermont is recognized for 30 seconds.

AMENDMENT NO. 2642

Mr. LEAHY. Madam President, I ask unanimous consent that the Senate set aside the pending business and call up my amendment at the desk, amendment No. 2642.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2642.

Mr. LEAHY. I ask unanimous consent that further reading of the amendment be dispensed with; and I ask unanimous consent that I be allowed to continue for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits)

On page 170, between lines 19 and 20, insert the following:

SEC. 220. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS.

(a) SHORT TITLE.—This section may be cited as the ''Dale Long Emergency Medical Service Providers Protection Act''.

(b) ELIGIBILITY.—Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew;'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that—

''(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

''(ii) is officially designated as a pre-hospital emergency medical response agency;''; and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking ''as a chaplain'' and all that follows through the semicolon, and inserting ''or as a chaplain;'';

(B) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting ''; or''; and

(D) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity (and as designated by such agency or entity), is engaging in rescue activity or in the provision of emergency medical services.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply only to injuries sustained on or after January 1, 2009.

(d) OFFSET.—The total amount appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''GENERAL ADMINISTRATION'' under this title is reduced by $1,000,000.

Mr. LEAHY. Madam President, more than three decades ago Congress created the Public Safety Officers Benefits Program at the Justice Department to provide assistance to the surviving families of police, firefighters, and medics who lose their lives or are disabled in the line of duty.

The benefit, though, only applies to public safety officers employed by Federal, State, and local government entities.

With volunteers providing emergency medical service to many communities all across the country, my amendment would remedy this gap in the P–S–O–B program by extending benefits to cover nonprofit EMS personnel who provide critical prehospital care.

We have been working to address this gap in the Federal program for some time, and the tragic loss earlier this year of Dale Long—a decorated EMT from Bennington, VT—reminded everyone that first responders of many uniforms literally put their lives at risk every day.

These brave emergency professionals never let their communities down when a call comes in, and no one ever asks the lifesavers at an emergency scene whether they work for the Federal government, a State government, a local government, or a nonprofit agency. My amendment will erase that unnecessary distinction from the P–S–O–B program.

I would like to thank a number of first responder groups—including the American Ambulance Association, the International Association of Fire Fighters, the International Association of Fire Chiefs, and the Fraternal Order of Police—for their assistance on this matter. I also would note that this amendment is fully offset and cosponsored by Senator SANDERS.

I hope the Senate can move quickly to approve this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2669

Mr. GRAHAM. Madam President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 2669.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. MCCAIN, and Mr. LIEBERMAN, proposes an amendment numbered 2669.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks)

At the appropriate place in title II, insert the following:

SEC. ____. (a) PROHIBITION ON USE OF FUNDS FOR PROSECUTION OF 9/11 TERRORISTS IN ARTICLE III COURTS.—None of the funds appropriated or otherwise made available for the Department of Justice by this Act may be obligated or expended to commence or continue the prosecution in an Article III court of the United States of an individual suspected of planning, authorizing, organizing, committing, or aiding the attacks on the United States and its citizens that occurred on September 11, 2001.

(b) ARTICLE III COURT OF THE UNITED STATES DEFINED.—In this section, the term ''Article III court of the United States'' means a court of the United States established under Article III of the Constitution of the United States.

Mr. INOUYE. Mr. President, the Senate is now considering the 8th of 12 Appropriations bills reported by the Appropriations Committee this year, the fiscal year 2010 Commerce, Justice, and Science Appropriations bill.

This bill includes total resources of $65.15 billion, an increase in funding of $7.2 billion above the fiscal year 2009 enacted level. While on first blush this level of funding may appear generous, Members need only to look at the accounts in this bill to understand the need for these additional funds.

Specifically, fiscal year 2010 is the peak funding year for preparations for the constitutionally mandated decennial census. As a result, an additional $4.1 billion above the fiscal year 2009 omnibus enacted level is required for this account alone.

The next largest increase is for science. On August 9, 2007, then-President Bush signed into law the America Competes Act, legislation that moved through this Chamber with 69 cosponsors and passed the Senate by unanimous consent.

That legislation called for the doubling of science, technology, engineering, and mathematics funding for the purpose of investing in scientific innovation and education to improve the competitiveness of the United States in the global economy.

This bill includes an increase of $1.7 billion for NASA, NOAA and NSF science programs, all of which contribute to the goals of the America Competes Act and bolster our economic competitiveness.

Finally, the bill provides for an increase of $580 million for the FBI which allows that agency to continue its efforts to fight both terrorism and violent crime in this country.

Senators MIKULSKI and SHELBY have worked diligently to offer a strong bipartisan bill that tackles the needs of law enforcement, supports scientific research in both space and in our oceans, and invests in scientific innovation and education. I applaud them for their hard work and bipartisan cooperation.

As with the other seven bills that have come before the Senate for consideration to date, the committee supported their recommendations unanimously, and the bill was reported out of the Appropriations Committee on June 25 by a recorded vote of 30 to 0.

This bill has been available for review by members for more than 3 months, so if a Member has an amendment, they should be willing to come to the floor today and offer it. At this point, it makes no sense for Members to delay.

Vice Chairman COCHRAN and I, along with the other subcommittee chair and ranking members have worked diligently to restore regular order to the appropriations process. We have come a long way in responding to what was asked of us at the beginning of the year.

But for us to succeed, it takes the cooperation of all Members of the Senate. Therefore, I strongly encourage my colleagues not to delay action on this bill.

Mr. LEAHY. Mr. President, I am pleased to cosponsor today an amendment to require the antitrust division of the Department of Justice to carry out oversight, information-sharing, and joint activities concerning competition in the agriculture sector. Our Nation's antitrust laws exist to promote competition, which ensures that consumers will pay lower prices, and receive more choices of higher quality products. The Department of Justice is charged with enforcing these antitrust laws. Yet there are few industries in which there are more serious concerns about the state of competition than the agriculture sector. Small farmers are suffering because the prices they can charge for many of their products continues to decline, and the level of concentration throughout the industry could have a negative long-term impact on the prices that consumers pay and the choices they have.

Since first coming to Washington, I have fought to help our family farmers by ensuring a level playing field in American agriculture. The consolidation in recent years throughout the agriculture sector has had a tremendous impact on the lives and livelihoods of American farmers. It affects producers of most commodities in virtually every region of the country, and in my home State of Vermont, it affects dairy farmers. Farmers need a fair opportunity to compete in the marketplace and we must prevent giants in corporate agriculture from repeatedly hurting them with unfair, discriminatory, deceptive, and anticompetitive practices.

I held a field hearing last month in Vermont to assess competitive issues in the dairy industry. During that hearing, we heard from officials from the Department of Justice and the United States Department of Agriculture. We also received first hand testimony from farmers whose businesses are suffering at the hands of large distributors. This crisis is real, and the Department of Justice has pledged to take a renewed look at competitive issues in the agriculture sector as a whole. This amendment is another step to help ensure that competition exists in the agriculture sector.

Mr. GRAHAM. Madam President, this amendment is simple, direct, and to the point. It would prohibit the use of funds for the Department of Justice to prosecute the perpetrators of 9/11 in article III courts.

What does that mean? That means that Khalid Shaikh Mohammed, and people like him, who organized the attacks against our Nation on September 11, 2001, would be tried by military commissions, not Federal courts. They are not common criminals, they are war criminals. They should be tried in a military setting, like other people throughout the 200-year history of this country have been tried regarding acts of war against the United States.

The military commissions have been reformed. Thanks to Senator LEVIN and others, we have a great process that I would not mind our own soldiers being tried in. At the end of the day, we need not criminalize this war. There is a law of armed conflict awaiting the defendants that is fair and it is robust. It has adequate due process, but it recognizes we are at war. And military commissions have been used throughout the history of this country. They are better able to protect classified information.

We need to be consistent. The people who planned the attacks of 9/11 are not common criminals. They are people who have taken up arms against the Untied States, and they should be adjudged accordingly in a military tribunal, which I think we have now designed as the best in the world.

There will be more to follow in this important debate.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, what is the parliamentary situation? What is pending?

The PRESIDING OFFICER. The Graham amendment is pending to the CJS appropriations bill.

UNEMPLOYMENT INSURANCE EXTENSION

Mr. BAUCUS. I thank the Chair.

Madam President, on another subject, I wish to say I am very distressed that the other side objected to a request by the majority leader to pass legislation offered by himself, by myself, and Senators REED and SHAHEEN to extend unemployment insurance benefits.

Our country faces very high unemployment rates nationwide. In some States, it is much worse than other States. It is only fair. It is the right thing to do for the U.S. Government to recognize those folks who don't have jobs—to help tide themselves over until they get a job—with extension of unemployment insurance benefits.

I think for every job that is available in the United States today there are about six applicants. There are too many people unemployed—people seeking jobs who cannot get jobs. So the right thing to do, as we come out of this great recession, is to recognize those who are unemployed and help them tide things over to make sure they are compensated.

The legislation we have introduced does that with 14 additional weeks for all States, and also would provide additional weeks for the hardest hit States—6 weeks of additional benefits for those States hardest hit, those States with the highest rates of unemployment. This unemployment rate we are facing is going to continue. It is not just a short-term phenomenon. There are estimates that we will see rates up to 9.8 percent through most of even next year.

I am very disheartened myself, but more so for the folks who are going to be denied benefits by the action taken by the Republican side to object to extending benefits to those folks who are in need of them. I am hopeful at a later point in time—very soon in fact; hopefully by next week—the other side will see fit to let this legislation pass because it is sorely needed. I urge my colleagues to vote for it when it does come up next week.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I rise today to add my voice to Senator BAUCUS in strong support of the Unemployment Compensation Extension Act. This bill, as the Senator said, is designed to help those families who are struggling in all 50 States by extending at least 14 weeks of unemployment benefits to workers across the country who are going to exhaust their benefits by the end of this year.

I thank Majority Leader REID and Chairman BAUCUS for bringing this bill to the floor, and the many Senators and staff who have worked so hard to get this done, particularly Senator JACK REED, who is going to be speaking, Senators CHRIS DODD and AMY KLOBUCHAR.

Through no fault of their own, many of those who lost their jobs months ago still cannot find work. Five million workers have been unemployed for more than 6 months. That is an all-time high, and it is why extending unemployment benefits in all 50 States is so important.

When I am back in New Hampshire and meeting families trying to get by, one thing is very clear: People want to go back to work, but they face one of the weakest job markets since the Great Depression. Until that job market improves, we have a responsibility to help those workers pay their mortgages and keep food on the table.

Another very important reason why we should support this, and why I am disappointed that our colleagues on the other side of the aisle have refused to come forward in support of this, is that extending unemployment benefits is a proven boost to our economy. Unemployment compensation is money that

gets spent immediately on necessities. People who are out of work need this money to help pay the rent, pay their mortgages, buy food, pay for gas. Extending unemployment benefits is one of the most effective actions we can take to help get this economy moving again, and I urge my colleagues to support this important extension and to quickly pass this critical legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I commend Leader REID and Chairman BAUCUS for the work they have done to get this bill to the floor. I also commend Senator SHAHEEN for her valuable contribution to moving this forward.

I am disappointed, to say the least, that we cannot move this legislation quickly. There are millions of Americans who are looking at the prospect of losing their unemployment compensation, others who have already lost it and, frankly, millions who may be working but, sadly, may qualify shortly for unemployment compensation.

As my colleagues have pointed out, there are six job seekers for every job. This unemployment crisis will continue, and the least we can do is to provide people with some support while they look for jobs and try to maintain their families.

One point I wish to make—which should be very clear—is that this legislation is fully paid for. This is not something that requires a CBO score in order to determine how it is used and what the cost will be and how it will be paid for. It is paid for by a continued extension of the FUTA surtax for a year and a half—through 2010 and the first six months of 2011. So this is responsible legislation as well as critically important legislation.

Again, as my colleagues indicated, this legislation will provide an additional 14 weeks of unemployment insurance benefits throughout the country. But as we have done on numerous past occurrences, it will recognize that even though there is pain everywhere, the pain is not distributed equally. There are States, such as my home State, where the unemployment rate is extraordinarily high. It is a critical need in Rhode Island where the unemployment rate is nearly 13 percent. So for those States, there will be an additional 6 weeks, for a total of 20 weeks, for all States with an unemployment rate of 8.5 percent or above.

This has to be done quickly, because as we speak there are 5.4 million Americans who have been unemployed for 6 months or more. There are signs that the economy may be recovering—credit markets, equity markets—but the unemployment markets still remain, unfortunately, in a deep decline. We are trying all we can do to reverse that, but in the interim we have to be able to give people a chance to simply get by, and that is what this does.

We are poised to pass this, and this unnecessary delay is not only inappropriate but inexcusable. This is something that affects every State in the country and it affects people who have worked hard all their working lives and now face unemployment, many for the first time. The psychological shock is great. Add to that the financial reality that they can't pay their bills, they can't pay the mortgage, and that adds another problem which I think cries out for immediate action, not waiting for a score from CBO, not waiting to see if there is something ancillary to this that could be attached. This is a time and a moment to meet the needs of the American public, to do so responsibly—and we have because it is fully offset—and not to delay. I urge the speedy passage of this critical legislation. I hope Leader REID will be prepared to make a UC the next time we are convened and that at that time this measure can be passed unanimously.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Madam President, I want to support the words of the Senator from New Hampshire and the Senator from Rhode Island about moving the unemployment insurance extension forward.

We all know that joblessness is a tremendous problem in this country. We can argue about which States should get the unemployment benefits and for how much time, but if you are unemployed, your household is 100 percent unemployed. It doesn't matter to you whether you are in a State where it is a 6-percent or a 9-percent or a 12-percent rate. If you have been looking for a job for 26 weeks, you are in trouble and your family is in trouble.

It is hard to believe on an issue such as this, where you would think there would be some comity—you know, I was on one of the TV shows with the Senator from Texas and he agreed unemployment benefits should be extended. We talked about it on that show. Yet we are now holding things up. But people can't wait. They have food to put on the table; they have families to keep together. They have a work ethic. When you can't find a job, try as you might, it eats at you. It is one of the great things about Americans.

I hope my colleagues will reconsider. I hope they will reconsider—yes, because the politics is not on their side here, but more important, because of the substance. We have the worst unemployment we have had over a period of time since World War II, since the Great Depression. We can debate what we should ultimately do. We have to do more, in my opinion, to get this country out of the economic problems in terms of jobs. We do not want to wait 2 or 3 or 4 years for unemployment to gradually come down. We can debate all that. Should there be a second stimulus? Should we do other things? What should we do about highway building? Should we extend the home credit? These are all legitimate considerations we should debate. There will probably be some differences. But in terms of helping those unemployed, the vast majority of whom are unemployed through no fault of their own, I don't think there can be much of a debate. I don't think there will be much of a debate. When it comes to the floor through the good efforts of the Senator from Montana and the Senator from New Hampshire, my guess is it will be overwhelmingly voted on.

Let's not delay. Let's move forward as quickly as we can to help those who, through no fault of their own right now, cannot find a job, try as they might themselves.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Is there a pending order of business before the Senate?

The PRESIDING OFFICER. The appropriations act is pending, and there is an amendment pending to that.

Mr. DURBIN. Madam President, I rise to discuss an amendment I filed that takes an important step to address the disturbing level of youth violence in the city of Chicago. My amendment would allow the Attorney General to dedicate up to $5 million from the Office of Juvenile Justice and Delinquency Prevention to community-based, street-level violence prevention efforts.

It breaks my heart to read the Chicago newspapers and see the stories of senseless violence that occurs on a regular basis. Stories such as that of Chastity Turner, a 9-year-old girl who was shot and killed last June while she washed her pet dogs outside her home in Englewood. Or Simeon Sanders, an Army soldier who was on furlough back home in the south suburbs when he was fatally shot in front of a community center this past July. Or 17-year-old Corey McClaurin, a high school senior shot and killed by a gunman while sitting in his car just a few weeks ago. Many of us have seen the shocking, startling videotape of the beating death of 16-year-old Derrion Albert, buried in Chicago last Saturday.

These stories simply overwhelm us. My heart goes out to the families and all the loved ones grieving for their loss. No one ever should have to face the tragedy of losing a child to such senseless violence.

All too often this violence ends up involving school-age children. We lose a classroom's worth of schoolchildren each year to deadly shootings in Chicago and hundreds more are injured. Chicago is a great city. I love representing that city and being part of it. It breaks my heart to think that for many people across America, this is a new image, an image of children being killed in the streets, shot, beaten. It isn't what the city is all about. It isn't the values of the city. But we have to do better. Youth violence is devastating to families, communities and schools in Chicago and other urban centers.

Wednesday, Mayor Daley and the CEO of the Chicago public schools, Ron Huberman, met with Attorney General Eric Holder and the Secretary of Education, Arne Duncan, to talk about ways to stop this epidemic of violence. As this meeting demonstrated, officials at the local, State, and Federal level are committed to taking bold action. Starting this year and using Department of Education dollars that were made available through the economic recovery package, the Chicago public school system will provide an unprecedented degree of intervention and support for school children who, according to statistical indicators, are at the greatest risk of being caught up in violence.

This plan provides employment and adult mentoring for at-risk students. It provides structure and guidance to help prevent them from becoming victims. This comprehensive youth violence plan will also involve coordination with law enforcement, particularly to help secure areas on the way to and from schools where kids tend to congregate and where violence often flares.

Ron Huberman is a very smart man. He runs our public school system in Chicago. Previously, he had been a Chicago policeman. He tried to analyze the school violence and come up an approach. What they did was to enlist some experts who did basically a statistical profile of both the victims and perpetrators of violence over the last few years in Chicago. Who are these young people? How do they find themselves in these predicaments? What are indicators that they are likely to become violent in their own lives or become victims of violence? He found recurring patterns. What he has suggested, with the cooperation of Mayor Daley, is intervention at an early age so we can get to these children before they become victims, before they turn to violent ways. It is an innovative and thoughtful approach. I support it.

I am pleased the Justice Department is providing substantial assistance to Chicago to combat crime. It has been one of my priorities in recent years to make sure the Justice Department is doing all it can to partner with Chicago to try and stop youth violence.

Last year, then-Senator Obama and I asked Attorney General Mukasey to include Chicago in the Department of Justice's Comprehensive Anti-Gang Initiative. This is a program which provides extra money for selected cities for gang enforcement, prevention, and prisoner reentry initiatives. At our request, the Justice Department included Chicago and has provided $2 million in additional Federal funding for this purpose.

I have also strongly supported the COPS Program and Byrne-JAG grants, and so many other areas where we have assisted law enforcement. Over the last 2 years, we have been able to provide dramatic increases in law enforcement funding for Chicago and Cook County. In fiscal year 2008, Chicago received $1.4 million in Byrne-JAG local law enforcement grants. But this year, through the stimulus act passed by Congress at the inspiration of President Obama and through the fiscal year 2009 Justice Department spending bill, we increased that amount to $35 million, bolstering police efforts in that area.

The Chicago Police Department recently was awarded funding for 50 new cops on the beat through the $1 billion program the stimulus act provided for hiring new cops.

I know Attorney General Holder's commitment to this issue. I know he is genuine. I raised the matter with him at a Senate hearing earlier this year. He made clear the administration's dedication to helping solve this problem.

Arne Duncan also is a true champion of the city of Chicago, its schools and kids and families who depend on him. He wants to reduce violence and is dedicated to it.

The efforts we are putting into Chicago have helped some. In the first 7 months of 2009, we saw an 11-percent drop in homicides and a 9-percent drop in all crimes. This is due, in large part, to the dedicated efforts of law enforcement. But while beefed-up law enforcement is essential, it is not enough. We have to do more to prevent children from turning to violence.

I have worked with a group called CeaseFire, which goes into the most violent neighborhoods of Chicago and tries to treat violence as if it is a public health issue. How do you eradicate a public health issue? With intervention. They do it on the streets. I have put—and I will use the word—earmarks in continuing appropriations bills year after year for CeaseFire, a community-based program to bring peace to the streets of Chicago. No apologies. It is an earmark. I will put it in again, if I get a chance, because I believe they are saving lives, and it is money well spent.

CeaseFire was reviewed by the Justice Department in an evidence-based study and was found to have a significant impact in reducing shootings and killings. The amendment I will offer, when we get a chance to return to this bill, will help enhance the efforts of crime prevention organizations such as CeaseFire. It only permits—it doesn't mandate—the Attorney General to devote up to $5 million of grant money from the Office of Juvenile Justice and Delinquency Prevention for community-based violence prevention.

As Attorney General Holder mentioned Wednesday in Chicago, the administration supports community-based programs. This gives them the resources to make that work. It doesn't require an offset. It simply broadens the purposes for which the administration can use existing funds.

The problem with youth violence is not new, and it is not exclusively Chicago's problem. But it is not inevitable either. We must help provide a safer, more stable environment for these kids. It will take a sustained commitment to do so. My amendment is a step in that effort I hope my colleagues will support. I urge adoption of the amendment when we return to the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank the Senator from Illinois for speaking out for justice in his community and across the country.

I ask unanimous consent to speak for up to 2 hours, time which I will control and disperse to others, as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Madam President, I take the floor tonight with my colleagues Senators MERKLEY, STABENOW, UDALL of New Mexico, CASEY, and WHITEHOUSE to talk about the public option and why the public option is so important to our Nation and to improving our health care system. I will speak for the first 10 minutes. Then I will turn to Senator MERKLEY, who serves with me on the HELP Committee and has done such a terrific job helping to write the health care bill. I wished to start with something I have done for several weeks and that is to share letters from people in Ohio who, by and large, have health insurance they were satisfied with.

They thought they had a good health insurance policy. In these letters, typically, people tell me when they get sick, they have very costly health problems, long hospital visits, doctor visits, tests. They end up losing their health insurance. The insurance company cuts them off because they have become too expensive, which is not even insurance. That has happened too many times. That is one of the reasons this is so very important.

I know Senator STABENOW gets letters from Lansing and Detroit. I know Senator MERKLEY gets the same kind of letters from Eugene and Portland, from all over his State.

Joyce from Ottawa County, west of where I live on Lake Erie, writes:

I am a 77-year-old great-grandmother who knows how the expenses of health care create a constant worry for families. My oldest

daughter and her husband have three children and they are in dire straights. He might lose his job soon and she recently lost hers after 13 years with the company. Their health coverage is due to expire in December and they have received estimates for coverage of $1,000 a month. There is no way for them to pay, and at age 54 and 61, they are not [close to being] eligible for Medicare. My fear for my grandchildren and great grandchildren is that they struggle day after day to find a job, care for themselves with pride. They want to go to college but they know they will owe tens of thousands of dollars when they graduate and still not be able to find a job or afford health care. Please fight for a public option to help my family.

Joyce understands what the public option will do. It will bring discipline to the market to keep prices in check. It will make health insurance companies honest so they can't dump people from their plans because they are more expensive or because they have a preexisting condition. They can no longer discriminate based on disability or age or gender or geography.

Jill from Defiance, in northwestern Ohio near the Indiana border, writes:

Later this month, I'll be losing my job due to the economy. I will no longer have health insurance. Based on my unemployment pay, I will not be able to afford COBRA . . .

COBRA is the extension of insurance for people who have lost their jobs. Under COBRA, the insured person has to pay both her side of the insurance policy and her employer's side. When they lose their jobs, they rarely can to that.

. . . I will not be able to afford COBRA and pay for my house, utilities, [other] bills, and food. Me and the other 150 people losing their job at the plant will be lucky to find new jobs, let alone afford health insurance. We need health reform now with a strong public option.

Jill understands, as does a majority of my colleagues and an overwhelming number in the House of Representatives and an overwhelming number of the public—by 2 to 1—that the public option matters because it will make sure people who don't have insurance now will go into an insurance exchange and will have choices. They can choose CIGNA. They can choose Blue Cross, Aetna. They can choose Medical Mutual, an Ohio not-for-profit company, or they can choose the public option. It is all about choice. People can decide: Do I want the public option? I like Medicare. Or do I want to go into a private plan.

The last letter I will share is from Brenda in Lorain County. She writes:

My husband is retired but has to get insurance through a private insurance company. Neither of us will be eligible for Medicare. My husband for 3 years, me for 4 years. Our plan is ridiculously overpriced and the premiums, deductibles, and co-pays have almost doubled in the 3½ years since my husband retired. All this is happening as we get older and need health care. Please fight for health reform including a public option. Every American citizen should have affordable health care without exception.

As Brenda points out, people who are so often losing their jobs are in their fifties and sixties. Their health problems are increasing. People in their fifties and early sixties obviously have more health problems than people in their thirties and forties. And that is when they are losing their insurance.

That is why this legislation is so important for people and why the public option will make our health insurance plan significantly better.

Some 77 years ago, President Roosevelt addressed the class of 1932 in my mother's home State of Georgia. His task was not an easy one: to give hope to young people beginning careers at the worst moment possible. He may as well have been giving hope to Americans today who have lost a job and with it their health care.

FDR said:

The country needs and, unless I mistake its temper, the country demands bold, persistent experimentation. It is common sense to take a method and try it: If it fails, admit it frankly and try another. But above all, try something. The millions who are in want will not stand by silently forever while the things to satisfy their needs are within easy reach.

It is time to try something different. The insurance industry has had nearly a century to provide coverage to all Americans. It is safe to say, if we rely on that industry to cover all Americans now, we will be disappointed. If we rely on them to take charge of our health insurance system, as they have now—if we rely exclusively on them, we will be disappointed again.

We need a public insurance option, one that is designed to compete fairly with private insurers but differs from them in two crucial aspects. No. 1, the public plan will not pick and choose where to locate. Instead, it will offer coverage in every corner of this country—from the Presiding Officer's State of New Hampshire, to Senator MERKLEY's Oregon, to Senator STABENOW's Michigan, to Ohio, and to Florida—it will offer coverage in every corner of the country that is affordable, continuous, and patient-focused. You do not see Medicare turning down somebody for a preexisting condition like the insurance industry habitually does in the country.

Second, if the public plan takes in more premiums than it needs, it will return those dollars to enrollees. Not a dollar will go to Wall Street, not another dollar will go to huge CEO salaries—more on that in a moment—and not another dollar will go to massive ad campaigns.

For these and many other reasons, we need a public option. The public option will protect the public from price gouging. It will protect the public from rescission tactics. That is an insurance company word—''rescission''—that disqualifies people who have insurance from keeping their insurance. It will protect the public from insurance loopholes that deny you coverage, deny you care, and deny you financial protection. The public option will protect the public from premium markups that pay for outrageous CEO salaries and sales trips to Tahiti.

I want to show, just for a moment, some of these CEO salaries for 2008. This is in millions, in case you cannot see that directly on the chart: Aetna's CEO's salary, $24 million; CEO of CIGNA, $12 million; CEO of Well Point, $9.8 million; CEO of Coventry—it is not even an insurance company I am particularly familiar with—$9 million; CEO of Centene, $8.8 million; CEO of AmeriGroup, $5.3 million; CEO of Humana, $4.8 million; CEO of HealthNet, $4.4 million; CEO of Universal American, $3.5 million; and the poor man or woman at UnitedHealth Group, that CEO is only bringing in $3.2 million.

The point is, these CEO salaries are from these same companies that turned down somebody in Findlay, OH, or denied care to somebody in Warren, OH, because of a preexisting condition, or they take a patient in Springfield, OH, who has been a little bit too expensive for their company, and they have this cap on their insurance costs, this annual cap, and they disqualify them from further care. They practice their rescission in order to pay these kinds of CEO salaries.

The public option will also protect the public from insurance that is unaffordable, unresponsive, and unreliable.

Our Nation should try something new when it comes to health reform, something that gives Americans more options and the insurance industry a reason to cut out the fat from health insurance premiums.

Some of my colleagues in Congress believe a public insurance option will harm the private insurance industry. That industry, however, has profited from competing with Medicare. Taxpayers did not profit from that deal, but that is a story for another day.

The insurance industry profited from competing with Medicare, and it will profit from competing with the public option. There is simply no reason, when we have this competition, that the insurance companies will not continue to make money. They are going to have 40 million new customers—40 million new customers. Several million will join the public option, to be sure. But these insurance companies will continue to find a way to make money because they are competing. They will be competing on a level playing field with the public option.

The insurance industry claims to be infinitely more cost-efficient and capable than a public plan could ever hope to be. The same industry, though, on the other hand, insists it will go under if forced to compete—level playing field or not—against a public option.

So think of it this way: On the one hand, the insurance industry tells us: We are going to be put out of business. The first thing the insurance companies say is, the government cannot do anything right. The government is bloated. The government is bureaucratic. The government is inefficient. They just cannot do anything right.

But then they say: This public option, it is just going to put us out of business because it is going to be so efficient.

So which way is it? Of course, we know how efficient Medicare is. What the public option is going to do is make these private insurance companies a lot more efficient and make them approach the levels of efficiency in Medicare.

The private insurance industry is not trying to help our Nation make the right reform choices. It is trying to help our Nation put more tax dollars into insurers' pockets. I do not want to see all these 45 million people with government subsidies who are going to get insurance forced into insurance company plans with no choice.

The opponents to the public option are saying: These people should not have choice, they should have to go with their tax dollars—in some cases, their subsidies or their own money—they should have to go into private insurance. We say: Let them choose to go into private insurance, but give them the opportunity to go into the public option.

In my comments, I am not saying the insurance industry is evil. The insurance industry is loyal to their shareholders. They want to make a buck. They do not have rules. They are allowed to disqualify people. We are going to change the rules so they are not allowed to do that.

We need a public-private solution that addresses the needs of every American and discourages wasted spending. That is why I support a public option. That is why I believe my colleagues should too.

As FDR said, it is time to do something. It is time to do the right thing.

Madam President, I yield as much time as he would need to Senator MERKLEY.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, I thank very much my colleague from Ohio, and I appreciate his advocacy for the working people of America, working to make America work for working Americans, both in terms of jobs and in terms of our health care system.

I rise tonight as well to address the importance of a public option. Here is where we are right now. We are within reach of a historic opportunity to provide accessible health care to every single American, and that would be tremendous. But if that accessible health care is unaffordable, then we have not reached our goal.

Right now, the cost of health care is doubling about every 6 to 7 years, and the pace is accelerating. It doubled over the last 9 years, and now it is on pace to double in 6 or 7 years. So folks who could afford insurance just a few years ago cannot afford it today, and families who can afford insurance today are not going to be able to afford it a couple years from now. So it is essential—essential—we bend the cost curve. Perhaps the most powerful instrument for bending the cost curve is the public option because it is the public option that brings competition and choice. This is as American as apple pie. competition and choice result in better service and lower costs.

Much of our Nation—our health care consumers—do not have a real choice. A couple companies dominate the market, dictate the terms, deny folks coverage, or drop coverage. So doesn't it concern all of us a little that after someone has paid their premiums for a decade or 15 years or 20 years, and they get really sick, the insurance company says: We are not renewing your insurance? That certainly is not a health care system.

When you do not have choices, you do not have improved service, you do not have lower costs. But a public option changes that equation because it introduces real competition in every health care market in America. It adds another choice for our citizens in every health care market in America.

This is important to stress. This is a choice. My colleague from Ohio pointed out this point, but I will point it out again. Sometimes as to the idea of introducing a community health plan or a public option, it is attacked by saying: What does government do well? Why would we want a plan from the government? Then the same critics turn around and say: The government is going to create a public option that is going to work so well it is going to drive every other option out of existence.

You cannot have it both ways, and neither extreme is accurate.

We have seen this idea work in many States in related areas. For example, in the State of Oregon, 20 years ago, Oregon's workers' compensation market was a mess. It is a form of insurance, and it is a form of health insurance. It is a form of insurance for workers on the job. We made reforms to that market in the last 20 years, including a redesigned public option that resulted in premium rates that are today less than half of what those rates were 20 years ago.

Let me repeat that. As a result of our reforms with a redesigned public option in Oregon's workers' compensation market in the last 20 years, it has resulted in premium rates today that are less than half of what they were 20 years ago. That is the result of introducing competition. That is the result of introducing choice.

The public option for workers' compensation was successful. It came under fire from insurers who did not like competition. But it was our business community that stepped up and saved it. Think how powerful it is for the success of a business to have good service and low premiums on workers' compensation. Translate that: how important it is to the success of our families to have good service and low premiums in their family health care premiums.

The public option in workers' compensation has been an economic development tool for the State of Oregon. During the last downturn, we recruited Amy's Kitchen—an organic food producer—into southern Oregon because they could save $2 million a year in workers' compensation rates from the place they were formerly doing business.

Well, this is what we need to do with health care. We need to have competition in every corner of this country. We need to have choice in every corner of this country. We need to empower consumers by giving them a community health option or a public option.

Madam President, I am pleased to speak to the public option tonight, and I look forward to comments from my colleagues. I thank Senator BROWN from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank the Senator from Oregon. We will hear in a moment from Senator STABENOW, who is a member of the Finance Committee, and who on that committee has been so active in helping preserve people's plans who have insurance who are satisfied with it, and building those consumer protections around those plans. She has also been a strong advocate in the Finance Committee for the public option and all that comes with that.

I yield to Senator STABENOW.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I thank Senator BROWN.

I want to thank my friend from Ohio—and before he leaves, my friend from Oregon as well. We are so proud and happy to have the Senator from Oregon with us as one of our terrific Members, coming from being the speaker of the house in Oregon, and leading on energy and being passionate on health care and jobs. It is just wonderful having the Senator with us. So we appreciate his advocacy on this important issue.

I want to thank my friend from Ohio. I think we have States that are more alike than any two States I can think of in the Senate because of the challenges that have undergone the auto industry and manufacturing—the extent to which we understand that fair trade is important, that health care and jobs are critical. We also fight to protect our Great Lakes. So we have many ways in which we are team partners in the Senate, and I want to thank the Senator from Ohio for his leadership in bringing us together again to speak about a critical part of this health care reform effort.

I also want to recognize the Senator from New Mexico, whom I see on the floor, whom we are very proud to have with us, as well, coming from the House of Representatives, who has done such a wonderful job in transitioning, hitting the ground running. And with the Presiding Officer, the Senator from New Hampshire, who is presiding, we have a fantastic group

of Members who have joined us who are going to help us get health care reform done, as well as tackle energy and a number of different issues. So it is a pleasure and honor to work with you.

As I speak about health care and the importance of having a public insurance option, I first want to take just a moment to note another issue that is very much tied to health care but an action that was taken a while ago—a very concerning action, again, where the Senate Republican leadership chose to block us moving forward on the extension of unemployment insurance.

As our Presiding Officer from New Hampshire knows, having been a leader in bringing us together and putting forth a plan to be voted on, it was incredibly concerning to me that, in fact, the effort and the proposal to extend 14 weeks of benefits for all of the people in all of our States who are currently unemployed or who will soon be unemployed, with an additional 6 weeks for States such as mine with the very highest of unemployment levels, was blocked one more time on the Senate floor. This is not what we ought to be doing.

When we look at what is happening in our State with about 15 percent unemployment, everyone understands the challenges we are going through. We have people who want to work. They want to work. They are looking for work. They may be piecing together income in a variety of ways. The difference between their being able to keep a roof over their heads for their families and food on their tables right now has been the efforts of extending unemployment that we did with our great new President, President Obama, coming into office and making that a priority. We made it a priority in the Recovery Act. Now we are at a point where we need to extend that.

We expect in Michigan alone that 99,000 people will exhaust their unemployment benefits by the end of this year; tens of thousands of people coming to the unemployment offices. So this is critical for us. We are not going to go away. We are going to keep right back at it until we get this done.

The same thing is true with health care reform because there is a direct relationship. As I start to speak about health care, I wish to say one of the very positive things of the many positive things about the legislation we will be voting on is that we want to strengthen it with a strong public option. One of the very important pieces of this legislation we worked on in the Finance Committee, and supported by the HELP Committee as well, creates a real safety net so if you lose your job, you don't lose your insurance. This is absolutely critical.

We are talking about extending unemployment benefits for people who have been trying to find work and can't find work. Well, what we all know is that when you lose that job, too many people also lose their insurance. Then they lose the house. Then they lose whatever comes next—the car or the kids can't go back to school. So it is all related. In our health care bill, we make sure there is a real safety net and that people who lose their jobs know they will be able to have insurance, and that is very important.

It is also critical, for people who are looking to purchase insurance, that they can get the very best price. It is important that people who have insurance can keep it; that they know what they are paying for they actually get, by the way, which is why the insurance reforms are so important; so you are not dropped right when you get sick or blocked from getting coverage. We know in order to create this new pool for individuals and small businesses that can't find or afford insurance that it is absolutely critical, if we are going to say everybody in the United States of America needs to have insurance, that it be affordable, that it be competitive in the marketplace, and that people be able to have every choice possible available to them. That is what we are talking about tonight because, ultimately, this is about providing real stability and security for American families.

I received a letter from a constituent of mine, Lynn, in Marshall, MI. She wrote:

> In the space of two months, my husband's income was cut 25 percent because of the economic downturn. At the same time, our oldest son, 21 years old, was diagnosed with leukemia.

Every parent's worst nightmare.

> To date his bills have totaled about $450,000 for treatment. While we currently have insurance, I worry about my son and how his ability to obtain adequate health care will forever be affected by his illness. His leukemia has an exceptionally high cure rate, but how will he afford his own health insurance which will likely affect his ability to stay healthy for the rest of his life. He is only 21 and on the verge of graduating from college. Once he graduates, he will lose his coverage under my husband's plan. His treatment won't even be finished by the time he graduates. I lay awake at night and worry how we will finish his treatment.

Lynn, everybody who has ever had a child worries about this kind of scenario and what could happen for their children. That is why we are here tonight. In the richest country in the world, no parent should have to lay awake at night worrying about how their son or daughter would be able to find the health care they need.

In our reform in the Finance Committee, there is great news from part of what Lynn talked about, and that is we have extended health insurance for young people on their parents' policies until age 26. That is incredibly important and very positive. But when he then goes into the marketplace to find insurance, will he be able to find affordable insurance in this new exchange we set up? The way to guarantee that happens is through a strong public option, a public choice. You don't have to choose it. That is the great thing about America. We are all about choices.

So we make sure there is a real competitor in the marketplace that is pegged to the real costs of health care and that doesn't have to worry about making a profit, that doesn't have to worry about marketing, that doesn't have to worry about other costs, but strictly providing health care and the costs of providing health care in the marketplace. Having that kind of competitor will make sure everybody is honest about the real costs associated with providing health care.

We know there are very powerful interest groups that have lined up to slow down or to stop this bill from passing, and they are bitterly opposed to a public insurance option. They know it will bring down costs, it will hold insurance companies accountable, and will bring down the overall costs for taxpayers because of what we are doing in health care reform, now and on into the future. We don't need to hear from more of those voices. We need to hear from our own constituents who are struggling every day with the rising costs of health insurance.

That is why I created my online Health Care People's Lobby, so people in Michigan can have their voices heard. We have had over 7,000 people respond. I am very grateful we have had hundreds of stories that have been shared with us. I am so grateful for all of those.

Lisa from Novi, MI, signed up for the People's Lobby, and she wrote:

> I am one of the lucky ones. We have health insurance and everyone is healthy. However, with just routine doctor visits, the time spent deciphering bills and reconciling what the insurance company paid and what we owe can be overwhelming.

Haven't we all been through that?

> Our insurance is a primary reason my husband has stayed with his current employer at a lower salary, because most new job opportunities don't offer coverage. I strongly believe in a public option.

The reason we are here on health care reform and the reason we have a sense of urgency about it is because, as Lisa said, many new job opportunities don't provide health insurance, and we know we have to do better in this country. That is the point of creating a large pool for people who can't find insurance, don't have it through their job, to be able to pool people together and have an insurance exchange. But as I said before, to make sure that works, to make sure it is really affordable for families and for small businesses, we need real competition of a public insurance option.

Another constituent, Glenn from Sterling Heights, is 62 years old. He got laid off in December, and it doesn't look like he will be called back. He writes:

> I am too young for Medicare. I have a preexisting condition, so nobody wants to insure me. If I get sick before I can get Medicare, my savings and everything will be wiped out. This is not the way I pictured retirement was going to be. I raised four children, got them through school, and married. Paid taxes and did what I thought was right

and moral things to do. I didn't create this mess, but I am sure paying for it.

There are many people in Michigan in that very same situation that I am fighting for every day. In our insurance bill, first we have positive responses to this issue. We are going to stop the banning of insurance because of preexisting conditions. That is extremely important. We have help in this bill for early retirees to make sure we can help with the costs. But to make sure this whole system works together, we need a public insurance choice for Glenn so that if the other options don't work for him at 62 years old, he has a choice where he can go to an option that is affordable and is focused totally on providing health care for him. A public health option would give Glenn some hope. It would give him security until he is able to get to Medicare, so that he wouldn't lose everything if he had a medical crisis.

Glenn is not alone. We know 62 percent of bankruptcies occur because of the medical crisis. We know 5,000 people every day lose their homes to foreclosure because of the medical crisis.

I have literally received thousands of e-mails and stories from people around Michigan, and I wish to thank everyone who has e-mailed me, who has shared their story. We have literally thousands of stories of people who have gone through so many different experiences of worrying about whether they are going to lose their insurance, trying to figure out how to pay for their insurance, not being able to find insurance because of a preexisting condition, not being able to find something affordable as an individual going out into the marketplace. We have heard thousands and thousands of stories from Michigan, and they all say act now. Give us choice, real choice and competition.

We know having a public insurance option is the way we guarantee all of this fits together. So for my constituents—for Lynn, for her son, for Lisa and Glenn, for the 11,000 others who have signed up for the People's Lobby—I urge all of my colleagues to join with us to make sure with all of the pieces we have put into these bills that are so important and so positive that we bring it all together by including a public health insurance choice for people so that if the private, for-profit companies in the exchange are not able to give people affordable insurance, they know ultimately they can find it.

I thank you very much, Mr. President. I wish to thank my friend from Ohio again for his passion and his time and efforts, and I yield the floor back to him.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Ohio.

Mr. BROWN. Thank you, Mr. President. I thank the Senator from Michigan for her steadfast leadership advocating for workers in Michigan and across the country.

We have been joined by Senator UDALL of New Mexico, as well as Senator WHITEHOUSE from Rhode Island, and Senator SANDERS from Vermont. Senator WHITEHOUSE and Senator SANDERS played a role on the HELP Committee to put this legislation together.

Before turning to Senator UDALL, I wish to read another letter from Phil in Franklin County in central Ohio about his situation and then talk to the Senator from New Mexico for a moment.

Phil writes:

When I was 8 years old, my father suffered a stroke despite being a physically fit nonsmoker. Despite having employer-based insurance, I still recall my mother in tears on the phone with the insurance company arguing for something she shouldn't have had to: That the insurance company cover the care my father deserved and the care for which he paid.

In America, we are supposed to prize competition. It is the lack of competition that drives inefficiency in our health care system.

It has become clear that health insurers are either incapable or unwilling to reform themselves and control costs. Among the many reforms our system desperately needs, we need a public option to promote competition and keep private insurers honest.

We, your constituents, need help; we need you to represent us, not the insurance companies. As consumers, the more choices we have, the better off we will be.

Phil understands this from his mother, who was pleading with the insurance company to be fair and to live up to their side of the agreement. His father paid for insurance for years. He suffered a debilitating stroke, and she had to push and push and push. With the competition that a public option would bring, those kinds of things won't happen.

A moment ago, I was speaking with Senator UDALL. We were talking about competition. In my State, Ohio, one health insurer, WellPoint, controls 41 percent of the market. WellPoint and one other insurer control nearly 60 percent of the market. We were looking at this map. On this map, the dark purple illustrates those States where more than 80 percent of the market is controlled by 2 companies. I am not a lawyer—and I am sure not an antitrust lawyer—but I know if 2 companies have 80 percent of the market, there are a lot of games being played.

When two companies have that percent of the market, you can see why those CEO salaries I put up earlier are so high. Look at these salaries. You can see what the CEO of Aetna makes, $24 million; Cigna, $12 million; and WellPoint, almost $10 million, in my State. In Montana, 2 companies have more than 80 percent of the market; North Dakota, more than 80 percent of the market; Minnesota, more than 80 percent of the market. Two companies. In Iowa, 2 companies have more than 80 percent of the market. The same is true in Arkansas, Alabama, Alaska, Hawaii, and Maine, 2 companies have more than 80 percent of the market. The lighter color on the chart—the medium color is where 2 companies have 70 to 80 percent of the market. No wonder these companies charge so much. No wonder insurance company salaries are so high. No wonder people are denied care and have nowhere to turn, because there isn't any real competition when you have 2 companies that have 70, 75, 80, 90, or maybe 100 percent of the market.

In Senator UDALL's State, which is not quite like mine, 2 companies have only 50 to 70 percent. In Maine, it is 58 percent. I am not sure exactly what his State is. Even then, two companies have more than half the market. Insurance prices in Santa Fe, Albuquerque, and Truth or Consequences—my favorite name of a town in New Mexico—are too high, just as they are in Lima, Findlay, Zanesville, and Cleveland, in Ohio; and the service those companies bring to customers isn't particularly high quality. Those customers are denied care because of preexisting conditions, because of discrimination, and because of annual caps and lifetime caps.

Again, I thank the Senator from New Mexico, Mr. UDALL, for joining us to discuss some of these issues about his support for the public option.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent for those of us on the floor to be able to carry on a colloquy about a public option.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Mr. President, I say to Senator BROWN that the number in New Mexico—the Senator from Ohio has a range on his chart, but the number in New Mexico is actually 2 companies controlling 65 percent of the market. So we are talking about a situation that isn't very competitive. I think that is the bottom line of what we have been hearing.

We have had our colleague from Oregon, Senator MERKLEY, and we have had DEBBIE STABENOW from Michigan, and other colleagues are here on the floor, speaking to that situation in their States, and why we should proceed with a public option.

Let me first say to the Senator from Ohio, I appreciate his leadership. I know he was on the HELP Committee, which is the one that wrote the public option we have the opportunity to put in the final legislation. He was on the committee. Some of us are getting into writing the legislation now. But one of the best public options out there is the one that came out of Senator Kennedy's committee. It has been passed for a couple of months. It is sitting right there ready to go, if we just put it in.

When we talk about a public option, what exactly are we talking about? I think people have a right to know a little bit about what we are talking about when we say public option. I think if I outline that a little bit, people will see

why it is so important to have a public option, so let me give a little bit of an outline.

First, it would be voluntary. We are not forcing anybody to get into it. We are talking about a voluntary system. So you would have a choice to get into it, based on whether it would fit your particular circumstances.

The public option would not be subsidized by the government. It would be fully financed by premiums. So this would be something where people would be paying premiums, the premiums would come in, and we wouldn't be adding to the deficit. We would be creating a good, solid insurance situation and insuring people.

We have heard, as Senator BROWN has talked about here—he put up a chart about these incredible salaries. One of the things a public option would do is you won't make profit for the shareholders. You have the opportunity to take those premiums and put them all back into health care. So that, once again, is something that is very important.

Let's look here at this chart Senator BROWN has loaned me. Look at the total compensation for CEOs of major health insurance companies in 2008: Aetna, $24.3 million; Cigna; WellPoint; Coventry—look at these salaries. There is a total, for these 8 or 10 companies, of $85 million in salaries.

What we are talking about is money being spent on health care for people through a public option. One of the other things that I think would be a hallmark of a public option would be having low administrative costs, since it operates on a nonprofit basis. One of the things you should know about these insurance companies where you have these CEOs working is that they have administrative costs in the range we have heard about, 30 percent administrative costs. So what happens here is that the money comes in on the premiums, but they spend an incredible amount of time going back and forth denying claims, telling doctors they should not put that in, they are not going to cover it, and it builds up into a big administrative cost.

The great thing about a public option is you don't have high administrative costs. One of the comparisons there, as Senator BROWN and Senator SANDERS know, is that I think Medicare has 3 percent administrative costs. Here you have a comparison of 30 percent to 3 percent.

One of the other parts of a public option I think makes a difference is exerting bargaining power to obtain discounts from providers. That could make a big difference with the public option operating out there. We would offer savings to subscribers with lower premiums. We should follow the same insurance requirements as private plans. What we would offer, through a public option, would be low cost and high value.

Basically, what we are talking about here is keeping insurance companies honest, driving the costs down, and having a competitive market.

Senator SANDERS well knows that the situation right now isn't serving the American people. I know he wants to comment on his situation in Vermont and what's going on there.

Mr. SANDERS. I do. I thank the Senator from New Mexico for his remarks and Senator BROWN for his leadership efforts here. I will say a few words.

If anyone in America does not understand what the function of a health insurance company is, let me give you the bad news. If you think the function is to provide health insurance for people, sorry, you are wrong. The function of a health insurance company is to make as much money as it possibly can. Do you know what. They do that very well. We have to acknowledge that. Insurers have increased premiums 87 percent over the past 6 years. Premiums have doubled in the last 9 years, increasing four times faster than wages.

Profit at 10 of the country's largest publicly traded health insurance companies in 2007 rose 428 percent from the year 2000 to 2007, from $2.4 billion to $12.9 billion, according to the U.S. Securities and Exchange Commission.

What we are seeing is that people are thrown off of health insurance because they committed the crime of getting sick, and they cannot get health insurance because of preexisting conditions. Well, that is the bad news. The good news is that CEO salaries are very high, and profits are doing very well.

At the very least—and I speak as somebody who believes in a Medicare-for-all, single-payer system—this country deserves a strong public option to give people the choice about whether they want a private insurance company.

With that, I yield back my time.

Mr. UDALL of New Mexico. Mr. President, I thank the Senator from Vermont.

I want to also yield to a Senator here and give him the floor—with Senator BROWN's permission. SHELDON WHITEHOUSE, from the great State of Rhode Island, I believe was also on the committee and was intimately working through the bill. It is wonderful to have him here with our colleagues talking about the idea that we have to have a public option.

Mr. WHITEHOUSE. I thank the Senator. I had the real pleasure and honor, along with Senator BROWN, of being among the principal draftsmen of the public option in the HELP Committee. When I think back on the effort we put into it, and the plan we came up with, it is astonishing to me that it is now the public option that appears to be the most contentious part of the American health care debate right now, because the bill we passed out of the HELP Committee in July was very thoughtful. It includes a community health insurance option—a national plan, administered by the Secretary of the Department of Health and Human Services. It will be available in every State and territory. It would offer benefits that are as good as those available through the private insurance plans, or better. The Secretary would negotiate provider payment rates to encourage doctors and hospitals to participate. Americans who need financial help to participate in the public option would get it. And local advisory councils would assure that the public option was sensitive to local conditions and local needs.

To be clear, this plan includes no mandate for doctors to participate, no rate setting by the Secretary, no requirement that any American buy a public option policy, and absolutely no direct link to the Federal Treasury. Other than the initial capitalization, this plan would operate solely on premium revenue—a completely self-sufficient financial model. It would have absolutely no baseline advantage over private insurance companies. The HELP Committee got here by approving a number of amendments by our friend from North Carolina, Senator BURR, to make sure of this.

Because this version of the public option was so sensitive to these concerns from across the ideological spectrum, the House Blue Dogs, moderates in the House, used a number of our provisions in the House bill to gain moderate support. In fact, the community health insurance option makes so much sense that Republicans have had to resort to illogical arguments to justify their opposition.

For example, they argue that the government should not be in the business of providing health insurance, that it is a slippery slope to socialized medicine. Well, hello, government-sponsored health insurance serves nearly half of Americans—78 million Americans—who are enrolled in Medicare, Medicaid, TRICARE, VA, and they get benefits from the Federal Employee Health Benefits Program, and so forth. We don't hear our colleagues on the other side talking about ending Medicare, closing up the trust fund, throwing our parents and grandparents out to the tender mercies of the private insurance companies. We don't hear that. I have not heard one Republican say they want to deny our Iraq and Afghanistan veterans all the Federal medical care they need when they come home. I don't see Republican Members of Congress opting out in droves or criticizing the Federal Employee Health Benefits Program.

Why? Because these programs work, because Americans rely on them, because they provide dignity and stability in the lives of millions of American families and they have not led to a government takeover of our entire health care system. Indeed, ironically, the very best program is probably the VA program where the level of government involvement is the highest, where they own the hospitals and where they employ the doctors.

Republicans have also been arguing that government involvement in the

private health insurance market will be uncompetitive and will push private companies out of business. We see the government competing competitively in a variety of markets in this country—private versus public universities, private versus government student loans, workers' compensation insurance, the Postal Service versus UPS and FedEx. The existence of public options in these markets has not swallowed up private industry. What it has done is broadened the market and enhanced the variety of competition consumers enjoy. Think how many people in America right now have a higher education because a State university was there as an affordable option, an alternative to private colleges.

Similarly, a public insurance option adds choice for consumers and adds competition in the market, and it gives private insurers a strong incentive to behave fairly and to keep their costs down. In fact, if one thinks about it, there is hardly an industry in this country where the big players are so far from being pushed out of the market. In fact, if you ask me, the for-profit health insurance industry has been doing the pushing—pushing the American people around—for far too long.

Let me give one example from my home State of Rhode Island. Two years ago, United Health Care of Rhode Island proposed to send $37 million in excess profits to its parent company, United Health Group, hundreds of miles away instead of investing that $37 million back into the system. That is $37 million in 1 year out of a State of only 1 million people in which this company only had a 16-percent market share. With a public option, that $37 million would have gone back into improving the health care infrastructure in Rhode Island, into lowering premiums, into increasing provider payments, into investing in our health information and chronic care sustainability projects and helping doctors buy electronic health records and supporting our Rhode Island Quality Institute. But no. And this after United had already sent $16.5 million out of our State in 2004, $13.4 million out of our State in 2005, and $17.1 million out of our State in 2006.

Competition is supposed to lower prices for consumers, create demand for a better product, and push bad actors out of the marketplace. I don't see that in the health insurance market. I see 10 States with the two largest health insurance companies controlling over 80 percent of the market. I see a 120-percent increase in premiums from 1999 to 2007, while wages only went up 29 percent. I see a 109-percent increase in administrative costs from 2000 to 2006—a 109-percent increase—as insurers increasingly game the system rather than competing on better quality of care, better health, and lower cost.

As I have traveled around Rhode Island, I have seen how these circumstances work out for individual Rhode Islanders.

David, a self-employed resident in Central Falls, described the astronomical rise in the cost of health insurance for him and his wife. Years ago, he paid $85 a month for his plan. Today, it is $19,000 for their annual health insurance. Despite the dramatic jump in price, the health insurance does not cover as much as it used to. David has been forced to drop dental coverage and increase the out-of-pocket expenses he and his wife pay on their plan.

He wrote to me:

> I'm almost afraid to get sick because today's health plans have so many holes in them they can nickel and dime you to death.

Charlotte is a self-employed consultant from Providence. She wrote to share the difficulties she has faced as health insurance became the single largest expense for her company. She buys one of the least expensive plans she can through a small business alliance, but the premium for her current coverage increased by 35.6 percent—more than a third—just this past year, it is covering fewer and fewer tests and procedures, and she has to pay more out of pocket for needed medical treatments. She wrote to me that we needed to move forward on health care reform because 'the cost of health care is pulling the plug on my livelihood.'

For these Rhode Islanders and for millions more, there has to be a better way. There has to be a new challenge in this marketplace, a new business model, a new entrant to change the landscape of competition. Instead of competing to lure the healthiest patients, plans should have to compete on quality. Instead of developing a better claims denial procedure, plans should have to develop a better customer service department. Instead of paying executives tens of millions of dollars per year, they should make sure working-class Americans can afford safe and secure health coverage.

Need I remind us that our health care system is teetering on the edge of collapse and the status quo is not sustainable. Over 80 million Americans were uninsured at some point during 2007 and 2008. As many as 100,000 Americans are killed every year by unnecessary and preventable medical errors. Life expectancy, obesity rates, and infant mortality rates are embarrassing by most international measures. The annual cost of our system is closing in on $3 trillion and is expected soon to double. We spend more of our GDP on health care than any other industrialized country, double the European Union average. More American families are bankrupted by health care costs than any other cause. There is more health care than steel in Ford cars. There is more health care than coffee in Starbucks coffee. It is out of control.

We have two choices: We can derail and delay this debate until unpalatable solutions, such as throwing people off Medicare, drastically cutting coverage, or paying doctors much less, are our only remaining options or we can do what Americans have always done when faced with a tremendous challenge, and that is to innovate our way out.

Government is not the enemy in this undertaking. Americans, with a helping hand from their government, have done great things time and time again. We put a man on the Moon and an explorer on Mars. We built a Peace Corps and the Marine Corps. We virtually eliminated polio and smallpox. We built the National Institutes of Health and the Federal Highway System. We have mapped the human genome. Government helped then, and it can help now through an innovative public plan.

Let me make one last point. My Republican colleagues have argued that a public option would drown out private competition and amount to a government takeover. In many places from which they made that argument, the facts at home disprove that contention. Twenty-five States actually provide health insurance benefits through public plans. They actually provide health insurance benefits through public plans in their workers' compensation systems.

For example, Kentucky, represented so ably by our distinguished minority leader, is home to Kentucky Employers Mutual Insurance, a State-run public fund which has operated in the State since 1995 and now provides health insurance benefits to 24 percent of the workers' compensation market in a competitive market.

In Wyoming, the home State of the ranking member of the HELP Committee, Wyoming's Worker Safety and Compensation Division delivers all the health care in the workers' compensation system. They have a single-payer public plan. There has been concern expressed that a government plan will give terrible customer service. I doubt that the Wyoming plan would last very long if it gave terrible customer service.

In Arizona, so ably represented in this Chamber by Senators MCCAIN and KYL, since 1925 SCF Arizona has provided health insurance benefits through the workers' compensation system, and it now has a 56-percent market share in a competitive market environment. To those who have said you cannot have a government plan because it will necessarily crowd out private insurance by virtue of an unfair competitive advantage, Arizona belies that argument. It has been that way for 80 years, since 1925.

To my knowledge, those who criticize the idea of a Federal public option for health insurance have not criticized the role—often a decades-old one—of public insurance plans in their own States' workers' compensation insurance markets.

We have in front of us an opportunity for a new day in the American health care system where affordable, quality health care is available for everyone; where doctors and hospitals are paid for value, not volume; where you cannot lose coverage because of an illness

or preexisting condition; where insurance company bureaucrats do not come between you and your doctor; where care is not rationed by your family's ability to pay; where every American gets the best health care the country's medical system has to offer.

I support the public option because I see that vision for the future, and I think a public option can get us there. I also see this lesson of the past: that an industry—the private insurance industry—that has put its own financial welfare in front of the physical and mental health of its customers for years, over and over again, cannot now be trusted on its own to lead us into that future, not without a push in the marketplace, not without the kind of push in the marketplace a public option will give.

Mr. BROWN. Mr. President, I thank the Senator. I was intrigued by much of what he said.

We are also joined on the floor now by Senator BENNET from Colorado, and Senator CASEY and Senator UDALL are still with us.

When the Senator from Rhode Island talked about the Rhode Island experience, I remember while we were drafting the public option language in the Health, Education, Labor, and Pensions Committee, on which Senator CASEY and now Senator BENNET sit, the Senator talked about what a disaster Rhode Island's workers' compensation system was because of the corruption in private insurance and the high costs and that the Senator from Rhode Island introduced a public option into private insurance there. Many States—I believe roughly half the States—have a public option as Rhode Island does and the experience of the Senator from Rhode Island with bringing in this competition.

My understanding—and correct me if I am wrong—is that the public option not only made private insurance operate more efficiently and made private insurance more honest, if you will, and helped to sort of flush the corruption out, but I would guess competition from the private insurance industry made the public system a little bit more nimble, too, right?

Mr. WHITEHOUSE. We actually pretty much had a complete meltdown in the private insurance market, so we had to put in a public option to provide any workers' compensation insurance. But the private insurance companies had written off our marketplace because their business model was impossible to maintain for any reasonable cost. We knew that with good reform in the system and with a public option to implement that reform, we could reduce those costs.

What has happened is two things. It used to cost $3.93 for 100 hours of payroll for workers' compensation, the year after this went through and got stood up. Today, it is $1.74. It is more than 50 percent cheaper in Rhode Island. The model that was set by the public option, a new business model that focused on prevention, on getting people back to work, on better quality medical care, has actually attracted the private industry back into the market.

Mr. BROWN. So the private companies are making money.

Mr. WHITEHOUSE. They are back in and making more with the leadership of the public option.

Mr. BROWN. A lot more honest and a lot more efficient.

Mr. WHITEHOUSE. And they improved their business model, so they are now delivering better quality care, getting people back to work sooner, reducing medical costs by getting people back to work, and providing better quality care. It has been a very successful story from a cost point of view.

It used to be the worst issue for the Rhode Island business community. They were nuts about workers' compensation. We literally had torch-lit parades, and nobody has heard about the issue in a decade because the public option has led the way.

If you think the business community is scared about a public option, go to a State where there is a workers' compensation public option. I think you will find they support it.

Mr. BROWN. I think we can safely predict that 10 years after the President signs a good health care reform bill in November or December which has a strong public option similar to the language our Health, Education, Labor, and Pensions Committee drafted and the House Energy and Commerce Committee passed, we will see the same kind of thing; we will see a more efficient but still profitable health insurance industry, with a public option disciplining the market and keeping prices in check. We no longer will have people denied care because they have a preexisting condition or denied care because of an annual limit or a lifetime limit on coverage. We will no longer see the kind of discrimination in the marketplace we have seen from all of these private companies.

Before turning to Senator CASEY, who has brought the bill to the floor with him tonight to talk about the legislation itself which he helped draft in the Health, Education, Labor, and Pensions Committee, I want to mention that today we submitted a letter to Majority Leader REID that pretty much all of us on the floor signed. Some 30 Senators signed a letter to him today calling on him to support the public option and putting that on the bill when we bring the bill to the floor in the next couple of weeks.

Again, before turning to Senator CASEY, I wanted to read another brief letter I received from Ohio—Kathy from Medina. Kathy writes:

> I own a small business with three employees. With the current economy, I can no longer make payments on our health plan. We were paying $2,000 a month for our plans and were told we needed at least 10 workers to negotiate a more affordable plan. After dropping our plan, I had to see a doctor because I had difficulty breathing. I now have to see a cardiologist and endocrinologist. I am still in shock at how quickly my health turned into a serious condition. In just a month's time, I have almost $7,000 in medical bills and I still have further tests and treatment ahead. Unless there is health reform, I will be just another 55 and over American not taking my meds or seeing a specialist when I should because of the high medical bills. It's been upsetting just being seriously ill, let alone facing financial hardship.

I am certainly not a doctor, and I don't know Kathy except through this letter, but you have to figure the anxiety of figuring out her business and trying to manage her health insurance; going without health insurance and her fears are probably making her health and her situation worse. That is why Senator CASEY worked on helping us write the legislation on what you do to give incentives to small business owners to buy insurance, understanding this whole bill will mean that everybody has insurance and so those with insurance no longer will have to subsidize—a tax, really, at $1,000 a year—all those uninsured.

Everyone who pays insurance pays about $1,000 a year more for their insurance to compensate for those who go to emergency rooms without insurance and go to doctors and don't pay. They have to recapture that money from somewhere, and it comes from all those who have health insurance. That is one of the most important parts of this bill, to get at the cost.

Senator CASEY.

Mr. CASEY. I wish to, first, thank Senator BROWN for keeping us organized and focused on this issue. When we went through the work of our committee this summer—some 60 hours of hearings and many hours prior to that walking through the bill—there came a point in time when we realized that if we were going to be strong supporters—and we were and still are—of the public option, we needed to define it, we needed to make it readable and understandable to people, and also we needed to fully articulate what it means to have a public option.

A number of people went to work on that—and the two principals of that are with us tonight: Senator BROWN and Senator WHITEHOUSE—spending hours and hours trying to get this right. Contrary to what we have seen in some of the debates and some of the coverage of this issue, this is not very mysterious and it is not theoretical. If you look at the bill—and I will get to sections of the bill in a second—this is meant to be a choice for people. It is voluntary. It is the first word of the section—and I will go through that in a moment.

What we did today, when we sent the letter to the majority leader that Senator BROWN referred to, we outlined very succinctly what this is all about. Let me read two or three sentences from the letter we sent today. In the second paragraph, we say:

> Without a not-for-profit public insurance alternative that competes with these insurers based upon premium rates and quality,

insurers will have free rein to increase insurance premiums and drive up the cost of Federal subsidies tied to those premiums.

In other words, unless we have some competition, the insurance companies have free rein to keep jacking up prices. That is what we are living through right now. That is what virtually every American has a concern about. We have a concern about cost. If we don't have competition for insurance companies, they will have that free rein to keep driving up cost.

What is wrong with competition? I thought that was the American way. But I think some people have lost their way in part of this debate. Competition and choice, that is what this public option is all about.

Later in the letter we say this:

It is possible to create a public health insurance option that is modeled after private insurance—rates are negotiated and providers are not required to participate in the plan.

Very simple. Part of this legislation has features to it that are very similar to Medicare—a public insurance program that has worked real well for generations of Americans. But it will also have some of the requirements that insurance companies have to live by. Let me go through a couple of those.

First of all, a public option, in terms of the process starting, would have to get government funding to start. In the way of resources, the government would pay for the first 3 months of claims as a way to capitalize it initially, but then it has to pay back any kind of capitalization over a 10-year time period.

What we are talking about is a program, State by State, that would be self-sufficient. It is very important for people to understand that. This would be self-sufficient. Senator WHITEHOUSE talked about this a moment ago, and it needs repetition and reiteration. It would follow the same rules as private plans by defining benefits, by protecting consumers—we hope any entity would do that—finally, by setting premiums that are fair based upon local costs.

So this isn't some theory. This isn't some idea we don't know how it will work. We know exactly, and the American people know exactly, how this will work because we understand what it is like to deal with a system where the insurance companies have virtually unlimited power to deny you coverage if you have a preexisting condition, for example. The bill also makes that illegal under the bill we passed in the HELP Committee this summer. But also, insurance companies right now have free rein to jack up their prices.

I know there are some State-by-State limitations on that, but mostly free rein exists to do whatever they want. Without a public option, that is what we will have going forward. So if you like costs going up, then you should be against our proposal because costs going up is what we are going to have more and more of if we don't have a public option.

One of the important features is that there be State advisory councils—councils set up in each State, made up of providers and consumers to recommend strategies for quality improvement. So this isn't going to be some Washington control here. You are going to have lots and lots of accountability at the State level, and States would share in the savings that result from that kind of accountability.

Finally, the notion it is a voluntary program. The providers would have a choice of participating in the public option and there would be no obligation to do so. I point to the bill for this reason. When we were in our States this summer, I remember going back to Pennsylvania and reading about Senator BROWN's public forum in the State of Ohio and I was reading about others as well and learning about what was happening in other States. We had our public forums. I spoke to thousands of people over the course of a couple weeks.

One of the things I would say to the audience when we had our public forums is, Look, if you walked in here today and you don't support the public option, I ask you to do one thing: Read the bill. Well, the final version of the HELP Committee bill that I am holding right here was 839 pages. I wasn't asking them to read every page, but what I said to them was: If you don't support the public option, just read that section, which is right now 19 pages in the bill. Section 3106, Community Health Insurance Option. In the bill, it is from page 110 to 129. So it is 19 pages in the bill. I said: Look, spend some time taking a look at it.

I remember at the one public forum, someone who disagreed with my point of view on the public option went at me verbally and said: You are going to force people to go into these public options. I said: That is not true. Of course, saying it doesn't always end the argument. So, then, I would hold up the bill and I would say: Let's go to section 3106, and I would read from section 3106—I know the camera can't see this—subsection (a). The first two words of this section—other than the heading of it—are ''voluntary nature.'' That is the subheading. So I would read part of that section and say: This is voluntary. Voluntary for any American who goes into the exchange and may decide they want to stay with their own private insurance coverage or may want another—a different—choice. So they can choose this.

It was important for people to understand that in a long bill we at least spent 19 pages to get this right.

There is a solvency standard in here, for example. This isn't some theory we dreamed up in Washington. We know solvency is important; that a program such as this, in an option such as this, has to meet basic solvency standards. Senator WHITEHOUSE spent some time talking about that and helping Senator BROWN and others craft that, along with Senator UDALL, who is with us here tonight. It is voluntary. It has to be self-sufficient.

There is even an audit section. If you want to get into the detail, there is even an audit section. So that when you have administrators, there is a measure of accountability, in terms of auditing.

There are a lot of parts to this that we could go through. The important point, though, is that unless we inject some choice into this and some competition, I am not sure the American people will believe we have done our job. We have said over and over again that among the basic elements of any final health care bill is that we have to have a total commitment to prevention, so we can prevent disease and conditions from leading to bad results for an individual and their family, and prevention will also help us save money at the same time; that any health care bill would have to have choices. If someone wanted to stay with their private coverage, they could do that, but if they wanted other options, we are trying to give them a public option; that any kind of health care reform would have to have quality standards. This will help ensure more quality standards in our system. So I don't believe we can get to where we want to get to in the end unless we have a public option.

Let me make two or three more points, and then I wish to have my colleagues rejoin this discussion and also talk about what we are trying to do. There are a lot of discussions—and I know my colleagues saw these in these public forums where we would have someone stand and say: I don't like a government program or I don't like government in our health care, as if we have a system now that is 99 to 1—99 percent private and 1 percent public. I would remind them—and these are some overall numbers, but it is important to remember—that we have a Medicaid Program right now that at last count had over 60 million people in it—60 million Americans. We have a Medicare Program with about 45 million Americans. Then you go to VA health care, and at last count it has 7.8 million Americans.

So when you go down the list of programs right now that are government-run programs for health care, you get a large number of Americans—well over 100 million Americans—and their families who benefit from those programs, and you get a commitment from the Federal Government year in and year out to make sure we have that kind of coverage for those who happen to be poor, those who happen to have particular health care challenges, those who happen to be over the age of 65, those who happen to be veterans and who need health care coverage. So we have an American system right now that has a lot of private coverage, but there is a lot of coverage through government programs that even people who oppose some parts of this bill, the last time I checked, don't want to repeal. I haven't found anyone who wants

to repeal VA health care or who wants to repeal Medicare.

I think we have a system right now that is not working in large measure, but there are some things that are working well. We are trying to improve both ends of this, the public health care end of this and the private health care part of our system.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. CASEY. Sure.

Mr. WHITEHOUSE. With respect to your observation that we don't see a lot of outcry about ending Medicare, about ending VA health care, and other government programs, Senator BROWN has been remarkable about coming to the floor regularly to read the true-life horror stories that our present health care system inflicts on Americans and American families across the board. I have brought a great many Rhode Island stories to the floor. We all have this experience.

I am interested in the evaluation the Senator from Pennsylvania might make in terms of his own experience and his own constituent contacts in terms of those heartbreaking stories you get. Do you hear a lot of heartbreaking stories from people in Medicare; people being thrown off for preexisting conditions? Where in your experience have the real heartbreaking stories come from in Pennsylvania?

Mr. CASEY. I will give you an example. In our State, just in terms of age categories, we have, in terms of children up to the age of 18—we have a 5-percent uninsured rate. It is still too high. Until it gets to zero, we have not done enough, but that number is way down. So we have a diminishing number of children who are uninsured largely because of efforts and initiatives such as the Children's Health Insurance Program. Then, on the other end, those who are over the age of 65, they have Medicare.

Where I am getting the real-life stories from people, people who send e-mails to our office just like to Senator WHITEHOUSE, or people who do it the old-fashioned way, who actually write a letter or people you see in a public forum or on the street—they are coming to us in that age category, 19 to 64. In our State, that number of uninsured is 12 percent, more than double the number of uninsured children.

For example, I got a letter in February from Trisha Urban from the eastern end of our State near Reading in Berks County. Here was her story in summary.

She was working; her husband was working. But he was trying to advance, as we always tell people we want them to get more education. So he was trying to finish his doctorate. In order to finish that he had to take an internship. The internship did not have health insurance coverage. The coverage they had, ultimately they lost.

Here is Trisha Urban who was working, and her husband was working as well. She was working four different jobs. They lost coverage and then they started to run up bills. Then she became pregnant. While she was pregnant, her husband, who had a heart problem, missed an appointment because they were worried about paying for the doctor visit for her pregnancy and also worried about the doctor visit for his heart ailment. So he skipped his appointment because of his heart problems.

Time goes by, a couple of weeks go by, and all of a sudden her water broke. She was preparing to go to the hospital in a couple of hours, her husband went out and did a few errands, came back to the house, and as she was walking out of the house to go into the driveway to join him in the car to go to the hospital to deliver her baby, she looked in the driveway, and her husband is on the pavement of the driveway dead because of his heart condition, a preexisting condition which, thank God, in our bill, in the first section of our bill, we make illegal. It should have been illegal a long time ago. I still find it hard to believe that we live in a country where we have allowed insurance companies to do that to people.

She went out and found her husband dead. An ambulance came to take her to the hospital to deliver her baby, and the other ambulance came to pick up her husband.

That is the kind of story we hear in Pennsylvania and across the country because of our system. There is no reason we should tolerate this and let it go on any longer. We have a chance to change it.

One of the ways to move it forward is by making sure we have choices and competition in a public option.

Mr. BROWN. Could I ask Senator CASEY a question? I thank him for that story. Of these stories of people in private insurance, that is as tragic a story as you will ever hear. We have these letters I have read and these stories from Senator WHITEHOUSE, Senator BENNET, Senator UDALL, who have come to the floor and read these letters from people who thought they had pretty good insurance and something happened and they lost it because they have gotten too sick or they lost their job and they can't afford COBRA and all that.

I want to ask the Senator a question. You mentioned early in your comments about the costs going up. I want to put this chart up and ask about this. Senator BENNET from Colorado will speak in a moment. These are costs under Medicare Advantage. The government, as you know, provides, in large part because of insurance company lobbying, plain and simple—the government provides all kinds of subsidies to Medicare Advantage plans.

These are not most of the Medicare beneficiaries. Most Medicare beneficiaries, 75 to 80 percent of them, are in what is called regular fee-for-service Medicare. Some are in a more privatized Medicare. The government writes checks to insurance companies. You can see how insurance companies have extracted more and more taxpayer dollars as their salaries have jumped and jumped. The poster that Senator UDALL was showing, that I showed earlier, the executive salaries of Cigna and Aetna and these companies have gone into the tens of millions of dollars, in some cases. These subsidies—in 2004 they got $4 billion; by 2005, $5 billion. Now the insurance companies basically get a check from the Federal Government for $11 billion.

Talk for a moment, if you would, Senator CASEY, about what if the public option is competing with these insurance companies. What will it do to these costs as these insurance companies continue to extract more and more money, with their lobbyists, from the government, as they have tried to privatize Medicare?

The public option, talk about what it would do about cutting costs so people like your friend in eastern Pennsylvania—those kinds of things don't happen to them.

Mr. CASEY. I think it stands to reason if you have, as we do in a lot of States, one or two or a very small number of insurance companies that dominate the marketplace, sometimes a lot more than 50 percent of the marketplace but in other cases—in our State we have two that have control over at least half of the marketplace. That alone is bad enough.

Mr. BROWN. In this poster—we talked about it earlier; Senator UDALL mentioned it too—some States, yours and mine are a little bit better. In some States—Montana, Alaska, Hawaii—lets go down to Minnesota, Iowa, Arkansas, Alabama, Maine—two companies have more than 80 percent of the market. Two companies control 80 percent of the market, which means there is no price competition. In some States it is 70 to 80 percent, in Ohio, Pennsylvania, Rhode Island—I am sorry Rhode Island has two companies more than 80 percent also. In all, about almost 10 States.

But in our States—Pennsylvania, Ohio—large States, States with populations over 10 million people, each of those has more than 50 percent. In my State one company has 41 percent; the two largest companies have 58 percent. In Pennsylvania, two companies also have more than 50 percent.

Mr. CASEY. It just stands to reason. If you don't have competition, you have no incentive, no pressure to keep your rates at an affordable level. I do not understand why anyone, in the midst of this debate, is against choice and competition. Both are the central pillars of why we need a public option. What do we do for our health care system? I don't understand the logic.

One point we should make, and we address it in the bill—we will not spend a lot of time on it—we should all remember, you look around, we have 100 Senators. Everyone in the Senate, and all of our families, everybody in the House, and then you add other millions

of Federal employees, we have a pretty good deal because we have a system where, as I look at some of the features of the public option, we have a pooled purchasing power.

If you have millions of Federal employees and their families who are in the same pool, that brings costs down. We are trying to get more and more Americans the same opportunities we have, to be in a pool that big and to keep costs down. For the life of me I cannot understand why someone would not like that, especially people who benefit from it and their families who benefit from what the Senate gets.

I have been blessed to have that kind of coverage because I happen to be in the Senate. But every seat here, and then add millions more Federal employees, gets this opportunity because we are in a large purchasing pool. I don't know why a small business owner should not get the same opportunity, a business owner paying through the nose.

I know Senator BROWN has seen this in the State of Ohio. You have heard from small business owners, time and again, haven't you, about what they are paying every day? What we are saying is, if it works for and if it is good enough for Federal employees to get the lower cost/benefit of a large and open purchasing pool, why isn't it good enough for the rest of America?

I say it is not only good enough for them, but we should make sure they have the same opportunities as small business owners or as part of a family. That is one of the reasons the public option makes lots of sense.

Mr. BROWN. Let me read a note from a small business person. I get so many letters from small businesses. You know, like most Americans, they care enough about their employees, their fellow employees, their friends, they want to provide insurance. Almost every small business person I have talked to who is struggling with health insurance wants to find a way to pay for insurance for her or his employees, and so often they can't.

Let me read a letter, Kathy from Crawford County, which is Bucyrus, Gallion, Crestline, just west of where I grew up. She says:

> I am the owner of a small telephone contracting firm. Needless to say, we've been hit hard by the recession.
>
> But our main concern is the staggering cost of health care for our employees. We started the company in 1990 when we were able to fully pay for health insurance for our employees.
>
> But since 2000 our premiums have increased over 250 percent. In 2008 our increase was 37 percent. In 2009, it was 24 percent. We have searched for other health insurance companies but because of the pre-existing conditions of [some of] our employees we cannot switch to anyone else.
>
> Along with the economy, the cost of health care makes it a challenge to stay in business.

This happens too often. That is why in the legislation we wrote in the Health, Education, Labor, and Pensions Committee, we made special provisions for small businesses. If you have 20 people or you have 5 people, if 1 of them gets very sick and costs the pool of 15 or 20 people exorbitant amounts of money, the insurance company either raises premiums so high—increases, as Cathy said, 37 or 24 percent—or the insurance company sometimes cancels the insurance. Either way, it is a terrible hardship and a tragedy for the small business and a tragedy for so many employees.

If we do this right, we enlarge the pool by allowing these insurance companies to go into the insurance exchange or the public option, if they choose—an option. They also get a tax credit. They get a break that way and they are much more likely to be able to afford their insurance.

Let me turn to Senator BENNET, who is a new member of the Health, Education, Labor, and Pensions Committee. He has been outspoken for the public option. Senator BENNET?

Mr. BENNET. Mr. President, I actually am here to talk about something else, but I was so inspired by what the Senator from Pennsylvania and the Senator from Ohio and the others have said, I want to spend a few minutes on this issue. Part of it is I just don't understand what Washington doesn't understand about what our working families and small businesses are going through.

In my State over the last 10 years, median family income has actually gone down by $800 in real dollars. The cost of health insurance premiums have gone up 97 percent during the same period of time.

There are people who want to leave the system just the way it is, but the result of having flat income for our working families and small businesses, and for those costs going up 97 percent—by the way, in my State the cost of higher education has gone up 50 percent at the same time. The cost of health insurance, up 97 percent; the cost of higher education up by 50 percent—this is tough on the middle class. It is tough on small business owners in my State.

The result is, if we keep the status quo—there is a great irony of the arguments to keep the status quo—by default, we are putting more and more people off private insurance and more and more people either on public insurance or having the benefit of uncompensated care.

We have seen in my State, you can see it on this chart—probably not all that well—small business spends 18 percent more for insurance than large business just because they are small, and fewer and fewer people in Colorado are able to get coverage at work. Before this recession started it had already dropped roughly 10 percentage points; the percentage of folks who were getting insurance from their employer, from our employer-based system. You can see, the Senator from Ohio certainly can see, the percentage of small businesses in my State able to offer health insurance has declined dramatically.

Where do these people go? They either end up on Medicaid or they end up showing up in the emergency room where they are treated with uncompensated care, the most expensive way we can deliver health care in the United States of America.

We have a wonderful public hospital in Denver called Denver Health, where they do an amazing job at a much lower cost than a lot of other hospitals.

I was told by the woman who runs the hospital—her name is Patty Gabow, a gifted administrator—that they had done a study and they discovered they had spent $180 million in 1 year on uncompensated care for people who were employed by small businesses. These were not unemployed people, these were not people who could have had access to Medicaid, but people employed by small businesses who could not afford health insurance.

So I think one of the ironic things about the debate we are having is the failure to recognize that the status quo is creating a situation where fewer and fewer people have private insurance and more and more people are moving into public insurance. But it is not being done in a thoughtful way. It has not been constructed that way. So I think that is one of the reasons it is very important that we are having this debate.

I tell the Senator from Ohio, I am sure he had this reaction when he was on recess. I certainly did. I had townhalls all over the State. What I kept hearing from people is this, and this is the reason I support a public option. They would say to me: MICHAEL, we paid every single year, year after year after year, into private insurance. Every year, we did what we were supposed to do, and then when we needed it, it was not there for whatever reason. Because somebody on the other end of the telephone told them: You are not covered, or the fine print did not cover you for that problem or your child for that problem. They deeply resented the fact, as I would, that someone earned a profit off that commercial transaction.

That is the thing about insurance. It is not like going to the store and buying a loaf of bread or a gallon of milk where you know what you are getting in return. Many people who buy private insurance year after year don't know what they have until they need it and they don't know what they have lost until they lose it.

Having a choice, just another option that is out there, not a government takeover of health care but a choice that empowers working families in my State to make the decisions that are in the best interests of their family or their children—as a father of three little girls under the age of 10, I can understand why people would want that choice. I am not scared by the choice. We have to design it properly, and the HELP Committee did a very good job

designing it, in answering a number of the charges that have been made against it. We may be able to do a better job in the final legislation.

The final thing I am hearing from people in Colorado is: If you are going to mandate that we have insurance, if you are going to require that we have insurance, you better make it affordable. You better not tell me I have to have insurance and make it unaffordable. You better not tell me I have to have insurance and I have to change the plans I have for my family.

The public option provides one more choice for people, an affordable choice for people. We have to do a lot more to drive down costs, as I and others have talked about on this floor. But we need to do this right.

I understand, I come from a State where we have a lot of diversity of opinion on a lot of things, and there is a lot of concern about the way the system works today, and there is a lot of concern that we are going to make it even worse. I think we need to elevate the standard of the discussion we are having to the standard that we had, that the people of Colorado had in townhall after townhall, which, by the way, no one would ever have any interest in putting on TV, I am proud to say. We need to elevate the standard of the discussion in Washington so that we can produce a result that has something other than double-digit cost increases year after year for working families.

Mr. BROWN. Will the Senator yield for a question? I heard what you said about buying a loaf of bread and how buying insurance is different. Before you were in the Senate, you were the superintendent of the Denver public schools and were very successful in business before that. When you talk about how insurance companies deny care and insurance executives get paid well, talk for a moment about the business plan. When you were an entrepreneur and you were a businessperson, you obviously had a business plan. Talk to us. Share with Senator UDALL and me and others what the business plan of a health insurance company is in particular.

Mr. BENNET. I appreciate the question. I will say that I used to make my living buying bankrupt companies. So these were companies that were actually fairly well managed but capitalized really poorly, and our opportunity was to buy them, capitalize them properly, produce a business plan, as you are describing, and make sure the people who worked for them, the people who benefited from them continued to be able to do that.

You know, as a capitalist, I look at the state of our health insurance industry and our health delivery system and I can almost not believe what I see. We have 44 counties in Colorado. Every one of those counties has a convenience store, at least one, some many more than one but at least one. With the exception of the loose beef jerky that is on the counter, there isn't anything in there that doesn't have a barcode on it. It is 1970s technology that our small business owners in Colorado know is critical to managing their inventory, critical to allowing them to be competitive and giving their customers what they need.

Only 3 percent of hospitals in this country have that technology. One out of every 25 doctors has that technology, which is a really simple thing. And it is the reason why—as a parent of three little girls or if you are caring for a parent of your own, it is so frustrating when you go in and you have to explain over and over again what the last person just told you simply because we don't have a system of electronic medical records.

Then, on top of that is a business model where, unlike everything else in our society, every year the cost goes up and the quality to the customer goes down, which is what we see with insurance. We don't see that in other parts of our private marketplace. We don't see that in other parts of our private marketplace where people are incentivized to compete on price, on quality, on customer service. And it is why it is not just enough to have a public option. We need a public option, but we also need commonsense regulation of insurance so that we start driving a marketplace that actually makes sense.

Mr. UDALL of New Mexico. Senator BENNET, one of the things that is happening—and your chart there really explains it, and I wanted to get you to talk about this a little bit—your chart says: Rising health care costs are hitting small businesses the hardest and forcing all Colorado businesses to make tough choices.

That is exactly what is happening in New Mexico, exactly what is happening in Ohio. And really what we have going on here is very hard-working, good small businesspeople who want to give their employees insurance. I hear that. I know the Senator from Ohio said that a number of times when he read letters. They want to give that insurance, but they can't. They search around, they can't find policies they can afford, and so they are really stuck. And I can give you a list of examples in New Mexico.

One of the things you pointed out on your chart is that even before the recession—even before the recession—fewer Colorado small businesses could offer coverage. I was wondering if you could talk a little bit about the small business situation because most of these people are working without insurance.

Mr. BENNET. I appreciate the Senator from New Mexico raising that. I remember a florist I talked to, a family-owned business since 1972 in my State, and he is now down to no employees, just his wife and himself. They are running the shop. They had health insurance for many years, and they took it, as so many small businesses do, as an article of faith that part of their job was to offer insurance to their employees, to make sure their employees had the benefit of insurance. Now they are the only two employees. There is no one working for them. They do not have health insurance themselves.

Their daughter has been admitted to the University of Colorado. He said to me last week: MICHAEL, what was she supposed to do when she got to the box that said check the box if you have health insurance? If you don't, you have to pay this terrible fee.

So, first of all, people are having to make choices they should not have to make and they would not have to make in a rational private market that was working well. That is one of the issues.

The second thing is, as you know—I am sure it is true in New Mexico, and it is certainly true in Ohio—most of our jobs are created by small businesses. Depending on the numbers you look at, roughly 70 percent of our jobs are created by small businesses. And a higher percentage of those jobs are going to be responsible for the recovery that hopefully we are about to have in this country. It is harder and harder to do that if you are carrying the freight of double-digit cost increases in insurance every single year.

The last point I want to make—every small business owner understands this—as small business owners try to hang on to insurance for their employees and the price of that goes up and up, what that leads to is a choice between holding on to the insurance and compressing the wages of the employees because you can't do both. You can't give people the increases they deserve in their compensation and at the same time hold on to health insurance. So that is a reason we have seen all across this country, actually, a decline in median family income. It has gone down by $300 over the last decade in the country, $800 in my State, while the cost of insurance has gone up by 97 percent. That wage compression is directly linked to the problems people have holding on to insurance.

I appreciate the question. I yield.

Mr. BROWN. I thank the Senator from Colorado for his good work and his very good description particularly of how the cost of health care affects small businesses in such a negative way.

We will wrap up in the next 10 or 15 minutes.

Earlier today, a group of Democratic women Senators came to the Senate floor to talk about health care. And some of the things that amaze a lot of us as we work through this, some of the things we hear—in several States in this country, being a victim of domestic violence is considered a preexisting condition. There are women in this country, believe it or not, who have been victims of domestic violence. Insurance companies have said: You cannot get insurance because of that because, presumably, you might be abused again, you might be hit again,

and it would cost us, the insurance company, far too much money. So, believe it or not, they actually can't get insurance because of that. Obviously, this legislation makes that—as Senator CASEY says, there will be no more preexisting condition denials of care, no more discrimination based on gender, based on geography, based on disability, based on age.

One of the other things the bill does that is important is it will eliminate copays for things such as mammograms. We want people, particularly when they get to be my age, when they are in their fifties, we want people to go in and get the right kind of preventive care and get the right kinds of tests. People should have a colonoscopy when they are 50, and people should be tested by mammography and should have mammograms and all of that. I mean, none of us probably goes in as often as we should for the preventive care and the tests, but an awful lot of people would like to do that and simply can't because of the cost.

This legislation would say: If you are going in for something like a mammograms or for something like a colonoscopy, there will be no copays. It will encourage people to get into the system. Then, if they are diagnosed with cancer, they are diagnosed typically in the early stages, and it is certainly more likely to save their lives, and it is much less expensive as a result of going into the system earlier. So it ultimately saves us money by telling insurance companies: You are not going to do that anymore.

That is so clear to me, that if we are going to do this right, we need to make sure women are treated better by this system, no longer preexisting conditions and all that.

I will close and then turn to Senator UDALL or Senator BENNET, if they would like.

I have another letter I got—exactly what I was talking about.

Darlene from Mahoning County:

> I lost my job in May 2007 after 27 years with the company. For a while, I did not have any health problems. I paid for private coverage with my unemployment check and savings. Within the last year, I started having medical problems. I was diagnosed with diabetes. I had back surgery in July to relieve severe back pain. I now have to pay premiums with my savings. When my savings run out, so will my insurance. Please do something to help.

She is not yet eligible for Medicare.

So many of these letters just cry out: I am trying to get through the next year or the next 3 years, the next 6 years, whatever, until I am eligible for Medicare, I am just trying to get through. And it really is a call for help, and it really is a plea from people in my State, people in Warren and people in Bellaire and people in Gallipolis and people in Crestline: Please help us in these years when we are in our late fifties, early sixties. We are going to be in Medicare pretty soon. We know Medicare works for us. We know this government program works, a program that doesn't look much different from the public option. But I need just a few more years. It is a time in my life when I am starting to get more aches and pains or worse. It is a time in my life when I am much more likely to get sick, to get an expensive illness, when I am 56, 58, or 63.

These are people who know they will be embraced with a decent health care system. They know they will be in a decent health care system when they get to Medicare age, when they get to be 65.

They have friends who are in Medicare, and they know Medicare works for them. That is as good a testament to the public option as there is. Those are the kind of letters I am getting from people saying: Please include a public option. I am 58 years old. I am not yet eligible for Medicare. I was diagnosed with diabetes. I need to do this; I need to do that. That is what is so very important about the public option.

I yield to Senator UDALL.

Mr. UDALL of New Mexico. One of those charts you put up over there emphasized the point of competition in the marketplace and how much we need competition. We joined together with the majority of our colleagues in the caucus to sign a letter to our leadership. I think one of the paragraphs in this letter is particularly persuasive. The Senator's signature is the No. 1 signature on this letter, but we wrote:

> Opponents of health care reform argue that a public option presents unfair competition to the private insurance companies. However, it is possible to create a public health insurance option that is modeled after private insurance. Rates are negotiated and providers are not required to participate in the plan. As you know, this is the Senate HELP Committee's approach.

This is the public option we are talking about that was passed out of the Kennedy committee and is available to be inserted in the bill on which we are going to vote.

> The major differences between the public option and for-profit plans are that the public plan would report to taxpayers, not to shareholders, and the public plan would be available continuously in all parts of the country.

So small business people in New Mexico would have an opportunity to get into this public option insurance plan.

> The number one goal of health reform must be to look out for the best interests of the American people—patients and taxpayers alike—not the profit margins of insurance companies.

We have to get competition into the market. We know that health insurance markets are effective monopolies or in some cases duopolies. In New Mexico we have two companies that hold 65 percent of the market. There is no incentive for competition. There is no incentive for lower cost. In fact, what we do under the law is, we allow these insurance companies to be exempted from antitrust laws. For most of the other businesses in America, we have those antitrust laws out there, and the Justice Department and various State attorneys general can move in to bring competition when there gets to be too much consolidation of power. We don't have that when it comes to insurance companies. As a result, we see premiums skyrocket; in my home State of New Mexico, 120 percent skyrocketing premiums.

As I wrap up, I want to talk about a New Mexican, a woman from Raton. I met her at a townhall in August. She received a renewal notice. Her premium had gone up 24 percent alone this year. She can't afford an increase, but she doesn't have any other option. A public option would bring that woman the ability to get into a health care plan and take care of herself. That is what you and I are fighting for. We are going to keep doing this. We are going to keep doing this because we have a lot of days to keep pushing forward. We will make this happen.

With that, I know the Senator has a couple more things to say. You should show the Presiding Officer Alaska on that map. What does it say?

Mr. BROWN. More than 80 percent of insurance is controlled by two companies in Alaska. That is a pretty compelling case.

I thank Senator UDALL and also Senator BENNET from Colorado, as well as Senators SANDERS, WHITEHOUSE, CASEY, MERKLEY, and STABENOW. It shows the breadth of support for the public option because it injects competition into the system. It will keep the insurance companies honest, and it will bring pressure to keep prices down.

My last 5 minutes I yield to Senator BENNET who has a sobering issue he wishes to discuss.

Mr. BENNET. Mr. President, I thank the Senator from Ohio for letting me have the last 5 minutes.

(The remarks of Mr. BENNET are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I listened very patiently to the last 2 hours about why we need a government-run plan. I want to concur with my colleagues about the problems in the insurance industry. There is no question they are great. But the reason the problems are great is because there is no real competition today. The rhetorical question is, you can't have it both ways. Nobody wants it both ways. The fact is, I saw this on the Internet this week. I thought it was appropriate for where we are. Here is a youngster walking on a street. She says:

> I'm already $38,375 in debt and I only own a doll house.

Everybody agrees we have a too costly health care system. Everybody agrees we need to fix that. What we don't agree on is how to fix it. We have heard 2 hours of what is wrong with the private insurance industry that has not been allowed to be competitive, has not been forced to be competitive. And yet

the answer to that question is that we want the government involved. The Senator from Pennsylvania talked about all the government programs. Sixty-one percent of all health care today comes through the government. Every government program is over budget, associated with fraud, and ineffective in its implementation on a cost basis. That doesn't mean we want to get rid of them. It means we want to make them better. The real problem with having the government do more is, right now 43 cents out of every dollar we are spending we are borrowing. We create a government plan. We put $60 billion into it, and we can create competition. But we don't have competition now. Everybody agrees with that. Nobody denies that we don't have good competition. But we don't have good competition because we have failed to act.

The Senator from Ohio showed a chart of CEOs' pay. If they were having to compete, that pay wouldn't be there, especially not at that level. I don't disagree with that. But the way to control that is real competition. Forty-three cents of every dollar we spend this year we will borrow. And it will be worse next year. It will be 45, 46 cents next year of what we spend we will borrow.

This picture doesn't talk about what she owes. This is just what the debt is now, just the $11.8 trillion. What she owes is another $400,000, because we are paying out of Medicare what we have never created the tax base to fund. So in fact what we are doing is, we are going to charge this little girl for our Medicare. The impact of that is when she was born she owed $400,000. By the time she is 20, she will owe $800,000. What will happen to her?

There is no question we have positive benefits with Medicare. There is no question we are taking care of people who can't take care of themselves through Medicaid. There is a question of how effective we are doing with Native American tribes in terms of that. We are seeing improvements in veterans health care. We have all these different programs that are run through the government. So when you only have 39 percent of the health care in the country to put into the market, it is going to be very difficult to lower costs.

What is the problem with health care in America today? The problem is cost. It is too expensive. It is about 40 percent more expensive here than anywhere else in the world. Why is that? Well, there are a lot of reasons for it. But the first reason is, we will not allow real markets to develop in the health insurance industry. We have stopped it. And now we come and say: We are unhappy with it, so we want to create a government plan—a government plan that will compete.

I do not have any problem if you create a government plan if you fund it and make it competitive. But that is not what we are going to do. Because what we are going to do with a government plan is we are going to turn it into another Medicare. It will supply people health care. It will lower their costs. But we are going to transfer the cost to this little girl. It is just $440 billion spent on Medicare this year, of which $80 billion of it was fraud.

So the problem is, which solution do you think works better? Do you think we have the history that says government-run health care is efficient and effective and, therefore, we ought to do more of it or should we say: We know what works in the rest of the industries and markets in this country. Maybe we ought to allow markets to truly compete—which nobody wants to do—to force the insurance industry into a competitive structure where you can actually see what you are getting and you can see what you are paying.

The other problem about this little number is, not only does she have $38,000 in debt right now, and another $800,000 when she gets ready to buy her insurance, we are going to tell her what she is going to buy. We are going to take the freedom away from her to decide what is best for her and her family. Then we are going to yoke her with a whole bunch more taxes.

There is no disagreement in this body that we need to make changes in health care; and the assumption that anybody would say that is absolutely erroneous and fictitious. We recognize that. The question is, which way do you fix health care? Do you fix it with a government that is bankrupt already, that has stolen the future from the next two generations, and add more on to them or do we get common sense back in and say: Well, first of all, we can eliminate 8 percent of the cost if we have good tort reform in this country because 8 percent of the cost of health care is defensive medicine.

I read a study this week. It is interesting—and I have some passion about this because I have been on the end of those lawsuits—I would note that the vast majority of those who have been discussing health care for the last 2 years are lawyers. They are not doctors. They never laid their hands on a patient. They never stayed up 20 hours in a row to take care of somebody who needed them. They have all the answers, but they have never been in health care.

Here are what the numbers are on malpractice lawsuits in the United States: Eighty percent of all the cases that are filed are thrown out of court. Of the remaining 20 percent, 89 percent are thrown out of court. So 3 percent of the cases are legitimate in this country. What do you think that is costing us? And we ignore it? We are not even going to talk about the fact that we have an extortioned service going on in health care that does not cost the lawyers a thing? It costs everybody else in this country billions of dollars a year because we are doing tests that nobody needs, except the doctors to defend themselves. And that is $200 billion a year out of $2.4 trillion. That is what the number is.

So when less than 3 percent of the people—and I am all for compensating people who are truly injured. I have no problems with that. As a physician practicing over 25 years, there is no question I have made mistakes. There is no question. There are no doctors who are perfect, and, consequently, sometimes people are injured because of doctors' mistakes. Most of the time they are not. And it is not about not compensating the injured. It is about changing the mindset in this country that you can extort people into settling when you have no real claim, and that is what is going on with 85 to 90 percent of the cases.

So the answer for health care is: controlling costs. So how do we best do that? It is interesting, we have had the accusation that there are no other plans out there. My colleague from North Carolina and I introduced the first plan in Congress for health care.

What does it do versus what the Baucus bill or the public option bill will do, according to CBO? We cover 94 percent of Americans—identical to what the Baucus bill does. So 94 percent of all Americans will get covered under our bill. We save the Federal Government $70 billion in the first 10 years, close to $1 trillion in the second 10 years.

What does the Baucus bill do? It saves $88 billion, and nobody knows what it is going to save after that. But it costs the States billions. Our bill saves the States, in the first 10 years, $960 billion. We cover more people, with no increase in the cost to the Federal Government, versus a marked increase in the cost to the States by the Baucus bill, or by the public option plan.

It eliminates preexisting condition. We all agree we need to do that. Nobody is fighting that. The question is, how do you do it? Do you do it in a competitive model that costs insurance companies pain if they are not covering the people properly? And if, in fact, there is an incentive to cover preexisting conditions, then you have an incentive for the insurance companies to invest in the management of chronic care rather than ignore covering somebody.

I do not deny there is cherry-picking going on right now, but it is only because we allow it. We do not have to allow it. But the answer does not have to automatically be another long-term, bankrupt plan run by the government. Nobody can deny the $95 trillion, 100-year unfunded liability for Medicare. That is GAO, that is CBO, and that is the Medicare trustees. You cannot deny that.

So we have a program that seniors are fairly happy with, except the Baucus plan is going to cut a half a trillion dollars out of it. But we cannot pay for it. So we are not doing anything to drive that cost down, to drive in efficiency. What we are going to do is create more government, to have another plan that is going to get in the same shape as Medicare.

We all want the same thing. We want to get everybody covered in this country. We want the cost of health care to be affordable. And we do not want to bankrupt our children. We have already bankrupted them. So the danger of having a government-centered, government-centric, government-run, government-devised, government-managed health care program—just by history, look at what we have done.

Medicaid costs tons more than it was ever supposed to cost. SCHIP costs tons more than it was ever supposed to cost. Medicare costs tons more than it was ever supposed to cost. Indian health care—it does not cost more because we just let them suffer. We do not put the money into it. VA costs tons more than it was ever supposed to cost. TRICARE costs more than it was ever supposed to cost. They are all government programs. They are all way over budget.

So the question the American people ought to ask is: If we all want to get everybody covered, and we all want to drive down costs, does the government have a track record that says it has done that? No. As a matter of fact, it has done the opposite of that.

So it is not a matter of whether you trust in government. We have 61 percent of health care running through government. And as a physician who has practiced for over 25 years, I will tell you, it is my opinion the reason costs are out of control is not because of the insurance industry—and I am not a defender of them; as a matter of fact, I hate them about as bad as I hate anybody telling me what I am going to do to my patient—the problem is, we have directives coming from the government that have disrupted the market in health care and created this tremendous differential.

The other difference that we have in the Patients' Choice Act is that we do not put another burden on the States, which all these bills do. The States are swimming in debt. They are struggling to stay ahead, and we are transferring billions, almost—we are transferring trillions of dollars of expense to the State. We are making it nice for four States. We have picked four States and we have said: You don't have any cost the first 5 years. We just, out of the hat—because they are having a little worse economic time than others, we have said: You don't have it. But for the rest of the States, it is the mother of all mandates, and they will never be able to afford it.

There is also another little sneaky provision in the bills—both in the HELP bill, the House bill, and the Baucus bill—which is, we know we are not going to cut doctors' fees 21 percent. The Presiding Officer would agree to that, the Senator from Colorado knows we are not going to do that. But we are not going to recognize it. We are not going to recognize that cost. So we are playing games with the American people. We are saying: Here is what it costs, when we know it is going to cost a lot more than that because we know we are not about to do that. But we do not have the courage to admit that. We do not have the courage to ask for an honest score.

The other difference is, we empower patients and States, not bureaucrats. We preserve the right, the inherent individual liberty right, of an individual to decide what is best for them rather than having the government decide what is best for them. In our bill, 9 out of 10 Americans get a tax cut.

So let me draw the parallel again. We do not have a government-run program. We save the Federal Government money. We save the States $1 trillion. We get more people covered than any other plan that is out there. Nine out of 10 Americans get a tax cut. We eliminate preexisting illness. And we bend the cost curve down considerably.

And, oh, by the way, we do not destroy innovation in health care, which is 75 percent of the innovation in the world, which will go away if any of these other plans are instituted—the incentive to put capital at risk to create opportunity for medical innovation.

There is a lot I could say, but I think what I would like to do is yield to my colleague from North Carolina in terms of someone who has been with me, who knows health care, who has been from the start working with us to try to put forward a plan that says we can accomplish this same thing and save tons of money.

Mr. President, I yield to my colleague from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I thank the doctor from Oklahoma, my colleague, my friend. Let me say from the start, 3½ years ago, TOM COBURN and I sat down and realized health care was unsustainable at its current level of investment.

The American people have complained because they have seen a process that has gone too quickly. Well, in the Patients' Choice Act you find 3½ years worth of work—a bill that was designed to take 4 years before we thought we had the right information we needed to do health care reform adequately.

With the change in the administrations, the new President and his timeframe, we accelerated it. But let me say, right from the start, it is unsustainable at its current level of investment. It is 17 percent of our gross domestic product. Health care has to be reformed.

I personally believed the debate we were going to have in Washington was over what type of reform. Dr. COBURN raises a good point: cost. Where are we from the standpoint of our Nation?

I happened to gaze, as I was waiting for the last speakers to finish, on the page of this publication. It says: Baucus Bill Projected at $829 billion. In the small box down at the bottom of the page—CBO: Deficit Hits Record $1.4 trillion for Fiscal Year 2009.

Common sense would tell you that when you are in the type of financial shape the United States of America is in, not only do you stop spending, you begin to look for ways to curb spending and a way to invest to reduce the deficit. Because the deficit is what our children and our grandchildren will inherit. If you believe it is unsustainable at its current level of investment, then you sort of understand where Dr. COBURN and I are coming from.

The worst place we can start is: How much more money do we need to spend to do health care reform? But the truth is, the Baucus plan is not health care reform. It is health care expansion. The debate in Washington is not about how to reform health care. It is about how to expand health care. And once you determine the pool you are going to expand it to, the $64 million question is: How do we pay for it so the CBO says we have paid for it?

What I would like to do is spend a little bit of time exploring how the Baucus plan pays for it with the caveat up front of saying—as it relates to Dr. COBURN and myself—we don't believe we have to spend more to reform health care. I think from what he said about the Patients' Choice Act, we have made the point. We were the first two people in the Congress—House or Senate—to introduce comprehensive legislation. We cover the same amount of additional Americans that the Baucus plan covers. We do it without making additional taxpayer investments in the expansion of coverage. Why? Because in addition to expanding coverage, we reform health care. We actually bend the cost curve. We change the tax application to where it is fair and equal for all people.

What we have to realize is, the Baucus plan is a 10-year plan. We collect revenues for 10 years and we pay out for the expansion in 6½ years. Let me say it again. We are collecting tax revenues for 10 years, but we are only paying benefit expansions for 6½ years. We have to look at years 10 through 20 if you want to see 10 years' worth of revenue collection and 10 years' worth of expenses. As a matter of fact, if you took the first 10 years and you applied what is done in the bill and said: Well, if they started making payments in the first year, this bill would actually cost $1.8 trillion, not $829 billion but $1.8 trillion.

Incorporated in the Baucus bill are cuts to Medicare, cuts that equal $449 billion. Dr. COBURN talked about the imminent reduction to physician reimbursements: 21 percent projected. We all agree we are never going to make that. One of the attractions for health care professionals was the Baucus bill said in year one, we are not going to make those cuts. Well, they are going to cut Medicare over 10 years by $449 billion. This is giving with one hand and taking away with the other hand. Health care professionals around this country have realized that, even though their association that represents them doesn't.

The Baucus bill cuts $117.4 billion in Medicare Advantage. My colleagues are probably saying: What is Medicare Advantage? Well, it is the preferred plan of 20 percent of America's seniors. Twenty percent of our seniors on Medicare have chosen Medicare Advantage, a private sector option to traditional Medicare, where they have looked at the two and they said: I would rather have Medicare Advantage, because when I go in the hospital, Medicare is going to charge me a $750 deductible right off the bat. Medicare Advantage? Zero. For traditional Medicare, you are going to have to have Part A, Part B, Part D. Medicare Advantage, you get it all as one lump sum. You don't have to make separate selections. They provide you the doctor coverage, the hospital coverage, the drug coverage all in one plan.

Why is it under the target of some in Washington to cut $117 billion? They say it is because we pay 114 percent of Medicare per person allocations to Advantage, where we pay 100 percent in traditional fee for service. That is exactly right. I remember the debate we had in Washington when we did it. Because the objective then was: How do you get Medicare Advantage to offer this plan in rural America? To offer it in rural America meant you had to offer a greater reimbursement. This isn't reflective of a windfall for the insurance companies; it was an incentive to offer this choice not just to urban seniors but to seniors everywhere in America. In my State of North Carolina, 17 percent of all the Medicare beneficiaries are enrolled in Medicare Advantage. When anybody gets up and says pass this bill, the Baucus bill, and you can keep your health care if you like it, there is a caveat to that. Unless you are 17 percent of the seniors in North Carolina or you are 23 percent of the seniors nationally, you lose your plan. You are going to go back into traditional Medicare. You are going to go back to where, when you enter the hospital, they are going to say write me a check for $750 annually; where your Part B is a separate payment; where your Part D is something you have to figure out as to which plan you want versus something that is seamless and covers everything. I will assure everybody a $117 billion cut to Medicare Advantage will eliminate that product from the marketplace. Nobody will offer it. Twenty percent of America's seniors will lose the insurance they prefer, not keep it.

Medicaid expansion. It seems like a sensible way to go if you want to expand coverage, which is where the debate has been in Washington. Well, let's simply take a coverage tool that is out there today—Medicaid—and let's raise the income limit so more people qualify for it. So instead of 100 percent of poverty, we raise it to 133 percent of poverty. It costs $345 billion. There is $33 billion in direct State spending. As Dr. COBURN said, four States are sort of split out of it, and they say: Well, we are not going to charge you because you are in tough economic times. Well, North Carolina is at 10.8 percent. Why aren't we included? Our cost, when the Federal Government makes North Carolina ante up, is going to be south of $1 billion a year for a State that had a $4 billion shortfall. Where is my Governor in her outrage at the proposal to expand Medicaid to 133 percent of poverty?

The tough thing is, this plan has been sold that it is not going to cost anybody anything, and the truth is it is going to cost seniors, it is going to cost taxpayers, it is going to cost the unemployed but, more importantly, it is going to cost people who have health care insurance today. People who have the money to purchase theirs and people whose employer offers them health care, their cost is going to go up because of the restrictions and the mandates that exist within the Baucus bill.

The Baucus bill would impose an annual $6.7 billion fee on insurance companies; $6.7 billion a year; over 10 years, $67 billion. So a $67 billion new fee on the insurance companies that we are trying to make the American people believe are going to reduce premiums, reduce costs, and we are sticking them with a $67 billion pricetag. There is nobody in America when they hear this who believes that health care is going to go down for the American people. For every person who currently has a plan today, I will assure my colleagues their premium will go up. They will pay more money, not less money.

We grow the IRS. There is something we haven't talked about because of the requirements in this bill to collect fees and to collect taxes. It is estimated by the Lewin Group that the IRS would need a 25-percent increase in their budget. The IRS currently gets $12 billion annually for their administrative costs. The administration costs for implementing the exchange subsidies would add nearly $40 billion from the Baucus bill. We have additional costs at the IRS because we have to increase by 25 percent the IRS requirements to go and collect and enforce this.

We tax the chronically ill. I thought this one was one of those myths that late night TV talks about. We tax the chronically ill in the Baucus bill. Let me explain what I mean. Current law says that if your health care charges exceed 7.5 percent of your annual income, then you can deduct that off your taxes. Clearly, the lower your income, the more likely you are to utilize the 7.5 percent exclusion. So what does the Baucus bill do to raise money? It raises the exclusion to 10 percent. Instead of at 7.5 percent of your adjusted gross income being able to deduct anything that exceeds that, it says you have to exceed 10 percent of your adjusted gross income. For somebody who makes $1 million a year, this is no big deal. They probably have more than enough insurance to take care of it. For somebody who is on a limited income; for somebody who maybe doesn't have all the insurance they need; for somebody who walks in and is chronically ill, has a chronic disease and they are making payments, they are covering their copays, they occasionally go to the hospital, they have that $50 charge for walking in the door, even though they have insurance. They are making it at the end of the year, even though they make $20,000 or $25,000 a year, and all of a sudden, 2½ percent of their adjusted gross income is no longer a deduction they get. What is that? That is taxing the chronically ill in this country.

Listen, I have to give them credit. They have left nobody out of this bill from taxes. They have left nobody out of this bill from instituting a new fee. As a matter of fact, some of it we are going to have to take for granted is going to be applied to us in an indirect way because incorporated in the Baucus bill we collect a new device tax. To the heart patient who goes in and gets a heart catheterization, to the senior who goes in and gets a hip replacement, it is a device. For any medical device that is used, there is a $40 billion device tax over 10 years.

What does that do for the innovation of new devices? Dr. COBURN can speak to it better than I can. When we were able to switch from open heart surgery to bypass surgery, we probably went from $40,000 or $60,000. When we were able to catheterize somebody and put a stent in, we reduced significantly the cost, we reduced significantly the invasion, we were able to raise the quality of life. We couldn't have done that if somebody hadn't innovated a cath and a stent. We would still be doing all bypass surgeries. You think through all the medical procedures we do in this country and you think about all the devices that have been created by companies and by doctors so they can be less invasive because they understand every time they go into somebody, every time they cut in, there is a fear of infection today; there is a consequence of recovery. It means a stay in the hospital is longer.

When you see a new device enter into the marketplace, you actually see a new efficiency come into health care. You see reduced health care costs because you are taking either somebody out of an inpatient setting and you are putting them in an outpatient setting, or you are taking an inpatient patient and you are getting them out of the hospital faster. Actually, you could make the case that innovation of medical devices is health care reform because it is driving down costs, because it is moving patients out, and the net result is the quality of life goes up. But, in this bill, we raise $40 billion over 10 years, or $4 billion a year on taxes on devices.

If you listen to the things I have talked about, you are probably sitting at home trying to figure this out: I am going to pay more in health care because they are taxing devices. I am going to pay more in health care if, in

fact, I have a chronic illness because I am not going to be able to deduct that out-of-pocket cost that is between 7½ percent and 10 percent of my adjusted gross income. I am going to have to cover, as a taxpayer, a 25-percent expansion in the IRS. They are going to impose a $6.7 billion so-called fee on the insurance industry, or $67 billion over 10 years, while I have an insurance policy, so that fee is going to be passed through to me as a covered life under the insurance plan.

I am going to pick up, in the State in which I live, the increase in the limitations on Medicaid when we go from 100 percent of poverty to 133 percent of poverty. How can you make a claim that this bends the cost curve? If you tried to make the claim, it bends the cost curve up not down.

Dr. COBURN and I listened very intently as the President kicked off this debate: Create a program that provides coverage for as many Americans as we possibly could. We did that. Bend the cost curve down. Well, we make a direct investment in prevention, wellness, and chronic disease management—the only three direct areas of savings in health care. We can talk all night about tort reform and about different aspects. They are indirect and there are significant savings we can achieve by incorporating those reforms into health care.

In the Patients' Choice Act, we elected to keep it narrowly targeted, and we invest in prevention, wellness, and chronic disease management. Why? Because we went to States, businesses, and self-insured companies that went 4 years and didn't have an increase in health care costs. Why? Because they changed the lifestyle of their workers. They actually paid their workers, in some cases, to quit smoking, to lose weight, to get exercise, or to take an education program on a chronic disease they had to make sure they got the treatment they needed.

The net result? In every case, the per-enrollee savings were so significant that the companies continued to try to figure out how they could spend more to reduce health care costs. The quality of life for their employees was better. The productivity of the employees was better, and they had no annual increase in their health care costs.

We are sitting here ignoring everything that has been learned in America by private self-insured companies and by some insurers who are doing creative things, targeting chronic disease, and actually paying doctors to educate. We have ignored all of this. Why? Because we are having a debate in Washington with the Baucus bill about coverage expansion, not about health care reform.

Coverage expansion costs a lot of money—$829 billion. We are having that debate and telling the American people this is about reform. If you read the fine print, the bottom of the page, and if you read the part they don't want you to remember, it says this year alone there is a $1.4 trillion deficit. That is $1.4 trillion we didn't have that we had to borrow.

The last thing we need is more money in health care. It is 16 percent of our GDP, and we cannot maintain that level of investment. The challenge is on us to come up with the reforms that continue to invest and promote innovation, that expand coverage and, more important, reduce costs.

What do the American people want? They want health care costs to go down, and they want quality to go up. We don't accomplish that in the Baucus bill, but you do in the Coburn-Burr bill. It is not perfect, but it heads in the right direction.

I yield to my good friend from Oklahoma.

Mr. COBURN. I thank the Senator. I am sitting here thinking, if I was sitting at home tonight listening to this, how do I hear the story that I heard for 2 hours on having a government-run plan and how bad the insurance industry is? As a physician, I don't like them a whole lot, I can tell you that. I don't like some of their tactics. I certainly don't like the way they cancel insurance policies on people. There is a lot about them I don't like. But I don't want to eliminate them. What I want to do is create a real market where they have to be savvy and compete and they have to be efficient and they have to help us help one another get well.

We are going to hear a lot over the next month on health care. We are going to hear all these claims, much like we did from Congressman GRAYSON, who made an outlandish claim that my side of the aisle wants people to die. That is what was said in the House of Representatives. What I want is people to live. I want this little girl in the picture to live too.

Do we have an unsolvable problem? No. Do we have ways of making health care costs much less in this country? Yes. Do we have ways of ensuring increased innovation and advanced disease prevention in this country? Yes. Do we have ways to protect this little girl in the photo? Yes. But the debate is over how we do that. One side says we do it by making the government a whole lot bigger—$1 trillion bigger, $3 trillion bigger over the next 20 years. That is one side of the debate.

Our side of the debate says this is inefficient health care. We want to cover everybody. We never want anybody to go bankrupt or to be denied care. We think you can do that without growing the government by 25 percent. We think there are other ways to do it. We are honestly worried about our track record in Washington when we have a $1.4 trillion deficit this year and a Medicare Program that is absolutely bankrupt—it will run out of money in less than 7 years from now, totally out of money—and we are going to be borrowing it all then. Is there another way to do it? So either we make a large jump in the size of the Federal Government and add to the $838,000 that this little girl is going to have, or maybe we can work together and say the insurance companies are bad, but can we keep something like that and make them efficient? Can we allow people to buy across State lines? Can we give people opportunities to buy what they want to buy rather than being limited? Do we trust people to make good enough decisions for themselves?

The Baucus plan doesn't do that. It says we have three or four plans from which you get to choose, but we are going to tell you what you have to buy. And, by the way, you have to buy insurance in this country. Think about that.

I carry with me a copy of the the U.S. Constitution all the time. Every bill out there has said you don't have liberty because the Federal Government is going to tell you where you have to spend your money. You have to buy an insurance policy. So if you make a quarter million dollars a year, it doesn't matter if you want to fund that self-insurance, it doesn't count. You still have to do that. If you don't, you are liable to a tax. If you don't pay the tax, a $25,000 fine. If you don't pay the fine, you are in jail for a year.

How do we get off telling people that and taking away that liberty, that freedom that is supposed to be guaranteed under the Constitution? The answer is, well, it is better for everybody because if we don't have everybody covered, then it is going to cost more because that is the big government answer to it. Maybe it will cost more if we force and drive competition, if we create transparent markets, where you know what something costs before you get it in health care. In fact, there is a real connection with the purchase of health care and the payment because everywhere we have tried that, it is working to control health care costs. But we refuse to do it.

Frankly, the reason our idea is rejected, which is changing the Tax Code to treat everybody the same under the Tax Code, is because the labor unions don't want that to happen. That is exactly why. Everybody knows that is the problem. Everybody in the country knows that is the problem, but we don't have the political courage to face up to how to fix the problem.

As soon as you make everybody the same under the Tax Code, you empower 35 million Americans who don't have insurance today to get it. You save the States $1 trillion over the next 10 years, and you give 95 percent of Americans a tax cut, and guys like me will pay a little bit more for my health insurance and income tax. But we will not do that because the powers that deliver politicians to Washington are more powerful than the principles and the character to follow the pursuit of the Constitution.

This little girl in the picture, and everybody like her in this country, is at risk today. We are going to have this great big debate and say how bad the insurance companies are and how bad

the government programs are. But the fact is, we don't have a bipartisan bill. Our ideas were thrown out, 13–10, at both the Finance Committee and the HELP Committee—13–10, 13–10, 13–10—because the idea is they didn't want a compromise bill. They didn't want to solve the problems. They wanted their way or the highway.

So, consequently, we are going to get a bill. I have no doubt. But my little Lucy right here and her football—she is going to lose her football. She is not going to have any little Lucys because she is not going to be able to afford them. She is going to be paying off her $800,000 worth of government obligations starting at age 20, and she will never climb out of the pit.

So when America thinks about health care, there are a lot of ways to solve it. One is to trust what makes America great—granted, with some changes—or the other is to trust the government to create more government programs.

I will just add this one point. Do you realize that in the bill that passed the HELP Committee there are 88 brandnew government programs—88; 219 times we have held the Secretary of HHS to write in-depth regulations. Now, 88 programs interfering in health care are going to be problem enough. But 219 new sets of regulations—oh, by the way, we created the comparative effectiveness committee with the stimulus bill, and we are going to have 26 people tell every doctor in the country how they are going to practice medicine, what is right and what is not right. And, by the way, in all the committees a prohibition on rationing was voted down.

What are we to think? We are going to create a large government program and grow the government by $1 trillion over the next 10 years, $2 billion-plus, maybe $3 trillion in the next 10 years, and we are going to have Washington tell people how the physicians and caregivers will treat, what they will use to treat, and all the time little Lucy will not matter if she gets sick. We will have already made her sick because we have stolen her future, her absolute future.

It is a cute picture, but it sends a devastating message to us as leaders in this country. How dare we do that. I wanted to bring out my other charts tonight, but I didn't want to bore everybody. The fact is, the appropriations bills that were passed—if we keep doing what we are doing—America, hear this—we are going to double the size of the Federal Government in 3½ years.

We passed the Agriculture bill today, which is 22 percent bigger, and it was 15 percent last year, and that doesn't count any of the supplemental and the stimulus money. It doesn't take long, if you are growing something at 22 percent, for it to double.

My gray hair comes from the fact that I think we are missing a great opportunity to work together. I think we can solve the health care problem. I think we can do it without enlarging the Federal Government. Especially when we pay 40 percent more than anybody in the world, there ought to be savings that we can get to make health care cost less and to cover everybody else. I know we have seen the studies that show that.

So why isn't it going to happen? Why isn't there going to be a bipartisan bill? It is all political. It is not about the people in this country, it is about the political power structure in this country.

Problems can be solved, common sense applied to limited government and restoring freedom to individuals.

There are going to be so many lawsuits in this country, most of them legitimate, over the health care bill. You will not be able to uphold a challenge to the Constitution of forcing me to pay, take my money that I earn privately and spend it on what you say I have to spend it on. It is one of the greatest denials of liberty I ever heard of, and it is going to get challenged. It is going to go through the courts fast, and I suspect the courts are going to uphold the citizens of this country rather than the power center.

I yield the floor or I yield back to my colleague from North Carolina.

Mr. BURR. Mr. President, I thank Senator COBURN for yielding. Let me just say the reason he is gray is because he cares. This is a Member of the Senate who typically on Monday morning delivers babies, and all weekend long. Before he comes back to Washington, he practices medicine.

This institution looked at what he did and said: You can't charge for what you do even though it costs you $200,000 a year to keep your practice open, your license in place, to buy your liability insurance. They said that is illegal under Senate rules.

So TOM COBURN is a unique individual. He sees women who are pregnant. He delivers babies. But he doesn't take any payment for it. He keeps his license up to date. To some degree, it is charity care because he believes it is the right thing to do. More important, he understands that what we do here affects what our children and our grandchildren get in inheritance from us—not financial inheritance, in opportunity.

Why are we passionate about the debt? Why are we passionate about trampling on the Constitution? Because every time we do it, we take an opportunity away from the next generation. We reduce their ability to be successful, whatever their definition is.

TOM COBURN covered it very well. We are somewhat impassioned about our criticism toward the bills that passed out of the HELP Committee, the Finance Committee soon, and the three bills in the House. Why? Because we introduced our bill first. We laid our cards on the table. We offered to work in a bipartisan way with anybody, and we had no takers.

I believe when you lay it out there and you come up with a successful plan, you have every right to be critical. I do question the ones who do not offer an alternative. But we have offered a solution, and that solution was based on three fundamental principles:

One, it had to cover everybody. The way our bill is structured, every American receives the same financial stipend regardless of whether they work or whether they don't, regardless of where they live. We treat everybody the same.

Two, if you are going to get cost savings, then you have to make direct investments in prevention, wellness, and chronic disease management. The Patients' Choice Act makes direct investments in prevention, wellness, and chronic disease management.

Three, is it financially sustainable into the future? We probably should have started with this one versus save it for last. Why in the world would we create a health care system in America if it is not sustainable? If it is not financially sustainable, why would we even consider that legislation in the Congress of the United States? If it did not pass the test of time, why would it even be worthy of debate?

Unless we expect people outside of America to continue to finance our urge to spend, then I have to tell you, we are not going to have any money—either that or we are going to have to tax the American people to a point where they are not going to want to be successful, they are not going to want to work overtime, they are not going to want to switch jobs because the benefit to them of being successful is to be punished by taxes.

This bill is filled with new fees, new taxes. True reform that expands coverage would pay for itself. Think about that. If you truly reformed health care, would the reforms through savings not pay for the expansion? Shouldn't this be a net sum game?

We have left out of the bill shopping across State lines for insurance. It saves money. The American people are sitting there: Why aren't you doing this? Tort reform saves money. The American people are sitting there: Why aren't you doing this?

Let me end on one that I think the American people are really plugged into. Congress, which plan are you putting yourself under? You designed this plan for everybody in America. Is it the plan you are going to have? You know what, in the Finance Committee, in the HELP Committee, in the House committees, there have been amendments that said Congress has to take the plan they create for the American people. That government option, that is what Congress has to be under. It has been rejected every time it has been offered.

But you see, Dr. COBURN and I took a different approach because in the Patients' Choice Act, we had to set what the basic minimum plan was going to be. Do you know what we put? The Federal Employees Health Benefits

Program. We didn't put them into the FEHBP, but we said it had to be equivalent to what Members of Congress had. How could we ask the American people on a plan we create to have less than we have? The American people expect us to look after them, they don't expect us to give them less than we have.

It was rejected every time that was offered to move Congress to their plan. But I think it tells you a lot about the way TOM COBURN and I approached the bill we worked on because we never thought about taking us and putting us into their plan, we thought about taking them and raising them to our plan. There is a big difference in that. There is a big difference in looking at the American people and saying, you should be here; not the American people saying, you should be where we are.

We want people to be successful in this country. TOM COBURN said this is not a bipartisan bill. He is right. But I will end with this tonight: This is also not a reform bill. If you want to talk about expanding coverage, it does an equal job to what the Coburn-Burr bill does. If you want to judge it based upon reform, it accomplishes no reform.

I encourage those who are not satisfied with the options that have been presented in the House or the Senate or that will be debated, go on TOM's Web site, go on my Web site, Google ''Patients' Choice Act.'' Read the bill. It is only 200-some pages, it is not 1,000.

The truth is, if we have a real debate—at some point, we will have one about health care reform—I could suggest to the American people one word that would drastically reform health care, that could replace all 1,000 pages of a House or Senate bill. It is called portability. It is called the ability for an individual employee to take their insurance from one employer to another, not to be construed in any way because they have a preexisting condition, but also to recognize the fact that when you do portability, you change drastically the way insurers look at covered lives.

I think the American people would be shocked to know the average person is under a health care plan for an average of 4½ years right now. Ask yourself: If I am an insurer and I am going to invest in somebody's lifestyle changes and I am only going to have them 4½ years—how much are you going to invest? The answer is, probably very little. By the time they lose weight or quit smoking, you haven't reaped the benefits of those savings, and all of a sudden you create portability. That means a 24-year-old covered by an insurance company—that insurance company has an opportunity to keep him until he is 64 years old, 40 years. How much are you going to invest in that insured if you are going to have them for 40 years? You are going to invest a heck of a lot because you will want to keep him well as long as you can. You are going to reimburse doctors to do the education; you are going to make sure you keep them out of the hospital; you are going to make sure that if they go into the hospital you get them the treatment they need to get them out as quickly as you can. You are not going to deny a prescription a doctor wrote for them. You are not going to question a treatment a doctor chose because all of a sudden the doctor is a partner to the insurance versus just a cost to the insurance.

You see, true reform has to change health care across the board. It has to change the relationship between patients and insurers, between doctors and insurers, between hospitals and insurers.

Ask yourself: Does the Baucus plan accomplish any of it? The simple answer is no, it does not. That is why it costs $829 billion, and that is why to pay for it you don't get it through savings, you get it through taxing and fees. You get it through the insurance costs of everybody who has it. You achieve the costs by cutting Medicare, by knocking seniors off the health care plan they prefer. You get there by increasing the income limitations on Medicaid, making States actually pay for the expansion of 11 million Americans who are going to be covered under the most inefficient health care system in the country, Medicaid, where only 60 percent of the health care professionals will even see Medicaid beneficiaries because the reimbursements are so low. But we are going to grow that population by 11 million people.

We are doing an injustice to these people to put them in a plan where only 60 percent of the health care professionals will see them. They will not get the education they need for chronic disease management. They will not make the lifestyle changes because Medicaid does not pay for prevention, wellness, or chronic disease management, nor does Medicare, nor does the VA, nor does Indian Health. Show me a government plan that pays for prevention, wellness, and chronic disease management, and I will quit coming to the floor and quit talking about the lack of reform.

The truth is, the Baucus plan tries to replicate what the Federal Government has, and it does not have prevention, wellness, and chronic disease management today. It will not have it tomorrow, and it will not have it next year.

Mr. President, I thank you for your patience. I assure you and our other colleagues that Dr. COBURN and I will be frequent visitors here as we get ready for this debate, as we have this debate, and probably after this debate is over, depending upon the outcome of it.

But let me make it perfectly clear, if any Member in this debate is looking to try to achieve a bipartisan solution to health care, you can sign TOM COBURN and RICHARD BURR up today to sit at the table with you, to forget about who is the author of legislation, to talk about real solutions to real problems that deal with health care. I am committed to doing it, but I am not committed to rolling over and just accepting another expansion of the Federal Government and Federal Government spending.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, as you could hear from the remarks of the Senator from North Carolina and the Senator from Oklahoma, there is agreement on some issues. We know the status quo is not going to work when it comes to health care. We know our families cannot endure another decade of double-digit cost increases every single year in their health insurance premiums. We know we can do better than devoting a fifth of our GDP to health care, when every other industrialized country in the world devotes less than half that to health care. We know the biggest drivers of our outyear budget and debt—which we do need to be enormously concerned about—are rising Medicare and Medicaid costs, and the biggest drivers of those are rising health care costs.

I would say, again, as I have said before, I hope we can start on where the areas of agreement are and try to work from there. Because our small businesses and working families all across this country, including in my State of Colorado, cannot endure another 10 years like the 10 years they have endured. We will not be able to compete effectively in this global economy, where we are devoting more than twice what any other industrialized country in the world is devoting to just one sector of our economy—health care—and we are not going to keep the kind of commitment the Senator from Oklahoma was talking about to the young girl in the photograph or, for that matter, to my three daughters at home, who are 10, 8, and 5. I am deeply concerned about where we are with respect to our deficits and our debt.

So while we are disagreeing about the outcomes, I think there is a growing understanding that the current system just will not do.

AFGHANISTAN

Mr. President, I am here to talk a little bit about Afghanistan, and just for a few minutes because yesterday we reached the 8-year anniversary of the war in Afghanistan. On this occasion, we should remember how unified our entire country was over our mission there when it began. The Nation came together after 9/11 to support our military as it bravely took the fight to the Taliban and the terrorists in Afghanistan. We had one ultimate goal: Removing al-Qaida's safe haven.

Our military succeeded in toppling the Taliban government, which had allowed al-Qaida to use Afghanistan as a staging ground and a hiding place. Once the Taliban was removed from power, an international coalition, led by U.S. forces, went about the long and difficult task of defeating al-Qaida for good.

Yet now, 8 years later and with a new administration trying to determine America's best way forward, many Americans are understandably concerned and frustrated. Afghanistan is not where any of us want it to be, and our ultimate goal has not yet been met. Al-Qaida is still there and in Pakistan as well. Afghanistan's Government has not been able to take centralized control of the country. Elections there have not added to the legitimacy of the Karzai government. We have been left to reassess our position, and we must do this reassessment together.

Policymakers are asking the important and right question: What are the proper goals for our military effort in Afghanistan? How best can we accomplish them? Are these goals purely military goals? Can they be better solved with more troops or fewer? Do we need a more complex new mission in our future, which the military aspect is only one small part?

Unless we are sure, unless all of us are sure that more troops can help us meet our goals, we should not send them. Our soldiers already have sacrificed much. This time, in particular, is a difficult one for servicemembers and their families, and it is also proving to be a difficult one for those of us making policy.

As we decide what our direction will be in Afghanistan, the fallen brave soldiers we lost from Fort Carson this week are solemn reminders of how consequential our decisions have been and will be. Those of us who opposed going to war in Iraq, including President Obama, believed then it was the wrong war at the wrong time. We believed that Washington's focus on Iraq was diverting precious resources from our efforts in Afghanistan. We are still dealing with the consequences of the decision to focus on Iraq, both in Iraq and in Afghanistan.

Recalling recent history is so important because now we have to find new wisdom on Afghanistan. At the same time, all 100 Members of this body know we must take great care as we make decisions that will affect the lives of our men and women in uniform and their families. For every soldier who answers our Nation's call to serve in combat, a new deployment is akin to a new decision to go to war. That is why our national purpose and their mission must be absolutely clear.

That is also why, as Members of this body, we must be willing to ask hard questions. The country will be counting on the Senate to scrutinize and understand the purpose of any decision to deploy additional troops. As we, together, debate a new approach to Afghanistan, I will be motivated by the memory of the Fort Carson soldiers who died this past week, as well as all those who have fallen in rank and Afghanistan. I know all of us feel the same way. They served honorably. So must we.

Mr. President, I yield the floor.

Mr. BEGICH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BEGICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with the Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

FORT CARSON SOLDIERS

Mr. UDALL of Colorado. Mr. President, I rise today to pay tribute to eight young men from Fort Carson in Colorado who perished last weekend in Afghanistan. This was the heaviest U.S. loss of life in a single battle since July 2008, when nine American soldiers were killed in Afghanistan.

In highlighting the lives of these young soldiers, I do not want to diminish the loss of other brave servicemen and women who have given their lives for our country. Before last weekend, Fort Carson alone had lost 270 soldiers in Iraq and Afghanistan, and we must continue to honor the courage of our fallen, our wounded, and those who continue the fight.

But I hope the stories of these eight young men today speak to the loved ones of all the brave men and women who have lost their lives in Afghanistan and Iraq in recent years. I honor their service, their courage, their dedication, their love of country and family. I thank their wives, husbands, children, parents, and other family members and friends for their support of these brave servicemen and women. And I want to express my deepest sympathy to them as they mourn their loss.

These eight soldiers were all from the same platoon—Bravo Troop of the 3rd Squadron, 61st Cav, 4th Infantry Division, based at Fort Carson. The 4th BCT has worked since May to secure territory throughout a four-province region near Jalalabad in some of Afghanistan's most rugged terrain, training in the nearby hills to prepare for high-altitude battle. A major achievement included providing security for Afghanistan's presidential election in August, enabling local Afghans to go to the polls.

I met with the 4th BCT commander, COL Randy George, back in April in Colorado, before Colonel George and his soldiers departed for Afghanistan. I know how hard Colonel George worked to get these soldiers ready for the fight, and they were ready. These eight young men and their fellow soldiers fought valiantly, taking on about 200 insurgents in their remote outpost in Afghanistan's Nuristan province.

As MAJ Daniel Chandler, the rear detachment commander for the 4th

BCT, said: ''They were attacked, the unit fought bravely, and in the end, they won the day.''

I would like to say a few words about each of these men.

SPC Michael Scusa of Villas, NJ, was 22 years old. He joined the Army after graduating from high school and was on his second tour in Afghanistan. A former teacher said: He was a boy any mom would be proud to have. He leaves behind his wife and 1-year-old son in Colorado, as well as immediate family in New Jersey and Nebraska. SPC Christopher Griffin was 24 years old. He grew up in the small town of Kincheloe, MI. A high school classmate said that the ''whole town'' knew that Christopher would enlist someday. The Army was his calling—and he was very proud of it. He leaves behind his family in Michigan.

PFC Kevin Thomson of Reno, NV, was 22, and joined the Army in April 2008. Friends said that he could make anyone smile, that he valued friendship, and that he had a strong relationship with his mother. His photo hangs in Scolari's grocery store in southeast Reno, where he used to work. He leaves behind his family in Nevada and California.

SGT Vernon Martin of Savannah, GA, was 25 years old, and leaves behind a wife and three children and family in Georgia and New York. He joined the Army 6 years ago and had served in Iraq before being shipped to Afghanistan. His wife said that he hoped to work with kids someday—and that Vernon was the best thing that ever happened to her and their children.

SPC Stephan Mace of Lovettsville, VA, was 21 years old, and is survived by his family in West Virginia and Virginia. His mother said that he loved sports, wildlife, and the outdoors, and that he always had a smile on his face. He learned about patriotism from his grandfather, who served in the CIA during the Vietnam war, and had a strong love of his country and the military. Stephan's youngest brother just graduated from boot camp at Fort Sill—he wants to join the Army like his brother.

SGT Joshua Kirk—originally of Bonners Ferry, ID—was 30 years old. He leaves behind his wife and 2-year-old daughter in Colorado and mother in Idaho.

SGT Joshua Hardt of Applegate, California, was 24 years old, and was an outgoing and athletic young man—so talented at high school football that his helmet was retired. When Joshua was stationed at Fort Carson, he and his wife moved to Colorado together. Joshua leaves behind his wife and immediate family in California.

SGT Justin Gallegos of Tucson, AZ, was 27 years old. His friends called him ''a man of excitement, courage, leadership, and kindness,'' and a strong man, a go-getter. He leaves behind family and friends in Tucson.

There is so much more to say about each one of these soldiers—and about each of the men and women who have given their lives in the service of our country. Now is a time to honor their memories and pay tribute to them for their tremendous sacrifice and dedication to our Nation. We will not forget you.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I appreciate the words of the senior Senator from Colorado and his words about soldiers in his State and around the country. We all share that sentiment today in the Veterans' Committee. We heard from soldiers and family members about people who died in the line of service, not in battle but for other reasons—contaminated drinking water in some cases, in other cases open-pit burning. It is important we honor our men and women, as Senator UDALL did, but also that we, frankly, treat them better when they are in the service. Their commanding officers sometimes need to pay more attention to that and how we treat the families of our men and women, our soldiers, and our veterans. But I thank the senior Senator from Colorado.

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to recognize the tragic loss of nine soldiers stationed at Fort Carson, CO, who were killed this past weekend in Afghanistan.

Last Saturday, eight soldiers from the 4th Infantry Division's 4th Brigade Combat Team at Fort Carson were killed in a firefight by insurgents in a remote area of Afghanistan. From what we know, as many as 200 insurgents attacked two of our mountain outposts, and U.S. and Afghan soldiers responded together. The fighting lasted most of the day. When it was over, Fort Carson had seen our most costly day since Vietnam.

These eight young men made the ultimate sacrifice for their country. All Coloradans and all Americans honor their bravery and their service. We owe them and their families a great debt.

I wish to read the names of these courageous soldiers into the RECORD, and recognize that a ninth tragedy has also apparently now occurred, and say a few words about each:

SGT Vernon Martin was 25 years old. He leaves behind a wife and three children. After joining the Army 5 years ago, Vernon had already served bravely in Iraq. His wife has told people that he hoped to work with kids in the future. She also said he was the best thing that ever happened to her and their children.

SGT Justin Gallegos was 27 years old. A native of Tucson, AZ, his friends described him as a man of excitement, courage, leadership, and kindness. He is remembered for his constant smile and his generosity. Justin leaves behind a 5-year-old son. His family and friends will miss him dearly.

SGT Michael Scusa was 22 years old. After graduating from high school in New Jersey, he joined the Army to serve his country. Michael was serving his second tour in the region. Before he died, he had told his wife that if he was killed, he wanted to be buried in Colorado Springs to be close to his son. This son had been named after a friend of Michael's who was lost in Iraq.

SGT Joshua Kirk was 30 years old. He grew up in Idaho where his family still lives. He had followed his childhood dream of entering the Army and was serving his second tour in Afghanistan. He is survived by his wife and 2-year-old daughter.

SPC Stephan Mace was 21 years old. Born in Virginia, he grew up loving sports, wildlife, and the outdoors. His mother said that he always had a smile on his face. His grandfather, who had served in the CIA, taught Stephan what it means to serve your country. Stephan recently returned home for a 15-day leave trip, and his mother said that he returned to his post without fear.

PFC Kevin C. Thomson was 22 years old. He joined the Army just last year. Originally from Reno, his friends described him as the type of person who could make anyone laugh. He cared little for material things and put more emphasis on the people around him. His photograph hangs in the Reno grocery store where he worked after high school. He will be missed by his family and friends in Nevada and California.

SGT Joshua Hardt was 24 years old. He was described by family and friends as an extrovert and athlete. He was so talented on the field, actually, that his high school football helmet was retired. Seeing the successes of his older brother in the military, he followed his brother into the Army. He is survived by his wife, his hometown sweetheart, who moved with him to Colorado after he was stationed at Fort Carson.

SPC Christopher Griffin was 24 years old. Coming from a small town in Michigan, friends say they knew he would end up serving his country. Serving in the Army was his longtime goal. He played football and wrestled in high school, and made his friends laugh. Christopher's family in Michigan is proud of his service, and his hometown has made plans to name a street after him.

In addition, we recently have learned that a ninth Fort Carson soldier was killed in Afghanistan this weekend in a separate attack. SPC Kevin O. Hill, of New York, died on Sunday. He was 23 years old.

At great personal risk, these nine men braved a war in a faraway land. They pushed forward into great danger to protect us here at home. When asked, they answered the call of duty and performed their missions with distinction.

Coloradans are immensely grateful for their selfless dedication, and our thoughts and prayers are with their families and loved ones today. I hope their pain is eased by the knowledge that these soldiers will always be remembered and honored.

Let us all remember the incredible sacrifices made by nine young people for America's freedom and our safety here at home. I know I speak for all 100 Members of the Senate in offering America's condolences and gratitude to all nine of these mourning families on this day.

PENNSYLVANIA'S 56TH STRYKER BRIGADE

Mr. CASEY. Mr. President, I wish to recognize the contributions of the 56th Stryker Brigade which recently returned to homes and families across the Commonwealth of Pennsylvania. For 9 months the 56th Stryker Brigade has been deployed in Iraq. Here these civilian soldiers, known as the Independence Brigade, worked side by side with Iraqi counterparts to continue to bring stability and security to the Iraqi people. On the front lines they patrolled neighborhoods, targeted insurgents, and swept for improvised explosive devices. They performed more than 800 combined operations, captured 7 brigade-level, high-value targets, and discovered more than 80 enemy weapons caches. Any success we have had in Iraq is not only the result of military achievements. In this regard, it is equally important to recognize the $22 million in reconstruction efforts the 56th Stryker Brigade assisted with in coordination with an embedded U.S. provincial reconstruction team.

While these young men and women are now home, we must also remember those who fell in battle. Two members of the 56th gave, as Lincoln said so long ago, ''the last full measure of devotion'' to their country. SPC Chad Edmundson of Williamsburg was killed by an IED, and SSGT Mark Baum of Quakertown was killed by enemy small arms fire. To these soldiers' families and friends, I express our condolences and gratitude on behalf of the people of Pennsylvania for their sacrifice. Please know that our prayers are with you and that we will never take for granted their personal courage and sacrifice. We pray for Chad and Mark, and we also pray for ourselves, that we may be worthy of their valor.

While deployed, many things have changed for these members of the Pennsylvania National Guard. Some members met their sons and daughters for the first time. For all our troops, a time of readjustment and reintegration back into their communities and daily lives lies ahead. I want the National Guard to know I will always be committed to helping them during this battle. I know there are other guard members who bear scars from battle, whether visible or not. The Senate must ensure our citizen soldiers' jobs are maintained while they are deployed, and we must provide opportunities for them to find employment upon their return.

For this reason, I will continue to urge colleagues to take up and adopt the Service Members Access to Justice Act and the FORCE Act which will make National Guard assistance programs more effective and responsive and ensure that National Guard troops keep their jobs and employment benefits as required under law.

Again, I express my appreciation to the 56th Stryker Brigade and all of the men and women in service.

SATURN'S DEMISE

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD remarks I made this weekend on the Saturn car company, which has lived and apparently passed away in the State of Tennessee but has contributed a lot to our State over the last 20 years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I spent almost all the state's $450,000 advertising budget to buy a full page ad in the Wall Street Journal saying, ''Well, Saturn finally found its home . . . in Spring Hill, Tennessee.''

The ad answered a questioned that was on the mind of millions of Americans for a few days in August, 1985: ''Why Spring Hill, Tennessee?''

General Motors had looked everywhere for the best place to put its $5 billion Saturn plant. The biggest corporation in the world was making the largest one-time investment in U.S. history.

Three banks of GM computers analyzed 1000 sites in 38 States. Then (so the ad went) the top brass answered the question: ''Where is the best place in America to build the highest quality car at the lowest cost, a small car that will compete with the Japanese imports?''

General Motors hadn't spent a penny yet advertising Saturn, but the intense competitions for the Saturn plant made the front pages for months during 1985. As a result, twice as many Americans were able to identify a Saturn as could identify a Pontiac even though Pontiac had been building cars since 1926 and Saturns wouldn't be produced until 1990.

Governors had made fools of themselves making pilgramges to Detroit and sitting on stools on Phil Donahue's television show arguing the merits of their States. I hadn't done that but had met GM President Roger Smith in a hotel room in Memphis after he made a United Way Speech. I knew that the big Nissan plant, which had just located in Symrna, would be either the hook or the kiss of death. So I said to Mr. Smith, ''Why don't you put your plant right next to your competitor's plant, and tell your union and tell your management, if the Japanese can do it, you can do it, too.''

That's is exactly what GM decided to do. The Nissan and Saturn decisions put Tennessee on the map for companies looking for plant sites. (Nissan was the largest Japanese investment ever in the U.S.) Then, Tennessans had almost no auto jobs and one of the country's lowest average family incomes. Today, thanks to the good work of Governors McWherter, Sundquist and Bredesen and Tennesseeans' work ethic one-third of our jobs are auto jobs and our family incomes are a good deal higher.

The Nissan plant became the most efficient auto plant in North America and will begin making electric cars next year. Its future seems secure—and so does that of hundreds of suppliers—who have migrated to Tennessee because it is now central to the American auto industry's most efficient assembly plants as well as its market and because it is a right-to-work State with one of the ''best 4'' lane highway systems.

Saturn started off with a bang, created almost a cult following of owners but never made a profit. Its apparent death this week when Roger Penske couldn't find anyone to make Saturns so he could sell them is like any death, sad but full of memories.

Most of the memories are good. Saturn's life was a good life, for Tennesseans. It helped put us on the map, job wise. It helped raise our incomes. There is still that $5 billion plant there, with another billion or so spent to improve it, waiting for GM or someone else to start making cars again. We Tennesseans will miss Saturn but are grateful for its short but good life that truly made our lives better.

TRIBUTE TO MARLA AND TOM LETIZIA

Mr. REID. Mr. President, I rise today to honor Marla and Tom Letizia on their being named ''Menschen'' of the Year by Congregation Ner Tamid. The award is intended to reflect the ultimate values of their congregation, which is to give selflessly of oneself to benefit the community. Marla and Tom have helped make Las Vegas and Nevada a better place with their business and community involvement.

Mr. Letizia started out as an account executive for many Las Vegas television stations including KLAS TV–8. He founded Letizia Ad Team in 1974. The firm specializes in television, radio, newspaper, direct mail, internet and outdoor advertising. Mr. and Mrs. Letizia owned radio and television outlets in Reno, Las Vegas, Laughlin and Tonapah NV. They cofounded Tonopah's first radio station, KPAH–FM, which was sold in 1992, and the first radio station dual signal property in Laughlin/Las Vegas, KROL–AM, which was later sold in 1993. The Letizias were part owners of the first independent television station in Reno, KAME–TV, which later became a FOX affiliate before being sold in 1994.

In 2001, Mrs. Letizia founded Big Traffic Mobile Billboards Worldwide, which implements trucks that provide four-sided advertising space and environmentally friendly WOBI® walking billboards. She has over 35 years of marketing and journalism experience, beginning her career with KLAS–TV 8 as an assistant production manager and organizer and was subsequently promoted to director of the live television news broadcasts at 5 p.m. and 11 p.m. She gained distinction as the first female director in the history of Las Vegas, as well as the first female hired in production in Las Vegas, running the audio department during production and during live news broadcasts.

The Letizias help their community by acting as founding members of the Board of Trustees for the Meadows School. They are also on the advisory board of the Make-A-Wish foundation of southern Nevada. Marla and Tom also compassionately care about our planet Earth. One of their innovations was a green friendly walking billboard.

With their innovative business approach and compassionate approach to their fellow Nevadans, Marla and Tom represent this country at its best. They have achieved great things and I know their future, both as a family and a business remains, as bright as the neon lights from the Las Vegas Strip. I congratulate Mr. and Mrs. Letizia on their tremendous accomplishment.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the third budget scorekeeping report for the 2010 budget resolution. The report, which covers fiscal year 2009, was prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This is the final report for 2009.

The report shows the effects of congressional action through September 30, 2009, and includes the effects of legislation since I filed my last report on August 4, 2009. The new legislation is Public Law 111–68, an act making appropriations for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

The estimates show that for fiscal year 2009 current level spending was $3 billion above the level provided for in the budget resolution for budget authority and $7.8 billion above it for outlays while current level revenues match the budget resolution level.

I ask unanimous consent that the letter and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 8, 2009.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through September 30, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter dated August 4, 2009, the Congress has cleared and the President has signed an act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (Public Law 111–68). This act affects budget authority and outlays for fiscal year 2009.

Sincerely,

ROBERT A. SUNSHINE,
For Douglas W. Elmendorf, Director.

TABLE 1—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF SEPTEMBER 30, 2009

[In billions of dollars]

	Budget Resolution [1]	Current Level [2]	Current Level Over/Under (−) Resolution
ON-BUDGET			
Budget Authority	3,668.6	3,671.6	3.0
Outlays	3,357.2	3,365.0	7.8
Revenues	1,532.6	1,532.6	0.0
OFF-BUDGET			
Social Security Outlays [3]	513.0	513.0	0.0
Social Security Revenues	653.1	653.1	0.0

[1] S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes $7.2 billion in budget authority and $1.8 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

[2] Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

SOURCE: Congressional Budget Office.

TABLE 2—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF SEPTEMBER 30, 2009

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,532,571
Permanents and other spending legislation	2,186,897	2,119,086	n.a.
Appropriation legislation	2,031,683	1,851,797	n.a.
Offsetting receipts	−640,548	−640,548	n.a.
Total, Previously enacted	3,578,032	3,330,335	1,532,571
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22) [2]	106	3,896	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products...and for other purposes (P.L. 111–31)	11	2	8
Supplemental Appropriations Act, 2009 (P.L. 111–32) [2]	89,682	26,992	0
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (P.L. 111–39)	−187	−202	0
An act to authorize the Director of the United States Patent and Trademark Office to use funds...and for other purposes (P.L. 111–45)	0	5	0
An act to restore sums to the Highway Trust Fund, and for other purposes (P.L. 111–46) [3]	−40	−40	0
An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes (P.L. 111–68) [4]	4,000	4,000	0
Total, enacted this session	93,572	34,653	8
Total Current Level [2,3,4,5]	3,671,604	3,364,988	1,532,579
Total Budget Resolution [6]	3,675,736	3,358,952	1,532,579
Adjustment to budget resolution for disaster allowance [7]	−7,150	−1,788	0
Adjusted Budget Resolution	3,668,586	3,357,164	1,532,579
Current Level Over Budget Resolution	3,018	7,824	0
Current Level Under Budget Resolution	n.a.	n.a.	0

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

[1] Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

[2] Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	−630	−630	0
Supplemental Appropriations Act, 2009 (P.L. 111–32)	16,169	3,530	0
Total, amounts designated as emergency	15,539	2,900	0

[3] Section 1 of P.L. 111–46 appropriated $7 billion to the Highway Trust Fund. The enactment of this legislation followed an announcement by the Secretary of Transportation on June 24, 2009, of an interim policy to slow down payments to states from the Highway Trust Fund. The Congressional Budget Office estimates that P.L. 111–46 will reverse this policy and restore payments to states at levels already assumed in current level. Thus, enactment of section 1 results in no change to current level totals. Other provisions of the act will reduce budget authority and outlays by $40 million in 2009.

[4] Section 164 of Division B of P.L. 111–68 reduces the required transfer from the Postal Service Fund to the Postal Service Retiree Health Benefits Fund for fiscal year 2009 by $4 billion. The transfer does not affect unified budget totals; however, since the Postal Service Fund is off-budget, and current level does not include off-budget amounts, only the on-budget piece of the transfer (an increase in spending of $4 billion) is shown in current level totals.

[5] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[6] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

Original Budget Resolution Totals	3,675,927	3,356,270	1,532,571
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	−1,530	2,240	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products...and for other purposes (sections 311(a) and 307)	11	2	8
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	1,515	642	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	−187	−202	0
Revised Budget Resolution Totals	3,675,736	3,358,952	1,532,579

7. S. Con. Res. 13 includes $7,150 million in budget authority and $1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

VOTE EXPLANATIONS

Mr. KERRY. Mr. President, I am necessarily absent for the vote today on the McCain amendment, Senate Amendment No. 2626 to the fiscal year 2010 Commerce, Justice, Science Appropriations bill (H.R. 2847). If I were able to attend today's session, I would have opposed the McCain amendment.

Mr. President, I was necessarily absent for the vote on the fiscal year 2010 Agriculture appropriations conference report and the Ensign motion to recommit the Senate fiscal year 2010 Commerce, Justice, and Science appropriations bill, H.R. 2847. If I were able to attend today's session, I would have supported the fiscal year 2010 Agriculture conference report and opposed the Ensign motion to recommit H.R. 2847.

REMEMBERING SENATOR EDWARD KENNEDY

Mr. BARRASSO. Mr. President, in this chamber we have witnessed incredibly moving eulogies and remembrances of our departed colleague Senator Edward Kennedy. Obituaries in national and international newspapers convey the historic milestones of his life that none could forget, as well as more personal stories of the man that fewer knew.

So much has been said and written since Senator Kennedy's death August 25, 2009. Many of these stories paint the picture of his family, his life, his accomplishments, his legacy all of it extraordinary. Many of us are students of history. Indeed Senator Kennedy lived history.

I am reminded of the recollections of one of my predecessors as U.S. Senator for Wyoming, and a dear friend of Senator Kennedy, Senator Al Simpson. In an interview from 1997 given to the Institute of International Studies at the University of California as part of their ''Conversation of History'' project, Senator Simpson was asked: Who was the finest legislator he had ever worked with? Senator Simpson replied:

> The finest legislator I ever worked with was Ted Kennedy. He had a magnificent staff, he even had a parliamentarian on that staff of his. So when you were in the legislative arena and you were bringing your lunch and staying late, you wanted to get Ted on your side or at least use some of his expertise. I would go to him sometimes early on and say look, you'll have to trust me, what the hell do I do right now to move this bill? Boy I'll tell you he had ways to do it and as you can see he uses those skills on issues in which I was totally on the other side. I can't remember them all there were so many. We were never on the same side. But he is a legislator.

And so he was. He was a quintessential legislator. There is no question about that.

Most of those who have so eloquently written and spoken since his death knew the Senator much better than I Presidents, Senators, world leaders, and other dignitaries, members of his family and friends back in New England. They recall the Senator all of us in the Senate knew, even if only briefly a kind, caring, passionate, and deliberate figure.

Others have detailed his accomplishments they are legendary and lasting. What can I add to these recollections?

I was neither a close friend, confidante, nor legislative partner to Senator Kennedy. I was a new Senator from Wyoming when I first met him. But the story I have, I would like to share, as it is meaningful and illustrates his larger than life personality in the U.S. Senate.

On June 25, 2007, I was sworn in to the U.S. Senate. Senator Kennedy was one of a handful of Democrats in the Chamber. As you would expect, I had a lot of family members in the gallery. Later, they joined me along with Malcolm Wallop, former U.S. Senator for Wyoming, and Senator Mike Enzi in a reception off this floor.

As I was walking up the center aisle to leave the Chamber, there was a booming voice that reverberated through the Chamber. ''Senator, Senator!'' I was new. I had been a U.S. Senator at that point for all of 60 seconds, so I ignored the calls. At that moment a hand grabbed my shoulder, I turned and heard this booming voice again ''Hi, I'm Ted Kennedy.'' Senator Kennedy through his voice and his presence knew how to get your attention.

All of those who came to see me sworn in—family, friends from Wyoming—they heard it too and we all broke out laughing. ''Senator Kennedy, we know who you are.''

Senator Kennedy began to tell me stories of his life and about his visits to Wyoming. He spoke about a trip to Rock Springs, WY, when his brother John was running for President. He spoke of Wyoming casting the votes to secure the nomination for John.

He told me about the people he had met—members of the Wyoming Democrat Party at the time—relationships he had built nearly 50 years ago. He named one after another as if he was reading from text. It was a stunning moment to watch Senator Kennedy recall places, events, and people in my home State from 1960.

At my welcoming reception he took personal time with my son Peter and my daughter Emma, both in college. He said to them, ''So you're the brother and you're the sister—you know I had some brothers.'' He talked about John and Robert and Joe. A living history lesson. He invited them up to his office to show them pictures and other memorabilia.

In his office in the Russell Building he must have spent half an hour with Peter and Emma going over pictures of his father Joe, mother Rose, and the Kennedy kids. He shared letters, notes from history.

I think he enjoyed it nearly as much as we did. He beamed when he spoke about his family.

Senator Kennedy leaves behind an astonishing legislative record of accomplishment. He achieved his goals to a degree that perhaps no other Senator in history has. As a public servant, he has few equals.

But he was so much more. Ted also leaves us with the memory of the man—the memory of his kindness and grace, his humility.

Books will detail Ted Kennedy's legislative victories. His moments in history. I will remember the moments he took to warmly and unexpectedly welcome this new Senator and touch the lives of my family that day as well.

To Vicki, we extend our family's sympathy and hope the coming days are filled with more love, God's grace and strength to go on. Bobbi and I wish the Kennedy family our best and our prayers are with you.

Ms. MURKOWSKI. Mr. President, I was deeply saddened by the passing of Senator Edward M. Kennedy in August, my colleague on the Health, Education, and Labor Committee, a statesman in every sense of the word, and a Senator not just for the people of Massachusetts but for every corner of the Nation. I am grateful for the time I shared with him as a colleague and as a friend.

Senator Kennedy may be best known in this body for his consistent leadership on the big national issues. Whether you agreed with him or not Senator Kennedy was ''all in'' on the issues he cared about, like health care and education, and a formidable force to be reckoned with.

While Senator Kennedy was firm in his convictions, he was open to the ideas of other Senators, regardless of party affiliation. As most Senators who worked with him know, Senator Kennedy had an unequaled reputation for compromise and negotiation. As legislation was being written and developed, he recognized the importance of other Senators' perspectives on an issue, including mine, and was therefore willing to alter legislative proposals for the sake of cooperation and finding middle ground with Senators from any political party. The two years I spent on the HELP Committee with him as my chairman were truly a blessing.

There was so much to admire about Senator Kennedy's career. But the thing I really admired about Senator Kennedy was his ability to look beyond the beltway to take up causes that might seem obscure to many in this body—causes that offended Senator Kennedy's sense of justice. Let me offer a few examples from my State of Alaska.

Federal law requires agencies to reinstate civil servants who go on active duty in the National Guard and Reserves when their service is complete. The law goes by the acronym USERRA. When Bob Traut of Palmer, AK, completed his active duty service with the Alaska National Guard, he was not reinstated to his position in the Indian Health Service. His position had been eliminated and he was not offered another. He filed a USERRA complaint with the Department of Labor, which was passed around among investigators and ultimately lost. Several years after he started this process he was offered a Federal position at a U.S. Coast Guard base hundreds of miles from his home. He couldn't drive to his new workplace—he had to fly there because Kodiak is an island not connected by road to the rest of Alaska. Even then his back pay claims were lost in a morass of bureaucracy, in spite of repeated inquiries from my office. Bob Traut's fortunes changed when Senator Kennedy decided to hold an oversight hearing about USERRA focused on Bob Traut's case.

The Alaska Native Claims Settlement Act, the 1971 law which resolved the aboriginal land claims of Alaska's first peoples, is truly one of the landmark pieces of federal Indian legislation. The administration offered Alaska's Native people 10 million acres of land. Senator Kennedy came to the floor on several occasions to argue that the number of acres should be no less than 40 million. The ultimate settlement was 44 million acres. A settlement which might not have been possible without Senator Kennedy's leadership.

As the chairman of the Subcommittee on Indian Education, Kennedy joined a few other Senate colleagues on a trip to several Alaska Native villages in April 1969. Kennedy recalls being stunned by the poverty and despair in the villages, many of which still lack basic sanitation and are plagued by high rates of sexual assault, domestic violence, and suicide. It affected Senator Kennedy so deeply that he found it difficult to ''numb the pain.''

The course of Senator Kennedy's life brought him many blessings and accomplishments. He was a father of three beautiful children and two stepchildren, a Harvard graduate, a nine-term Senator with the third longest time serving in the U.S. Senate in American history, a veteran of the Army, a talented football player who almost went pro but opted instead for a life of public service . . . the list goes on.

My condolences and blessings go out to his family, especially his wife and children. Despite Ted's passing, his spirit lives on. There is little doubt in my mind that this spirit will inspire generations of our colleagues in the years ahead to take up his causes and ensure that the vulnerable in America, the often forgotten Americans who live in remote places like rural Alaska, are never forgotten.

Ted, thank you for your service.

COMMENDING SENATOR MEL MARTINEZ

Mr. ENZI. Mr. President, it is always a bittersweet moment when we have to say goodbye to a colleague who is retiring from the Senate. We are sorry to see them go, but we are also very appreciative of all they have brought to our deliberations during their years of service to the people of their home State and the Nation.

Mel Martinez is such a person—the kind who makes the Senate the great deliberative body that it is, for Mel has a great story to tell of his life and how he came to the United States to pursue his own version of the American dream.

If you would have told Mel when he was young that he would someday serve as an elected official in the U.S. Government, I am not sure he would have believed you. He began his life in a small city in Cuba, under the repressive regime of Fidel Castro. At the age of 15 he escaped and began to pursue his destiny in the United States. At every stage of his life he was determined to do everything he could to make a difference. Looking back, I think it's clear he has succeeded beyond his wildest dreams.

From the time he first arrived in the United States, Mel was grateful for the opportunities that were available to him, and he was determined to give something back to show his appreciation for them.

He began in his own backyard when he served as mayor of Orange County. As a former mayor myself, I know how difficult a job that can be. For Mel, it was a chance to make the lives of his neighbors and fellow citizens better and that became his focus and his top priority.

He did a good job and quickly earned the respect and support of his fellow townspeople. He also caught the attention of then President-elect George Bush who was looking for someone to serve in his Cabinet who had experience dealing with housing issues and the problems that were facing our cities and towns. That is something that Mel had been dealing with in Florida, so he became the first Cuban American appointed to a President's Cabinet when he was named to serve as our Secretary of Housing and Urban Development.

Soon after Mel was sworn in he found himself in the middle of a challenge as great as any that had ever been faced by a Cabinet Secretary before. In the aftermath of the terrorist attacks of September 11, Mel was assigned the responsibility of working on the reconstruction of lower Manhattan.

Then, having served on both the local and national level, Mel then decided to take on another challenge—representing the people of Florida in the Senate. Mel proved to more than up to the task as he has taken on a variety of issues and served on several different committees. Through it all, he has worked hard to put his principles and values into practice every day and he has a great deal to show for his service to the people of Florida in the Senate.

In the years to come, I will always remember Mel's remarkable life story that stems from the years he spent in Cuba living under a dictatorship. They were a matter of great interest to me when I was a student, but for him, it was his life. While I had only read about and watched the drama unfold during my years at George Washington University, Mel had lived it. It was a time that helped to shape his character and mold his destiny and make him appreciate the great gift of citizenship that far too many of us take for granted.

Mel has also impressed me as a man of great faith who takes his relationship with God very seriously. He shared his belief with us at one of our Prayer Breakfasts and he impressed us all with his great sincerity and his unshakeable belief that God had placed him where He needed him and that was why he was in the Senate. He saw it as an opportunity to serve God and the people back home in Florida, as well as those he left behind in Cuba and many more just like them all over the world.

Too often when we say goodbye to one of our fellow members, we forget that there is just as much life outside of the beltway as there is inside it. Our focus on Washington and our work in the Senate sometimes makes us think that this is the only place where we can pursue our dreams and make a difference in the world around us. Mel is proof positive that there are many ways that we can make this a better world and in the years to come, as this chapter in his life ends and another begins, I have no doubt we will see Mel continue his efforts to address the problems of this world to ensure that those who have lived for too long in fear and oppression in Cuba and all over the world will someday claim the rights and freedoms we all cherish as their own.

Good Luck, Mel. I hope you and Kitty enjoy the years to come. Together you have made a great team and we know there is still much more to come in this great adventure of your lives. Good luck and God bless.

Mr. CORNYN. Mr. President, I join my colleagues in appreciation and admiration of Senator Mel Martinez.

Mel lived the first 15 years of his life under communist dictatorship in Cuba. That experience gave him a special appreciation for the blessings of liberty. As Mel's own career in public service took him from Florida to Washington, he never forgot the people living under totalitarianism in his homeland. And he never wavered in his conviction that the people of Cuba deserved the same rights as the rest of us, especially the rights to choose our leaders, worship as we please, and live in freedom.

Mel distinguished himself as a lawyer in central Florida, then won elective office as mayor of Orlando, and was appointed by President Bush to serve as his first Secretary of Housing and Urban Development. Secretary Martinez helped the people of lower Manhattan rebuild after the terrorist attacks of September 11, 2001, and he worked to expand opportunities for home owners nationwide. Mel was proud that he was the first Cuban-American to ever serve in a President's Cabinet.

Mel was also the first Cuban-American to serve in the U.S. Senate. In this Chamber, he raised his voice to strengthen our national defense, especially the Navy's shipbuilding program. He supported the development of America's natural resources in an environmentally responsible way. He had a heart for victims of Alzheimer's disease and their families, and supported greater Federal research funding to help find a cure.

Senator Martinez and I shared a concern about waste, fraud, and abuse in Medicare and Medicaid. So earlier this year, he and I introduced legislation to do something about it. The Seniors and Taxpayers Obligation Protection Act or the STOP Act would give Federal agencies greater tools and authority to detect waste, fraud, and abuse before they happen. The STOP Act has sponsors on both sides of the aisle, and I believe its provisions should be a part of our efforts to reform our health care system.

Mel served less than a full term in the Senate, but he has helped shape legislation that will govern our Nation for years to come. He and his wife

Kitty are now back home in central Florida, and Sandy and I wish them both the very best.

Ms. MURKOWSKI. Mr. President, I rise to remember a good friend who is leaving the Senate after a career of public service, Senator Mel Martinez.

Mel Martinez came to the Senate in 2005 after serving as Secretary of Housing and Urban Development under President George W. Bush. Senator Martinez was the first Cuban American to serve in the U.S. Senate. Born in Cuba, Senator Martinez arrived in the United States at age 15.

During his tenure as Secretary of Housing and Urban Development, Mel Martinez addressed the National Congress of American Indians, pledging to strengthen the government to government relationship with tribes in the Federal Indian programs administered by his agency. He was keenly interested in ameliorating the third world housing conditions that exist in the Native villages of rural Alaska. Alaska's tribe and tribal housing authorities benefit greatly from Federal funding available under the Native American Housing Assistance and Self Determination Act and other Federal housing programs, which were strengthened under Senator Martinez' leadership at HUD.

Despite the fact that the States we represent are as far away geographically as States can be, we have always been good friends.

I was proud to serve with Senator Martinez on the Energy and Natural Resources Committee. Senator Martinez was a close ally on energy issues, and he was always a fierce advocate for the interests of his Floridian constituents. We shared a common interest in promoting Federal energy efficiency standards, responsible nuclear waste storage, and we worked together on the 2005 Energy Policy Act. He was a tough bargainer on the more recent 2007 Energy Independence and Security Act as he aggressively pursued the interests of his constituents with respect to Federal Outer Continental Shelf energy development.

I wish Mel Martinez and his wife Kitty the best of luck in their future endeavors.

MILITARY NOMINATIONS

Mr. LEVIN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations:

Those identified with a single bullet • are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again:

MILITARY NOMINATIONS PENDING WITH THE SENATE ARMED SERVICES COMMITTEE WHICH ARE PROPOSED FOR THE COMMITTEE'S CONSIDERATION ON OCTOBER 8, 2009

• LTG David M. Rodriguez, USA to be lieutenant general and Commander, International Security Assistance Force Joint Command (Reference No. 1067)

ENERGY AND WATER APPROPRIATIONS REQUEST

Mr. BOND. Mr. President, it has come to my attention that my name was incorrectly added next to the line item ''St. John's Bayou and New Madrid Floodway'' Project in the conference Report of the fiscal year 2010 Energy and Water Resources Development Appropriations Act. I ask that the RECORD reflect that this is a mistake. I did not make a request for funding for this project and my name should not be attached to this project.

PROTECTING OLDER WORKERS AGAINST DISCRIMINATION ACT

Mr. HARKIN. Mr. President, on Tuesday, October 6, I introduced S. 1756, the Protecting Older Workers Against Discrimination Act.

To appreciate the need for this bill, consider the case of a hard-working Iowan named Jack Gross. Mr. Gross gave the prime of his life, a quarter century of loyal service, to one company. How did that company reward him for his dedication and hard work? It brazenly demoted him and other employees over the age of 50, and gave their jobs to a younger employee.

Expressly to prevent this kind of discrimination, over 40 years ago Congress passed the Age Discrimination in Employment Act, ADEA. The ADEA, which made it unlawful to discriminate on the basis of age, was modeled on and used the same language as title VII of the Civil Rights Act of 1964, the law that prohibits employment discrimination on the basis of race, sex, national origin and religion.

When Mr. Gross sought to enforce his rights, a jury of Iowans heard the facts and found that his employer discriminated against him because of age. That jury awarded him almost $47,000 in lost compensation.

The case was ultimately appealed to the Supreme Court. This past June, in Gross v. FBL Financial, Inc., five Justices rewrote the rules— indeed, effectively rewrote the law—and ruled against Mr. Gross and other older workers. In doing so, the Court made it harder for those with legitimate age discrimination claims to prevail under the ADEA.

For decades, the law was clear. In 1989, in Price Waterhouse v. Hopkins, the Court ruled that if a plaintiff seeking relief under title VII of the Civil Rights Act demonstrated that discrimination was a ''motivating'' or ''substantial'' factor behind the employer's action, the burden shifted to the employer to show it would have taken the same action regardless of the plaintiff's membership in a protecting class. As part of the Civil Rights Act of 1991, Congress formally codified the ''motivating factor'' standard with respect to title VII.

Because the Age Discrimination in Employment Act uses the same language as title VII, was modeled off it, and had been interpreted consistent with the Civil Rights Act of 1964, courts correctly and consistently held that a victim bringing suit under the ADEA need only show that membership in a protected class was a ''motivating factor'' in an employer's action—the same standard for plaintiffs claiming discrimination on the basis of race, sex, religion, or national origin. If an employee showed that age was one factor in an employment decision, the burden was on the employer to show it had acted for a legitimate reason other than age.

In Gross, the Court—addressing a question on which it did not grant certiorari—tore up this settled decades old standard. In its place, the Court applied an entirely new standard that makes it prohibitively difficult for a victim to prove age discrimination. According to the Court, a victim of age discrimination bears the full burden of proving that age was not only a motivating factor but the decisive factor.

This extremely high burden radically undermines older workers' ability to hold employers accountable. Bear in mind that unlawful discrimination is often difficult to detect. Obviously, those who discriminate do not often admit they are acting for discriminatory reasons. To the contrary, they go out of their way to conceal their true intent. Discrimination cases rarely involve a smoking gun.

The reality, however, is that while employers rarely post signs saying ''older workers need not apply,'' ageism in the workforce does indeed exist, as Mr. Gross and his colleagues learned the hard way. Indeed, according to an AARP study, 60 percent of older workers have reported that they or someone they know has faced age discrimination in the workplace.

Countless thousands of American workers who are not yet ready to voluntarily retire find themselves jobless or passed over for promotions because of age discrimination. Older workers often face ugly, baseless stereotypes: That they are not as productive as younger workers; that they cannot learn new skills; that they somehow have a lesser need for income to provide for their families.

These stereotypes—and the discrimination they feed—are wrong and immoral. This is also harmful to our economy, inasmuch as it deprives us of the skills and talents of millions of older workers.

The timing of the Court's decision is particularly troubling. As our economy continues to struggle, older workers are being hit particularly hard. According to the Department of Labor, there are 2 million unemployed workers over the age of 55. This is an all-time high since the Bureau of Labor Statistics began matching age and unemployment in 1948. According to the Equal Employment Opportunity Commission, in 2008 nearly 25,000 age discrimination claims were filed, a 30-percent increase over 2007. Given the stereotypes that older workers face, it is no surprise that, on average they remain unemployed twice as long as all unemployed workers.

The Protecting Older Workers Against Discrimination Act reverses

the Court's decision and restores the law to what it was for decades. The bill makes clear that when an employee shows that discrimination was a ''motivating factor'' behind a decision, the burden is properly on the employer to show it complied with the law.

The act is modeled on part of the Civil Rights Act of 1991, which passed the Senate 93–5. As under title VII of the Civil Rights Act, once a plaintiff establishes that age was a motivating factor, the burden shifts to the employer. If the employer establishes that the same decision would have been made regardless of discrimination, the employer remains liable, but remedies are limited.

Only the employer is in a position to know his or her own mind and offer an explanation as to why a decision that involves discrimination was actually motivated by legitimate reasons. By putting the entire burden on the worker to demonstrate the absence or insignificance of other factors, the Court in effect gave employers license to discriminate, so long as they do not actually say they are singling out an employee solely because of age.

Finally, the Protecting Older Workers Against Discrimination Act makes clear that the ''motivating factor'' framework applies to all antidiscrimination and antiretaliation laws.

In Gross, Justice Thomas defended the Court's radical departure from well-established law by noting that the Court ''cannot ignore Congress' decision to amend title VII's relevant provisions but not make similar changes to the ADEA.'' In other words, the Court found that because Congress, in the Civil Rights Act, codified the ''motivating factor'' framework for title VII of the Civil Rights Act, but not for the ADEA, Congress somehow must have intended Price Waterhouse not to apply to any statute but title VII. This is a serious misreading of the intent of Congress.

Unfortunately, this reasoning in Gross has already had reverberations in other civil rights cases since many antidiscrimination and antiretaliation statutes utilize similar language as title VII and the ADEA. As the Seventh Circuit recently held, ''[Gross] holds that, unless a statute (such as the Civil Rights Act of 1991) provides otherwise, demonstrating but-for causation is part of the plaintiff's burden in all suits under federal law.''

The Protecting Older Workers Against Discrimination Act, therefore makes clear that Congress is in no way questioning the ''motivating factor'' framework in other antidiscrimination and antiretaliation statutes.

The aim of this bill is very simple. It reiterates what Congress said 40 years ago when it passed the ADEA: When an employer makes an employment decision it is illegal for age to be a factor. A person should not be judged arbitrarily because he or she was born on or before a certain year, despite the fact that he or she still has the ability to contribute as much, or more, as the next person. This bill will help ensure that all our citizens have an opportunity commensurate with their abilities, for productive employment.

AMERICA'S ECONOMIC STATE OF MIND

Mr. BARRASSO. Mr. President, I rise today to submit for the RECORD a letter I received from the mayor of Evanston, WY, William Davis.

Evanston is a wonderful community located in the Bear River Valley of southwest Wyoming. The town was founded in the 1800's during construction of the First Transcontinental Railroad. Today, over 11,000 people call Evanston home.

Mayor Davis wrote to me last week. He wanted me to know that individuals and communities across Wyoming are feeling the impact of America's current economic times. This does not come as a surprise. What I found of particular interest in Mayor Davis' letter was his observations regarding the primary factor driving our economy: Americans' anxiety about the future.

Like Mayor Davis, I hear regularly from the people of Wyoming who are concerned about the future of our country. They are anxious about the changes being proposed in Washington. They are concerned about losing control over their own lives to Federal bureaucracies. They are angry about the financial train wreck called the Federal deficit that is picking up steam and headed their way.

Mr. President, the mayor's sentiments are shared by thousands of people across Wyoming. I would ask that his letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF EVANSTON, WYOMING,
September 28, 2009.

Senator MIKE ENZI,
Russell Senate Office Building,
Washington, DC.
Senator JOHN BARRASSO,
Dirksen Senate Office Building,
Washington, DC.
Representative CYNTHIA LUMMIS,
Longworth House Office Building,
Washington, DC.

DEAR SIRS AND MADAM, you have already heard that sales tax revenues in Wyoming have been plunging for quite some time as the economic times continue to challenge the people who live and work here. I am also confident that you are all well aware of the impact that these lost taxes have on local governments in the state— Uinta County's sales taxes for this fiscal year are down nearly 35% from this same time last year. Evanston's last distribution from the Department of Revenue was 48% less than for this same month last year!

It goes without saying that we are spending many hours looking into our budgets for ways to provide city services to our residents and citizens while facing head on the loss of such important revenues. We will survive but it will be painful to say the least.

This brings me to the reason for this letter. I have been giving much thought and consideration to the reasons that people are not spending their money on those items that generate sales taxes that the local governments depend so heavily upon. Without trying to pick a fight I think that Congress shares much of the burden for the fears and feelings that arc keeping citizens and businesses from spending money.

Every day we hear the news of a new $800 billion program here or a $1 trillion overhaul of the healthcare system. Seniors hear about a potential loss of Medicare benefits that will cost them more out of pocket for many of their daily needs. Young families see the prices of groceries and utilities on the rise. It is harder for them to afford the basic needs of their children when it comes to school supplies and new clothes. They hear that energy costs to heat their homes and drive their cars are going to go up because of a new cap and trade bill already passed by the House and awaiting action in the Senate. Businesses are stagnant as well while their owners and managers wait to see just what the federal government is going to change that will affect the way they do business. What costs will increase? Will I have to pay even more out from my shrinking bottom line to cover increased costs of unemployment? Healthcare? Utilities? With shrinking sales can I even afford to keep my current employees let alone hire anyone additional? The list just seems to go on and on.

Why would a business seek to expand or hire someone else until these issues are all ironed out? Why would a mother and father plan a vacation or purchase almost anything that is not a necessity when there is so much that is unknown about their future? Will there be an income? Will I have any benefits? Will the prices continue to rise? How can I save for my kids education expenses? What will my taxes be in the future? How much higher can my credit card interest rate go?

These are the questions in the real world that I live in everyday. I don't have to travel back to Wyoming to get this perspective. I hear about it everyday when I go the store or out to dinner. People share their fears and anxieties with me almost everywhere I go these days. Try as I might to offer some assurances that we can work together to make things better my efforts are not very successful.

My quick solution to these problems? Tell Congress to back off for awhile. Certainly there are many problems that need to be addressed on the national level. We all want to have a clean and healthy environment but we all want to have a job as well. All of us would like to see roads and bridges improved and made safer but we also need food to eat and clothes to wear. No one wants to see someone suffer because they don't have adequate health insurance but no one wants to lose that benefit themselves because their employer just laid people off or, worse yet, just closed the doors. In most communities people are used to rallying and supporting their neighbors when they face a sudden illness or get a terminal diagnosis, but if they can't pay the rent they can't do much for their neighbor either.

They read that the national debt ceiling just had to be raised but only by a couple of trillion dollars, so not that much more. The people that talk to me aren't stupid. They know the day of reckoning for all of this spending is coming. They are trying their best to be ready for it but they also know that they won't be able to save enough today to be ready for that tomorrow. They see the treasury print more money or sell more of our debt to a foreign nation and they know that this is not good. They used to be able to get some money to cover their debts from their house but this has gone away. They used to have some retirement funds in the market but this has gone away. They used to

think about retirement at some point in their lives but now figure they will be working much longer now than they had once thought.

Their decisions to not spend money really hurt on the local level in Wyoming. I suspect the same is true in many other states because we (local governments) do not have the means to reach directly into their pockets to get the necessary funds for our services like the federal and state governments do.

People and businesses are hunkered down and holding tight while they wait to see when the Congress is going to quit proposing massive and expensive changes to the entire landscape of the country. If this were a battlefront I would say that the current strategies being employed are a well thought out and all encompassing assault. We are effectively being surrounded. We have no open flanks to escape through. Almost every aspect of our lives appears to be exposed and we have no way to cover it up.

I ask the question then: are we creating more panic and fear with all that is going on? If we just settled down and got out of crisis mode would businesses begin to expand on their own? Would people once again shop without fear this could be their last shopping trip for awhile? If everyone just stopped and took in a very deep breath and exhaled slowly would the increased flow of oxygen into the body bring clearer thoughts and a more relaxing mood?

It is almost the first of October. It just doesn't seem to me that we need to disarm and dismantle all of the world's nuclear arms; create a massive overhaul of the world's best healthcare system; return the atmosphere to a pre 1950's condition; balance a federal budget; save every endangered species; find a cure for H1N1 virus; create a vaccine for HIV/AIDS; declare what is left of the public lands in the west as wilderness; save the polar ice cap; become energy self sufficient; tear down all of the coal fired generation facilities; replace every incandescent light bulb with a fluorescent one; paint every roof top in the United States white; and do everything else that is being talked about and have it all done by the end of this year. It makes no sense to me and I don't think it makes much sense to anyone else.

I realize that none of you belong to the party currently ''in power'' (such an awful term), but there may be something that you can do to just slow things down some. The people of this country need time to catch their breath.

Thank you for letting me share my thoughts with you. We will continue to do the best we can at picking up the pieces that are left to us. We will also continue to hope for bigger pieces to come our way.

Respectfully yours,

WILLIAM R. DAVIS,
Mayor.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. FORREST M. BIRD

• Mr. CRAPO. Mr. President, today I am proud to honor and congratulate Idaho resident Dr. Forrest M. Bird for a lifetime of service and achievement. I had the pleasure today of meeting with Dr. Bird and his wife Pam, and very much enjoyed that short visit. Dr. Bird is well and widely known around the world for his lifesaving inventions: the Bird Mark 7 respirator, which was the first reliable and low-cost respirator in the world; and the Baby Bird respirator, which has greatly decreased infant mortality rates. In addition to being a brilliant inventor and scientist, Dr. Bird is a former pilot and founder of the Bird Aviation Museum and Invention Center, which is located in Sagle, ID, where his company, Percussionaire Corporation, produces his lifesaving medical devices. He has been the recipient of numerous awards, including two Lifetime Scientific Achievement awards, and has been inducted into the National Inventors Hall of Fame. In 2008, he was awarded the Presidential Citizens Medal by President Bush and received the National Medal of Technology and Innovation by President Obama just this week.

Dr. Bird's interest in aviation and his invention of the world-renowned Bird respirators are remarkably intertwined. His father served as a pilot in World War I, and, after earning a degree in aeronautics, Dr. Bird served as an Army Air Corps pilot in WWII. At the time, airplanes were designed to reach higher altitudes, but pilots were increasingly unable to breathe as the altitude increased. Dr. Bird's consideration of this problem, and his attendance at medical school after the war, eventually led him to the invention of the famous Bird respirator. In 2007, his twin interests of aviation and invention led him to open the Bird Aviation Museum and Invention Center.

Clearly there is good reason for the impressive list of honors that Dr. Bird has received throughout his life. It has been a life of service that has made an incredible mark upon the world. His inventions have touched, transformed, enhanced and saved the lives of millions around the world. His museum provides a great service to his community by educating and inspiring young visitors and by bringing long-lost memories alive for older visitors. For his groundbreaking contributions to America and the world, Idaho is proud to have produced such an impressive citizen. We appreciate and honor his remarkable achievements.•

REMEMBERING BRIGADIER GENERAL MILDRED INEZ CAROON BAILEY

• Mrs. HAGAN. Mr. President, today I honor a woman of great character; a woman who provided unquestionable leadership to our Nation and a woman who proudly hailed from North Carolina. Our State motto, ''Esse Quam Videri,'' ''To be, rather than to seem,'' richly describes BG Mildred Inez Caroon Bailey; a trailblazer who thrived on challenges, especially when she was told, ''it can't be done.'' As a member of the Senate Armed Services Committee, I am proud to recognize General Bailey's contributions to the U.S. Army in this Chamber today.

Brigadier General Bailey was born in 1919 in Fort Barnwell, NC, and raised in nearby Kinston. Inez, as she was known to her friends, directed the Women's Army Corps, WAC, from 1971 to 1975. Enlisting at a time when a woman's role in uniform was unclear, she experienced unquestionable changes for women in the military throughout her 33-year career. General Bailey was the third female to be promoted to brigadier general, a rank she never sought, but would never have thought to turn down.

When she wasn't studying her favorite subject, French, Inez worked in her parents' grocery store. Upon graduation, she enrolled in Flora McDonald College in Red Springs, NC, and later transferred to the Woman's College of the University of North Carolina—now the University of North Carolina at Greensboro. She graduated in 1940 with a degree in education and one professional goal—to be a French teacher. She eventually accepted a job teaching French in Taylorsville, NC.

When World War II broke out, this North Carolina French teacher thought a job in the Army Air Corps might be interesting, but it wasn't until a friend dragged her along to Fort Bragg that she really gave the military a second thought. The Army needed women to take the place of male soldiers who worked nonbattlefield jobs in order to free them for service on the front lines. Six months after Pearl Harbor, Inez joined the Women's Army Auxiliary Corps, WAAC, the predecessor to WAC, at Fort Bragg. Although her parents were unhappy about her decision, they supported her nonetheless. Although women held primarily administrative, clerical and supply-type positions, she was encouraged to discover that women were also packing parachutes and were even mechanics. Due to her college degree, General Bailey was eligible for officer candidate school.

Her first unit command was at George Field Army Air Base in Illinois. There, she became very good at marching. She said, ''I didn't know any women who didn't like marching. We thought it was fun and we were proud of our marching, we could keep a good beat with the Colonel Bogey March!'' They even added words to the march, ''Duty is calling you and me. We have a date with destiny. Ready, the WACs are ready. Our hearts are steady, the world to set free. Service, we're in it heart and soul. Victory is our only goal. We love our country's honor, and we'll defend it against any foe.''

Eventually the Army made use of her background as a French teacher, assigning her to teach English to freed French prisoners of war who had been held in Morocco. She was thrilled to teach the soldiers because they were excited to learn, unlike the high school students she taught before joining the Army. At the end of the war, the debate about women serving in the military continued. Brigadier General Bailey could have left, but by then she was married and making, as she recalled, ''a magnificent sum of $166.60 and 2/3 cents a month—much more than a

teacher's salary.'' She commanded a WAC attachment in the 98th General Hospital in Munich, where she was the highest ranking first lieutenant, male or female, in the European Command. She made first lieutenant within 6 months after she joined the service and had many great assignments that she described as ''wonderful assignments—but there were no promotions involved, because women weren't promoted.''

Eventually General Bailey returned to the States where she was initially assigned to intelligence work in the Military District of Washington before reporting for duty as a recruiter in charge of recruiting women in the seven Southeastern States; including North Carolina. Recruiting was a turning point for Inez Bailey. She discovered she was a ''ham and loved being interviewed on television and making speeches.'' She led a team of recruiters who exhibited around the country with a program that highlighted the historic contributions of women in every branch of the military. The exhibit included Belle Boyd, a Confederate spy who was a captain and honorary aide de camp to GEN Stonewall Jackson. After recruiting, Brigadier General Bailey became the Army's Senate liaison. She said for the first few weeks, all she saw were the backs of the Senators' heads from the Senate galleries.

After 29 years of service, she was assigned to Fort McClellan, AL, as the deputy commander of the training center. When General Westmoreland summoned her to Washington, she asked if the meeting could be postponed because she was involved in a theater production she didn't want to miss. All the while she thought, ''If General Westmoreland suggests I might be the new director of the Women's Army Corps, I'm just going to say no thank you. If I'm your first choice, then take the second choice.'' She didn't get a chance to argue when he told her she would be the new WAC director. She was needed because the Army needed to recruit more women. Under her tenure the number of women in the Army tripled; from 13,000 to 39,000. And for the first time, women were allowed to command men.

She retired from the Army with the rank of brigadier general. Her military decorations included the Distinguished Service Medal and the Legion of Merit. General Bailey will be interred at Arlington National Cemetery on October 14. Her husband, Marine Sergeant Major Roy C. Bailey, died in a traffic accident in 1966.●

RECOGNIZING THE INTERNATIONAL FERTILIZER DEVELOPMENT CENTER

● Mr. SHELBY. Mr. President, I wish to honor the International Fertilizer Development Center, IFDC, as it celebrates the 35th anniversary of its founding today, October 8.

In the wake of the worldwide food and energy shortages of the 1970s, the IFDC was established in Muscle Shoals, AL, to be a national center of excellence with expertise in fertilizers to service the needs of developing countries. Since its inception, the IFDC has worked to address issues such as international food security, the alleviation of global hunger and poverty, environmental protection, and the promotion of economic development and self-sufficiency.

Today, with staff members working in 30 nations throughout Africa, the Near and Far East, and Latin America, the IFDC is critical to ensuring underdeveloped countries have more efficient fertilizer and, therefore, food for their people. The IFDC has helped increase sustainable food production in more than 130 nations and has also contributed to the development of institutional capacity-building through training.

I sincerely congratulate the IFDC on its anniversary and wish it continued success in Muscle Shoals and abroad.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE RELATIVE TO THE WORLD TRADE ORGANIZATION WAIVER REQUIRED BY THE CLEAN DIAMOND TRADE ACT—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Finance:

To the Congress of the United States:

The Clean Diamond Trade Act (Public Law 108–19) (the ''Act'') authorizes the President to ''prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme.'' The Act takes effect on the date that the President certifies to the Congress that (1) an applicable waiver that has been granted by the World Trade Organization (WTO) is in effect, or (2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect. The Act remains in effect during those periods in which, as certified by the President to the Congress, such an applicable waiver or decision is in effect.

On July 29, 2003, the President certified that the WTO General Council had adopted a decision granting a waiver pursuant to Article IX of the Marrakesh Agreement Establishing the World Trade Organization concerning the Kimberley Process Certification Scheme for rough diamonds. The waiver applies to the United States and other WTO members that requested the waiver and to any WTO member that notifies the WTO of its desire to be covered by the waiver. The waiver was scheduled to have effect from January 1, 2003, through December 31, 2006. On December 19, 2006, the WTO General Council adopted a decision to extend the waiver through December 31, 2012.

I hereby certify that an applicable waiver, within the meaning of the Act, granted by the World Trade Organization has been in effect since January 1, 2003, and will remain in effect through December 31, 2012.

BARACK OBAMA.

THE WHITE HOUSE, *October 8, 2009*.

MESSAGES FROM THE HOUSE

At 11:38 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1717. An act to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

At 12:42 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2092. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

H.R. 2174. An act to designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the ''Clyde Hichborn Post Office''.

H.R. 3547. An act to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the ''Rex E. Lee Post Office Building''.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1035) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

At 3:44 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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 recruitment and VA disability benefits to disabled military retirees, and for other purposes.

The message further announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 196. Concurrent resolution making corrections in the enrollment of the bill H.R. 2647.

At 4:24 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3590. A bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

H.J. Res. 26. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1016) to amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2092. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2174. An act to designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the ''Clyde Hichborn Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3547. An act to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the ''Rex E. Lee Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.J. Res. 26. Joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 3548. An act to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

H.R. 3590. An act to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

S. 1772. A bill to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3291. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''C10–C18–Alkyl dimethyl amine oxides; Exemption from the Requirement of a Tolerance'' (FRL No. 8437–3) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3292. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ammonium chloride; Exemption from the Requirement of a Tolerance'' (FRL No. 8438–1) received in the Office of the President of the Senate on October 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3293. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quinclorac; Pesticide Tolerance for Emergency Exemption'' (FRL No. 8434–3) received in the Office of the President of the Senate on October 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3294. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sodium and Ammonium Naphthalenesulfonate Formaldehyde Condensates; Exemption from the Requirement of a Tolerance'' (FRL No. 8439–1) received in the Office of the President of the Senate on October 6, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3295. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraclostrobin; Pesticide Tolerances'' (FRL No. 8793–2) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3296. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, a Uniform Resource Locator (URL) for a document entitled ''Issuance of 2009 Revised CERCLA Model Remedial Design/Remedial Action Consent Decree'' received in the Office of the President of the Senate on October 6, 2009; to the Committee on Environment and Public Works.

EC–3297. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Operating Permit Programs; Flexible Air Permitting Rule'' (FRL No. 8964–8) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Environment and Public Works.

EC–3298. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standard of Performance for Coal Preparation and Processing Plants'' (FRL No. 8965–3) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Environment and Public Works.

EC–3299. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Regulation to Reduce Idling of Heavy–Duty Vehicles'' (FRL No. 8967–1) received in the Office of the President of the Senate on October 6, 2009; to the Committee on Environment and Public Works.

EC–3300. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Corrections to the Arizona and Nevada State Implementation Plans'' (FRL No. 8966–3) received in the Office of the President of the Senate on October 6, 2009; to the Committee on Environment and Public Works.

EC–3301. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Extended Permit Terms for Renewal of Federally Enforceable State Operating Permits'' (FRL No. 8963–4) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Environment and Public Works.

EC–3302. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Taxation of Fringe Benefits'' (Rev. Rul. 2009–28) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Finance.

EC–3303. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Definition of Omission from Gross Income'' (RIN1545–BI94) received in the Office of the President of the Senate on October 5, 2009; to the Committee on Finance.

EC–3304. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice No. 2009–76) received in the Office of the President of the Senate on October 7, 2009; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Army nomination of Lt. Gen. David M. Rodriguez, to be Lieutenant General.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*John R. Norris, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2012.

*Jose Antonio Garcia, of Florida, to be Director of the Office of Minority Economic Impact, Department of Energy.

*Joseph G. Pizarchik, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement.

By Mr. LEAHY for the Committee on the Judiciary.

Brendan V. Johnson, of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Karen Louise Loeffler, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

Steven Gerard O'Donnell, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRANKEN (for himself, Mr. WHITEHOUSE, and Mr. BROWN):

S. 1763. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription pharmaceuticals; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1764. A bill to clarify the application of section 14501(d) of title 19, United States Code, to prevent the imposition of unreasonable transportation fees; to the Committee on Commerce, Science, and Transportation.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. BROWN, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. SCHUMER, and Mr. BURRIS):

S. 1765. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

By Mr. BROWN (for himself and Mrs. HAGAN):

S. 1766. A bill to enhance reciprocal market access for United States domestic producers in the negotiating process of bilateral, regional, and multilateral trade agreements; to the Committee on Finance.

By Mr. BURR (for himself and Mrs. HAGAN):

S. 1767. A bill to authorize a land exchange to acquire land for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself and Mrs. HAGAN):

S. 1768. A bill to adjust the boundaries of Pisgah National Forest in McDowell County, North Carolina; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VITTER:

S. 1769. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. CRAPO, and Mr. NELSON of Nebraska):

S. 1770. A bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public lands and ensure continued opportunities for these activities; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself and Mr. SPECTER):

S. 1771. A bill to authorize the Secretary of Health and Human Services to establish a program of grants to newly accredited allopathic medical schools for the purpose of increasing the supply of physicians; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUNNING:

S. 1772. A bill to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. Res. 309. A resolution recognizing and celebrating the 145th anniversary of the entry of Nevada into the Union as the 36th State; considered and agreed to.

By Mr. CASEY (for himself, Mr. ROBERTS, Mr. SANDERS, Mr. BROWN, Mr. FEINGOLD, and Mr. AKAKA):

S. Res. 310. A resolution expressing support for the designation of October 20, 2009, as the National Day on Writing; considered and agreed to.

ADDITIONAL COSPONSORS

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 632

At the request of Mr. BAUCUS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 825

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 825, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 844

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 844, a bill to amend the Public Health Service Act to prevent and treat diabetes, to promote and improve the care of individuals with diabetes, and to reduce health disparities relating to diabetes within racial and ethnic minority groups, including African-American, Hispanic American, Asian American, Native Hawaiian and Other Pacific Islander, and American Indian and Alaskan Native communities.

S. 868

At the request of Mr. BAUCUS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 868, a bill to repeal certain provisions of the Federal Lands Recreation Enhancement Act.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 883

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Utah (Mr. HATCH), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Florida (Mr. NELSON) were added as cosponsors 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. 907

At the request of Mr. CARPER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 907, a bill to establish procedures for

the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority.

S. 941

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1160

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1160, a bill to provide housing assistance for very low-income veterans.

S. 1232

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1232, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 1366

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes.

S. 1395

At the request of Mr. CRAPO, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1395, a bill to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date on which the polar bear was determined to be a threatened species under the Endangered Species Act of 1973.

S. 1547

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. ISAKSON) 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. 1678

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor 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. 1694

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1694, a bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 307

At the request of Mr. BUNNING, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. Res. 307, a resolution to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

AMENDMENT NO. 2393

At the request of Mr. JOHANNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 2393 proposed to H.R. 2847, a bill 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.

AMENDMENT NO. 2627

At the request of Mr. LEVIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 2627 proposed to H.R. 2847, a bill 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.

AMENDMENT NO. 2636

At the request of Ms. LANDRIEU, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2636 intended to be proposed to H.R. 2847, a bill 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.

AMENDMENT NO. 2637

At the request of Mr. BROWN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 2637 intended to be proposed to H.R. 2847, a bill 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.

AMENDMENT NO. 2642

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2642 proposed to H.R. 2847, a bill 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.

AMENDMENT NO. 2647

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2647 proposed to H.R. 2847, a bill 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.

AMENDMENT NO. 2648

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2648 proposed to H.R. 2847, a bill 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.

AMENDMENT NO. 2652

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 2652 intended to be proposed to H.R. 2847, a bill 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.

AMENDMENT NO. 2653

At the request of Mr. BUNNING, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. ENZI), the Senator from New Hampshire (Mr. GREGG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 2653 proposed to H.R. 2847, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRANKEN (for himself, Mr. WHITEHOUSE, and Mr. BROWN):

S. 1763. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription pharmaceuticals; to the Committee on Finance.

Mr. FRANKEN. Mr. President, I am pleased today to introduce the Protecting Americans from Drug Marketing Act. Health care spending is out of control, and this bill represents a small but significant step toward reigning in unnecessary health care costs.

Right now, the Federal Government gives pharmaceutical companies a tax break every time you see a drug advertisement on TV—and for every free mug your doctor receives that has a pharmaceutical company logo on it. These tax breaks add up to billions of dollars of lost revenue for the Federal Government.

Pharmaceutical companies are getting a huge boost at a time when thousands of Americans are going bankrupt because of health care bills, and millions more are struggling to pay for health insurance coverage. This legislation will remove these unfair tax benefits so pharmaceutical companies can focus their dollars on developing new drugs, not excessive marketing schemes.

Nationwide, prescription drug spending rose 500 percent between 2000 and 2005, from $40 billion to $200.7 billion per year. But while costs to patients are growing exponentially, the pharmaceutical industry is spending an astonishing $30 billion annually on marketing. Of course, these companies have the right to advertise. But taxpayers shouldn't be subsidizing these expenses.

Research has shown that glossy advertisements and logo-laden pens don't add any value to our health care system. Instead, drug companies are trying to use both consumers and doctors as pawns in order to maximize profits. The Federal Government should not subsidize these activities.

It is challenging enough to navigate our health care system; the recent explosion of prescription drug ads on television, on the Internet, and in magazines just confuses things further. Many ads encourage consumers to use expensive drugs over cheaper alternatives that may work just as well. Other ads provide a skewed view of what the drug does, minimizing the risks while overemphasizing the benefits. Health care already costs enough—taxpayers shouldn't be paying to subsidize these unhelpful and confusing messages.

Drug companies are capitalizing on this confusion. Studies have shown that every dollar spent on advertising to consumers yields an additional $4.20 in sales for drug manufacturers. This is a very high return on investment, and so not unsurprisingly companies have increased spending on ads to consumers by 536 percent from 1996 to 2007. That is 536 percent. In 2007 alone, pharmaceutical companies spent nearly $4.8 billion on these excessive marketing campaigns. This spending is passed on to consumers, resulting in higher prescription drug costs for Americans. This bill will simply take away tax breaks that encourage drug companies to do this.

The Protecting Americans from Drug Marketing Act is also needed to make sure doctors and other providers are making decisions based on the best scientific evidence. Today, doctors frequently receive information about prescription drugs from the drug companies themselves. The Protecting Americans from Drug Marketing Act also takes away the tax break that drug companies receive for sending representatives to hospitals and doctors' offices to encourage them to use their drugs. These representatives are the ones who leave behind the pens and coffee mugs—or even nicer gifts—that you see at the clinic, logoed with the names of specific drugs.

We have created a culture in which doctors receive far too much biased information about drugs—and how they can be used in unapproved ways—from pharmaceutical reps who aren't doctors, often have no scientific training, and most certainly have a vested interest in selling the newest, most expensive products. This bill won't end that practice, but it will end the lucrative tax breaks that encourage it. For this reason, it will help providers make medical decisions based on objective, peer-reviewed research—not on biased materials from companies standing to profit from doctors' prescription pads and patients' wallets.

The Federal Government could save up to $3.5 billion every year by eliminating these tax breaks used every day by drug companies. In this small way, we can help stem the tide of confusing and misleading drug ads that you and your family see every day on TV and in magazines. Just as importantly, we can bring down the cost of health care, make prescription drugs more affordable for all Americans, and help pay for the cost of health reform that is so sorely needed.

Americans are struggling just to keep their health insurance and pay their bills. Let us end this counterproductive subsidy and spend our taxpayer dollars more wisely. I thank Senators WHITEHOUSE and BROWN for joining me in introducing this important legislation, and I urge my colleagues to work with us to include it in health reform legislation.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. BROWN, Ms. MIKULSKI, Mr. WHITEHOUSE, Mr. SCHUMER, and Mr. BURRIS):

S. 1765. A bill to amend the Hate Crime Statistics Act to include crimes against the homeless; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I rise today to introduce the Hate Crimes Against the Homeless Statistics Act of 2009. I am joined in this effort by Senator COLLINS. I am also joined by the Presiding Officer, Senator BROWN, Senator MIKULSKI, Senator WHITEHOUSE, and Senator SCHUMER.

This week marks the 1-year anniversary of the tragic murder of John Robert McGraham. Mr. McGraham was a well-known member of the Wilshire neighborhood of Los Angeles, CA, for more than 20 years. On October 9, 2008, he was doused with gasoline and set ablaze as he slept. By the time neighbors and residents ran to his rescue, his clothes had been burned off and his face blackened. The attacker apparently had a dislike toward homeless individuals. Known for rarely asking for money and not bothering anyone in the community, Mr. McGraham lost his life because of his homeless status. Days after his murder, hundreds of people gathered at the spot of his death and created a memorial for him.

Mr. McGraham is just one of many homeless individuals who have suffered hate crimes because they were homeless. In a popular men's magazine, under the blurb titled ''Hunt for the Homeless,'' the following was displayed: ''Kill one for fun. We're 87 percent sure it's legal.'' We have heard the horrific stories: A woman sleeping was pushed into a river; a man was beaten, soaked in beer and urine and covered with trash; a woman was beaten in the face with a tire iron; and many more unfortunate stories. This behavior should not and cannot be tolerated in our society. What kind of society would we be if we allowed these types of attacks to continue without standing up against them?

The Hate Crimes Statistics Act of 1990 requires the Department of Justice to collect data from law enforcement agencies about ''crimes that manifest evidence of prejudice based upon race, religion, sexual orientation or ethnicity.'' In 1994, Congress expanded coverage to require reporting on crimes based on disability. Data collection provides the needed information to policymakers, law enforcement, and communities so they can make informed decisions as to how best to proceed with the problem presented to us. The Hate Crimes Against the Homeless Statistics Act will again expand coverage by adding ''homeless status'' to the list of categories required to be reported on by the Department of Justice.

In order to measure the level of bias-motivated crimes, data is needed. Currently, there is a significant problem in establishing a baseline for meaningful comparison. The best way to prove or disprove an issue's validity is data collection. According to the National Coalition for the Homeless, which has tracked these types of attacks since 1999, they have reported an increase in the number of hate crimes targeted at

homeless individuals in the last decade. If we take the statistics provided by this coalition and compare them to the available statistics currently being collected by the FBI under the Hate Crimes Statistics Act, the results are startling.

The number of hate crimes resulting in death among listed members, those in the statute, is lower than the known number of fatal attacks on homeless individuals. Between 1999 and 2007, there were 94 hate crime fatalities among the listed individuals, compared to 218 fatalities in the same period directed at homeless individuals. I am introducing this bill today in an effort to get uniform data collection on these attacks so that we have a uniform basis on which to know how serious the problem is.

There are approximately 3.5 million people a year who are likely to experience homelessness. They are mothers, fathers, and children, and they are among the most vulnerable members of our society. Veterans account for 20 percent of our homeless population. Families displaced because of domestic violence make up another 28 percent of the homeless population. With increased funding to provide housing for the homeless, the previous administration had seen a 20-percent drop in family homelessness. However, because of the current economic crisis, an increase in the homeless population has been reported.

The 2008 annual homeless assessment report to Congress revealed that the number of homeless families, particularly those in suburban and rural areas, has increased. The number of families seeking shelter has increased by 9 percent overall and by nearly 56 percent in suburban and rural areas. Our current economic crisis has reversed the progress that we made between 2005 and 2007. There is also evidence that when State and local budgets are cut, homeless services are affected. With an increase in the vulnerable population, with the government unable to provide funding, at a minimum we have a duty to report senseless violence against this risk population.

That is what I am asking, pure and simple, that we find out exactly how many homeless people are being victimized in a uniform way by having reliable data and information so that we, the policymakers, can make the right policy decisions.

Homeless people are part of America. Every day we see veterans, men, women, and families who have been forced by circumstances to live on the streets. We have walked by them on our way to work or to school. In an effort to monitor bias-motivated violence, the first step is to realize the scope of the situation by gathering the data.

I urge my colleagues to support this modest legislation so that we are better prepared to deal with this challenge.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 309—RECOGNIZING AND CELEBRATING THE 145TH ANNIVERSARY OF THE ENTRY OF NEVADA INTO THE UNION AS THE 36TH STATE

Mr. REID (for himself and Mr. ENSIGN) submitted the following resolution; which was considered and agreed to:

S. RES. 309

Whereas October 31, 2009, marks the 145th anniversary of President Abraham Lincoln's proclamation admitting Nevada into the Union as the 36th State;

Whereas Nevadans celebrate the anniversary of ''Battle Born'' statehood every year as Nevada Day;

Whereas Nevada's State motto is ''All for Our Country'', reflecting the patriotism and sense of duty demonstrated by countless Nevadans since the State's entrance into the Union;

Whereas Nevada's brave veterans and service members have made critical contributions to our Nation's security in times of war and of peace;

Whereas the Henderson magnesium mines and the Nevada Test Site played key roles in the United States' victories during World War II and the Cold War, respectively;

Whereas Nevada is honored to host our Nation's Armed Forces at Nellis Air Force Base, Creech Air Force Base, Naval Air Station Fallon, and the Hawthorne Army Depot, as well as National Guard Armories and Reserve Readiness Centers throughout the State;

Whereas Nevada is a premier destination for tourists, business travelers, family vacationers, and outdoor enthusiasts throughout the United States and around the globe;

Whereas Nevada's unique features attract vacationers and locals alike, including the pastoral Washoe Valley, the crags of the Ruby Mountains, the ''Biggest Little City in the World'', the Las Vegas Strip, the Hoover Dam, Lovers Lock Plaza, and the annual National Cowboy Poetry Gathering;

Whereas mining became an important industry to the Silver State with the 1859 discovery of the Comstock Lode, the most valuable deposit of silver in the Nation;

Whereas Nevada produces more gold than all other States combined and is one of the largest sources of gold in the world;

Whereas the entrepreneurial spirit of Nevadans is reflected in a versatile economy, from the world's largest gaming establishments to small businesses that make up the vast majority of Nevada's employers;

Whereas Nevada has a rich cultural heritage that draws from diverse populations, from multi-generational ranching families to new residents, from Hispanic Americans to Asian Americans and Pacific Islanders, and from Basque communities to Mormon pioneers;

Whereas Nevada recognizes the language, culture, and generosity of Nevada's first dwellers, the Northern and Southern Paiutes, Shoshone, and Washoe peoples;

Whereas Nevada celebrates Thocmentony, or Sarah Winnemucca, the first Native American woman to author a publication in English, whose statue graces Emancipation Hall in the Capitol Visitor Center;

Whereas the snow-capped mountains of Nevada (pronounced Nevăda) were the inspiration for the Spanish origin of its name;

Whereas Nevada offers beautiful outdoor settings ranging from vibrant desert landscapes to grand ski slopes, and from picturesque hiking trails to flowing river currents;

Whereas Lake Tahoe is one of the deepest and clearest alpine lakes in the world, and Lake Mead is the largest engineered reservoir in the United States;

Whereas Nevada is home to Great Basin National Park, 17 State parks, 2 national forests, and 3,400,000 acres of wilderness, including Sloan Canyon, Red Rock Canyon, and Black Rock Desert;

Whereas Nevada exemplifies the independence, opportunity, and pioneering spirit of the West; and

Whereas Nevada's delegation to the 111th Congress—Senator Harry Reid, Senator John Ensign, Representative Shelley Berkley, Representative Dean Heller, and Representative Dina Titus—invite all to join in the celebration of Nevada statehood: Now, therefore, be it

Resolved, That the Senate recognizes and celebrates the 145th anniversary of the entry of Nevada into the Union as the 36th State.

SENATE RESOLUTION 310—EXPRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 20, 2009, AS THE NATIONAL DAY ON WRITING

Mr. CASEY (for himself, Mr. ROBERTS, Mr. SANDERS, Mr. BROWN, Mr. FEINGOLD, and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 310

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of Americans;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all Americans to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 20, 2009, as the National Day on Writing;

(2) strongly affirms the purposes of the National Day on Writing and encourages participation in the National Gallery of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of Americans; and

(3) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of their members through individual submissions to the National Gallery of Writing.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2656. Mr. BROWNBACK (for himself and Mr. SCHUMER) 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.

SA 2657. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2658. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2659. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2660. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2661. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2662. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2663. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2664. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2665. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2666. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. KYL, and Mr. MCCAIN) submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2667. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2668. Mr. REID (for himself, Mr. BAUCUS, Mr. REED, Mrs. SHAHEEN, Mr. DODD, Mr. DURBIN, Mr. SCHUMER, Mr. HARKIN, Mr. LEAHY, Mr. CASEY, Mr. CARDIN, Mr. LEVIN, Mr. SANDERS, Mr. KAUFMAN, Mr. BROWN, Ms. STABENOW, Mr. UDALL of Colorado, Mr. BENNET, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. AKAKA, Mr. ROCKEFELLER, Mr. BYRD, Mrs. MCCASKILL, Mr. WEBB, Ms. MIKULSKI, Mr. BURRIS, Mrs. GILLIBRAND, Mrs. BOXER, Mr. BEGICH, Mr. FRANKEN, Mrs. MURRAY, Mr. KERRY, Mr. MENENDEZ, Mr. BINGAMAN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2669. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. LIEBERMAN) proposed an amendment 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.

SA 2670. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2671. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2672. Mr. BINGAMAN (for himself, Mr. CORNYN, Mrs. LINCOLN, Mr. UDALL of New Mexico, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2673. Mr. BROWNBACK (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2674. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 2675. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2656. Mr. BROWNBACK (for himself and Mr. SCHUMER) 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 108, line 4, strike the period at the end and insert the following: ": *Provided further*, That of the amount appropriated under this heading, not less than $1,000,000 shall be made available for overseas end use checks to curtail the transshipment or reexportation of goods originating in the United States to Iran.".

SA 2657. Mr. DODD 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:

At the appropriate place, insert the following:

SEC. _____. Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68) is amended by striking "by substituting" and all that follows through the period at the end, and inserting "by substituting June 30, 2010 for the date specified in each such section.".

SA 2658. Ms. CANTWELL submitted an amendment intended to be proposed by her 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 125, between lines 10 and 11, insert the following:

SEC. 111. (a) ADDITIONAL AMOUNT FOR THE UNITED STATES PATENT AND TRADEMARK OFFICE TO PROVIDE TECHNICAL ASSISTANCE PROGRAMS TO BUILD CAPACITY RELATED TO THE PROTECTION AND ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.—The amount appropriated by title I under the heading "SALARIES AND EXPENSES" under the heading "UNITED STATES PATENT AND TRADEMARK OFFICE" is hereby increased by $1,000,000, with the amount of the increase to be available to provide technical assistance to build capacity related to the protection and enforcement of intellectual property rights in the People's Republic of China in accordance with subsection (b).

(b) TECHNICAL ASSISTANCE.—The United States Patent and Trademark Office shall provide technical assistance to the Government of the People's Republic of China to build capacity related to the protection and enforcement of intellectual property rights in China, based on existing memoranda of understanding between the United States Patent and Trademark Office and the Government of China, by—

(1) providing joint seminars with, and technical assistance to, officials of the Government of China, including patent and trademark examiners, judges, and prosecutors;

(2) exchanging information and best practices with respect to the administration of offices in China with responsibility for protecting and enforcing intellectual property rights; and

(3) collaborating with the Government of China with respect to educating persons that hold intellectual property rights about how to protect those rights in China and how to use the intellectual property rights protection system of China to have those rights enforced.

(c) OFFSET.—The amount appropriated by title I under the heading "OPERATIONS AND ADMINISTRATION" under the heading "INTERNATIONAL TRADE ADMINISTRATION" and made available for the Trade Promotion and United States and Foreign Commercial Service is hereby decreased by $1,000,000.

SA 2659. Mr. VITTER 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:

At the appropriate place, insert the following:

SEC. _____. Of amounts made available by this Act for activities authorized under the Second Chance Act of 2007 to facilitate the successful reentry of prisoners into communities following incarceration $25,000,000 shall be made available to the United States Marshals Service account to fulfill the requirements of the Adam Walsh Child Protection and Safety Act of 2006 to hire and equip at least 500 new Deputy Marshals over the next 3 to 5 years.

SA 2660. Mr. ENSIGN 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 170, between lines 19 and 20, insert the following:

SEC. 220. ADDITIONAL FUNDING FOR DRUG COURTS.

(a) IN GENERAL.—For an additional amount under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, there is appropriated, for the fiscal year ending September 30, 2010, $5,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act.

(b) OFFSET.—All amounts appropriated under this Act, except for amounts appropriated for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, shall be reduced on a pro rata basis by the amount necessary to reduce the total amount appropriated under this Act, except for amounts appropriated for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, by $5,000,000.

SA 2661. Mr. COBURN 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:

At the appropriate place, insert the following:

SEC. _____. (a) ADDITIONAL AMOUNT FOR OFFICE OF INSPECTOR GENERAL.—The amount appropriated by this title under the heading ''OFFICE OF INSPECTOR GENERAL'' is hereby increased by $3,499,000.

(b) OFFSET.—The amount appropriated by this title under the heading ''HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION'' is hereby decreased by $5,000,000.

SA 2662. Mr. THUNE 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:

At the appropriate place, insert the following:

SEC. _____. Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish the Emergency Plan for Indian Safety and Health as required by section 601 of Public Law 110-293.

SA 2663. Mr. VITTER 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 125, between lines 10 and 11, insert the following:

SEC. 111. The Secretary of Commerce shall submit to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Natural Resources of the House of Representatives a report on the manner in which implementation of all future catch share programs in fisheries that include commercial and recreational fishers will—

(1) provide improvements in management and data collection for both categories of fishers; and

(2) resolve fishery allocation disputes between those categories of fishers.

SA 2664. Mr. VITTER 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 125, between lines 10 and 11, insert the following:

SEC. 111. None of the funds made available in this Act may be used to issue offshore aquaculture permits for the Gulf of Mexico until after the date that the Secretary of Commerce submits to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Natural Resources of the House of Representatives a report on the manner in which offshore aquaculture in the Gulf of Mexico will be properly regulated to prevent adverse environmental impacts and the escape of pen-raised fin-fish species.

SA 2665. Mr. SESSIONS 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 203, between lines 23 and 24, insert the following:

SEC. 533. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''Unless'' and all that follows.

SEC. 534. The head of each agency or department of the United States that enters into a contract shall require, as a condition of the contract, that the contractor participate in the pilot program described in 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–209; 8 U.S.C. 1324a note) to verify the employment eligibility of—

(1) all individuals hired during the term of the contract by the contractor to perform employment duties within the United States; and

(2) all individuals assigned by the contractor to perform work within the United States the under such contract.

SEC. 535. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are amended by striking ''basic pilot program'' each place that term appears and inserting ''E-Verify Program''.

(2) The heading of section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking ''BASIC PILOT'' and inserting ''E-VERIFY''.

(b) Section 404(h)(1) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking ''under a pilot program'' and inserting ''under this subtitle''.

SA 2666. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. KYL, and Mr. MCCAIN) submitted an amendment intended to be proposed by her 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 170, between lines 19 and 20, insert the following:

SEC. 220. INCREASE IN STATE CRIMINAL ALIEN ASSISTANCE PROGRAM FUNDING.

(a) IN GENERAL.—For an additional amount under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, there is appropriated, for the fiscal year ending September 30, 2010, $172,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)).

(b) OFFSET.—The total amount appropriated under the heading ''OPERATIONS, RESEARCH, AND FACILITIES'' under the heading ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'' under title I is reduced by $172,000,000.

SA 2667. Mr. COBURN 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:

At the appropriate place, insert the following:

SEC. _____. (a) ADDITIONAL AMOUNT FOR OFFICE OF INSPECTOR GENERAL.—The amount appropriated by title I under the heading ''OFFICE OF INSPECTOR GENERAL'' under the heading ''DEPARTMENTAL MANAGEMENT'' under the heading ''DEPARTMENT OF COMMERCE'' is increased by $4,499,000.

(b) OFFSET.—The amount appropriated by title I under the heading ''HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION'' under the heading ''DEPARTMENTAL MANAGEMENT'' under the heading ''DEPARTMENT OF COMMERCE'' is decreased by $5,000,000.

SA 2668. Mr. REID (for himself, Mr. BAUCUS, Mr. REED, Mrs. SHAHEEN, Mr. DODD, Mr. DURBIN, Mr. SCHUMER, Mr. HARKIN, Mr. LEAHY, Mr. CASEY, Mr. CARDIN, Mr. LEVIN, Mr. SANDERS, Mr. KAUFMAN, Mr. BROWN, Ms. STABENOW, Mr. UDALL of Colorado, Mr. BENNETT, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. AKAKA, Mr. ROCKEFELLER, Mr. BYRD, Mrs. MCCASKILL, Mr. WEBB, Ms. MIKULSKI, Mr. BURRIS, Mrs. GILLIBRAND, Mrs. BOXER, Mr. BEGICH, Mr. FRANKEN, Mrs. MURRAY, Mr. KERRY, Mr. MENENDEZ, Mr. BINGAMAN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R.

3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Emergency Unemployment Compensation Extension Act of 2009''.

SEC. 2. REVISIONS TO SECOND-TIER BENEFITS.

(a) IN GENERAL.—Section 4002(c) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''If'' and all that follows through ''paragraph (2))'' and inserting ''At the time that the amount established in an individual's account under subsection (b)(1) is exhausted'';

(B) in subparagraph (A), by striking ''50 percent'' and inserting ''54 percent''; and

(C) in subparagraph (B), by striking ''13'' and inserting ''14'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 3. THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

''(d) THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter 'second-tier emergency unemployment compensation') is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter 'third-tier emergency unemployment compensation') equal to the lesser of—

''(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

''(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

''(i) were applied by substituting '4' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(B) such a period would then be in effect for such State under such Act if—

''(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

''(ii) such section 203(f)—

''(I) were applied by substituting '6.0' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking ''then section 4002(c)'' and inserting ''then subsections (c) and (d) of section 4002''; and

(2) by striking ''paragraph (2) of such section)'' and inserting ''paragraph (2) of such subsection (c) or (d) (as the case may be))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 4. FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 3(a), is amended by adding at the end the following new subsection:

''(e) FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

''(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (d)(1) (third-tier emergency unemployment compensation) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter 'fourth-tier emergency unemployment compensation') equal to the lesser of—

''(A) 24 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

''(B) 6 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

''(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

''(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

''(i) were applied by substituting '6' for '5' each place it appears; and

''(ii) did not include the requirement under paragraph (1)(A) thereof; or

''(B) such a period would then be in effect for such State under such Act if—

''(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

''(ii) such section 203(f)—

''(I) were applied by substituting '8.5' for '6.5' in paragraph (1)(A)(i) thereof; and

''(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

''(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.''.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 3(b), is amended—

(1) by striking ''and (d)'' and inserting '', (d), and (e) of section 4002''; and

(2) by striking ''or (d)'' and inserting '', (d), or (e) (as the case may be))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 5. COORDINATION.

Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4, is amended by adding at the end the following new subsection:

''(f) COORDINATION RULE.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any emergency unemployment compensation under subsection (c), (d), or (e) (by reason of the amendments made by sections 2, 3, and 4 of the Emergency Unemployment Compensation Extension Act of 2009), if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this subsection).''.

SEC. 6. TRANSFER OF FUNDS.

Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking ''Act;'' and inserting ''Act and sections 2, 3, and 4 of the Emergency Unemployment Compensation Extension Act of 2009;''.

SEC. 7. EXPANSION OF MODERNIZATION GRANTS FOR UNEMPLOYMENT RESULTING FROM COMPELLING FAMILY REASON.

(a) IN GENERAL.—Clause (i) of section 903(f)(3)(B) of the Social Security Act (42 U.S.C. 1103(f)(3)(B)) is amended to read as follows:

''(i) One or both of the following offenses as selected by the State, but in making such selection, the resulting change in the State law shall not supercede any other provision of law relating to unemployment insurance to the extent that such other provision provides broader access to unemployment benefits for victims of such selected offense or offenses:

''(I) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor); and

''(II) Sexual assault, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to State applications submitted on and after January 1, 2010.

SEC. 8. TREATMENT OF ADDITIONAL REGULAR COMPENSATION.

The monthly equivalent of any additional compensation paid by reason of section 2002 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438) shall be disregarded after the date of the enactment of this Act in considering

the amount of income and assets of an individual for purposes of determining such individual's eligibility for, or amount of, benefits under the Supplemental Nutrition Assistance Program (SNAP).

SEC. 9. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) BENEFITS.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), is amended—

(1) in clause (iii)—

(A) by striking ''June 30, 2009'' and inserting ''June 30, 2010''; and

(B) by striking ''December 31, 2009'' and inserting ''December 31, 2010''; and

(2) by adding at the end of clause (iv) the following: ''In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated $175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.''.

(b) ADMINISTRATIVE EXPENSES.—Section 2006 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 445) is amended by adding at the end of subsection (b) the following: ''In addition to funds appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $807,000 to cover the administrative expenses associated with the payment of additional extended unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.''.

SEC. 10. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking ''through 2009'' in paragraph (1) and inserting ''through 2010 and the first 6 months of calendar year 2011'',

(2) by striking ''calendar year 2010'' in paragraph (2) and inserting ''the remainder of calendar year 2011'', and

(3) by inserting ''(or portion of the calendar year)'' after ''during the calendar year''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009.

SA 2669. Mr. GRAHAM (for himself, Mr. MCCAIN, and Mr. LIEBERMAN) proposed an amendment 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; as follows:

At the appropriate place in title II, insert the following:

SEC. ____. (a) PROHIBITION ON USE OF FUNDS FOR PROSECUTION OF 9/11 TERRORISTS IN ARTICLE III COURTS.—None of the funds appropriated or otherwise made available for the Department of Justice by this Act may be obligated or expended to commence or continue the prosecution in an Article III court of the United States of an individual suspected of planning, authorizing, organizing, committing, or aiding the attacks on the United States and its citizens that occurred on September 11, 2001.

(b) ARTICLE III COURT OF THE UNITED STATES DEFINED.—In this section, the term ''Article III court of the United States'' means a court of the United States established under Article III of the Constitution of the United States.

SA 2670. Mr. DURBIN 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 157, line 8, after ''Act,'' insert the following: ''of which, the Attorney General may use up to $5,000,000 for community-based violence prevention strategies that focus on street-level outreach, conflict mediation, and the changing of community norms to reduce violence, and''.

SA 2671. Mr. THUNE 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:

At the appropriate place, insert the following:

SEC. _____. Not later than December 31, 2009, the Attorney General shall establish the Emergency Plan for Indian Safety and Health as required by section 601 of Public Law 110–293.

SA 2672. Mr. BINGAMAN (for himself, Mr. CORNYN, Mrs. LINCOLN, Mr. UDALL of New Mexico, and Mr. CRAPO) 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 108, line 14, before the period at the end, insert '': *Provided further*, That the funds appropriated by this Act for trade adjustment assistance for communities shall not be allocated among the regional offices of the Economic Development Administration until such time as 50 percent of the total amount of the funds appropriated by the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) for that purpose have been distributed to grantees: *Provided further*, That the Secretary of Commerce shall reevaluate the spending plan for trade adjustment assistance based on up-to-date economic data before allocating those funds among the regional offices''.

SA 2673. Mr. BROWNBACK (for himself and Mr. SCHUMER) 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 108, line 4, strike the period at the end and insert the following: '': *Provided further*, That of the amount appropriated under this heading, not less than $1,000,000 shall be made available to the Bureau of Industry and Security Export Enforcement to curtail the illicit transshipment, reexportation, or diversion of U.S.-origin items to Iran.''.

SA 2674. Mr. ROCKEFELLER 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:

At the appropriate place, insert the following:

NOAA CHIEF SCIENTIST

SEC. ———. Chapter 53 of title 5, United States Code, is amended—

(1) by striking ''Chief Scientist, National Oceanic and Atmospheric Administration'' in section 5316; and

(2) by adding ''Chief Scientist, National Oceanic and Atmospheric Administration'' at the end of section 5315.

SA 2675. Mr. ENSIGN 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 163, like 6, strike ''$179,000,000'' and insert ''$174,000,000''.

On page 163, line 8, strike ''$125,830,000'' and insert ''$120,830,000''.

On page 170, between lines 19 and 20, insert the following:

SEC. 220. ADDITIONAL FUNDING FOR DRUG COURTS.

For an additional amount under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under this title, there is appropriated, for the fiscal year ending September 30, 2010, $5,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. 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 8, 2009, at 9:30 a.m., to conduct a hearing entitled ''Future of the Mortgage Market and the Housing Enterprises.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 8, 2009 at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 8, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 8, 2009, at 10 a.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on October 8, 2009, at 9:30 a.m. to conduct a hearing on VA/DOD Response to Certain Military Exposures. The Committee will meet in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CONRAD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 8, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Immigration, Refugees, and Border Security, be authorized to meet during the session of the Senate on October 8, 2009, at 3 p.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Comprehensive Immigration Reform: Faith-Based Perspectives.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate to conduct a hearing on October 8, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNIVERSARY OF NEVADA'S STATEHOOD

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 309, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 309) recognizing and celebrating the 145th anniversary of the entry of Nevada into the Union as the 36th State.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, does my distinguished colleague from Nevada wish to speak on this matter?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I just want to applaud the senior Senator from Nevada, the leader of the Senate, for this resolution recognizing the 145th anniversary of Nevada's statehood.

Mr. REID. Mr. President, as it approaches Halloween, which is the real day, I will have more to say on this resolution.

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; that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 309) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 309

Whereas October 31, 2009, marks the 145th anniversary of President Abraham Lincoln's proclamation admitting Nevada into the Union as the 36th State;

Whereas Nevadans celebrate the anniversary of ''Battle Born'' statehood every year as Nevada Day;

Whereas Nevada's State motto is ''All for Our Country'', reflecting the patriotism and sense of duty demonstrated by countless Nevadans since the State's entrance into the Union;

Whereas Nevada's brave veterans and service members have made critical contributions to our Nation's security in times of war and of peace;

Whereas the Henderson magnesium mines and the Nevada Test Site played key roles in the United States' victories during World War II and the Cold War, respectively;

Whereas Nevada is honored to host our Nation's Armed Forces at Nellis Air Force Base, Creech Air Force Base, Naval Air Station Fallon, and the Hawthorne Army Depot, as well as National Guard Armories and Reserve Readiness Centers throughout the State;

Whereas Nevada is a premier destination for tourists, business travelers, family vacationers, and outdoor enthusiasts throughout the United States and around the globe;

Whereas Nevada's unique features attract vacationers and locals alike, including the pastoral Washoe Valley, the crags of the Ruby Mountains, the ''Biggest Little City in the World'', the Las Vegas Strip, the Hoover Dam, Lovers Lock Plaza, and the annual National Cowboy Poetry Gathering;

Whereas mining became an important industry to the Silver State with the 1859 discovery of the Comstock Lode, the most valuable deposit of silver in the Nation;

Whereas Nevada produces more gold than all other States combined and is one of the largest sources of gold in the world;

Whereas the entrepreneurial spirit of Nevadans is reflected in a versatile economy, from the world's largest gaming establishments to small businesses that make up the vast majority of Nevada's employers;

Whereas Nevada has a rich cultural heritage that draws from diverse populations, from multi-generational ranching families to new residents, from Hispanic Americans to Asian Americans and Pacific Islanders, and from Basque communities to Mormon pioneers;

Whereas Nevada recognizes the language, culture, and generosity of Nevada's first dwellers, the Northern and Southern Paiutes, Shoshone, and Washoe peoples;

Whereas Nevada celebrates Thocmentony, or Sarah Winnemucca, the first Native American woman to author a publication in English, whose statue graces Emancipation Hall in the Capitol Visitor Center;

Whereas the snow-capped mountains of Nevada (pronounced Nevăda) were the inspiration for the Spanish origin of its name;

Whereas Nevada offers beautiful outdoor settings ranging from vibrant desert landscapes to grand ski slopes, and from picturesque hiking trails to flowing river currents;

Whereas Lake Tahoe is one of the deepest and clearest alpine lakes in the world, and Lake Mead is the largest engineered reservoir in the United States;

Whereas Nevada is home to Great Basin National Park, 17 State parks, 2 national forests, and 3,400,000 acres of wilderness, including Sloan Canyon, Red Rock Canyon, and Black Rock Desert;

Whereas Nevada exemplifies the independence, opportunity, and pioneering spirit of the West; and

Whereas Nevada's delegation to the 111th Congress—Senator Harry Reid, Senator John Ensign, Representative Shelley Berkley, Representative Dean Heller, and Representative Dina Titus—invite all to join in the celebration of Nevada statehood: Now, therefore, be it

Resolved, That the Senate recognizes and celebrates the 145th anniversary of the entry of Nevada into the Union as the 36th State.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Agriculture Committee be discharged en bloc of the following: PN486, PN620, PN831, PN789, PN817, PN818, PN925, PN926, PN1021, PN1022; and that the Senate then proceed en bloc to their consideration; that the nominations be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order and any statements relating to the nominations be printed in the Record; that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

COMMODITY FUTURES TRADING COMMISSION

Bartholomew Chilton, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2013.

DEPARTMENT OF AGRICULTURE

Edward M. Avalos, of New Mexico, to be Under Secretary of Agriculture for Marketing and Regulatory Programs.

COMMODITY CREDIT CORPORATION

Edward M. Avalos, of New Mexico, to be a Member of the Board of Directors of the Commodity Credit Corporation.

COMMODITY FUTURES TRADING COMMISSION

Jill Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2014.

FARM CREDIT ADMINISTRATION

Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for the remainder of the term expiring May 21, 2010.

Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring May 21, 2016.

COMMODITY FUTURES TRADING COMMISSION

Scott D. O'Malia, of Michigan, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2010.

Scott D. O'Malia, of Michigan, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2015.

DEPARTMENT OF AGRICULTURE

Harris D. Sherman, of Colorado, to be Under Secretary of Agriculture for Natural Resources and Environment.

COMMODITY CREDIT CORPORATION

Harris D. Sherman, of Colorado, to be a Member of the Board of Directors of the Commodity Credit Corporation.

EXECUTIVE CALENDAR

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 484, the nomination of LTG David M. Rodriguez, reported today by the Armed Services Committee; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table; that no further motions be in order, and any statements relating to the nomination be printed in the RECORD; the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David M. Rodriguez

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATIONAL DAY ON WRITING

Mr. BEGICH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 310, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 310) expressing support for the designation of October 20, 2009, as the National Day on Writing.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BEGICH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 310) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 310

Whereas people in the 21st century are writing more than ever before for personal, professional, and civic purposes;

Whereas the social nature of writing invites people of every age, profession, and walk of life to create meaning through composing;

Whereas more and more people in every occupation deem writing as essential and influential in their work;

Whereas writers continue to learn how to write for different purposes, audiences, and occasions throughout their lifetimes;

Whereas developing digital technologies expand the possibilities for composing in multiple media at a faster pace than ever before;

Whereas young people are leading the way in developing new forms of composing by using different forms of digital media;

Whereas effective communication contributes to building a global economy and a global community;

Whereas the National Council of Teachers of English, in conjunction with its many national and local partners, honors and celebrates the importance of writing through the National Day on Writing;

Whereas the National Day on Writing celebrates the foundational place of writing in the personal, professional, and civic lives of Americans;

Whereas the National Day on Writing provides an opportunity for individuals across the United States to share and exhibit their written works through the National Gallery of Writing;

Whereas the National Day on Writing highlights the importance of writing instruction and practice at every educational level and in every subject area;

Whereas the National Day on Writing emphasizes the lifelong process of learning to write and compose for different audiences, purposes, and occasions;

Whereas the National Day on Writing honors the use of the full range of media for composing, from traditional tools like print, audio, and video, to Web 2.0 tools like blogs, wikis, and podcasts; and

Whereas the National Day on Writing encourages all Americans to write, as well as to enjoy and learn from the writing of others: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of October 20, 2009, as the National Day on Writing;

(2) strongly affirms the purposes of the National Day on Writing and encourages participation in the National Gallery of Writing, which serves as an exemplary living archive of the centrality of writing in the lives of Americans; and

(3) encourages educational institutions, businesses, community and civic associations, and other organizations to promote awareness of the National Day on Writing and celebrate the writing of their members through individual submissions to the National Gallery of Writing.

MEASURES READ THE FIRST TIME—H.R. 3548, H.R. 3590, S. 1772

Mr. BEGICH. Mr. President, I understand there are three bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

A bill (S. 1772) to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

Mr. BEGICH. I now ask for the second reading en bloc and object to my requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, as amended, appoints the following Senator as Chairman of the U.S.-China Interparliamentary Group conference during the 111th Congress: the Honorable PATTY MURRAY of Washington.

The Chair, pursuant to Executive Order 12131, renewed by Executive Order 13446, reappoints and appoints the following Members to the President's Export Council:

Reappointment: the Senator from Texas (Mr. CORNYN)

Appointment: the Senator from Idaho (Mr. CRAPO) vice the Senator from Wyoming (Mr. ENZI).

EXTENSION FOR TRIBUTES TO SENATORS KENNEDY AND MARTINEZ

Mr. BEGICH. I ask unanimous consent that the deadline for tributes to Senators Kennedy and Martinez to be submitted to the CONGRESSIONAL RECORD be extended until Wednesday, October 14, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—Continued

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk on the committee-reported substitute amendment to H.R. 2847.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A 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.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 2847, the Departments of Commerce, Justice and Science and Related Agencies Appropriations Act of Fiscal Year 2010.

Harry Reid, Barbara A. Mikulski, Barbara Boxer, Robert Menendez, Charles E. Schumer, Patty Murray, Tom Harkin, Patrick J. Leahy, Roland W. Burris, Mark Begich, Ben Nelson, Daniel K. Inouye, Debbie Stabenow, Bernard Sanders, Dianne Feinstein, John F. Kerry, Edward E. Kaufman.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the bill. I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2847, the Departments of Commerce, Justice and Science and Related Agencies Appropriations Act of Fiscal Year 2010.

Harry Reid, Barbara A. Mikulski, Barbara Boxer, Robert Menendez, Charles E. Schumer, Patty Murray, Tom Harkin, Patrick J. Leahy, Roland W. Burris, Mark Begich, Ben Nelson, Daniel K. Inouye, Debbie Stabenow, Bernard Sanders, Dianne Feinstein, John F. Kerry, Edward E. Kaufman.

Mr. REID. I ask unanimous consent that the cloture vote on the substitute amendment occur at 5:30 p.m., Tuesday, October 13, that the hour prior to the vote be for debate with respect to the cloture motion, the hour be equally divided and controlled between Senators MIKULSKI and SHELBY or their designees, and that the mandatory quorums be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 3183.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3183), making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed to recommend and do recommend to their respective Houses that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of September 30, 2009.)

CLOTURE MOTION

Mr. REID. I have a cloture motion on the conference report at the desk. I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report to accompany H.R. 3183, the Energy and Water Appropriations Act for Fiscal Year 2010.

Harry Reid, Charles E. Schumer, Patrick J. Leahy, Dianne Feinstein, Evan Bayh, Mark L. Pryor, Jon Tester, Robert Menendez, Frank R. Lautenberg, Kent Conrad, Patty Murray, John F. Kerry, Daniel K. Inouye, Sheldon Whitehouse, Carl Levin, Jack Reed, John D. Rockefeller IV, Bill Nelson.

Mr. REID. I ask unanimous consent that the cloture vote on the conference report occur upon disposition of H.R. 2847, provided that if cloture is not invoked on the substitute amendment to H.R. 2847, then a motion to reconsider the vote by which cloture was not invoked on the substitute be considered entered; that the cloture vote on the bill be delayed to occur upon reconsideration, and that upon reconsideration and cloture is not invoked on the substitute, then the cloture motion on the bill be withdrawn; further, that if cloture has not been invoked as specified above, then the vote on the motion to invoke cloture on the conference report to accompany H.R. 3183 occur 1 hour after the Senate convenes on Wednesday, October 14, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, OCTOBER 9, 2009, AND TUESDAY, OCTOBER 13, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Friday, October 9, for a pro forma session only, with no business conducted; that following the pro forma session, the Senate adjourn until 2 p.m. on Tuesday, October 13; that following the prayer and pledge on that day, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each; that following morning business, the Senate resume consideration of H.R. 2847, the Commerce-Justice-Science appropriations bill. Finally, I ask that the filing deadline for first-degree amendments be at 3 p.m. on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the cloture vote on the substitute amendment to CJS will occur at 5:30 p.m. on Tuesday. That will be the first vote of the day. We are still hopeful and confident Senators SHELBY and MIKULSKI can work out a finite list of amendments to be voted on, and we will start voting on those Tuesday. I hope we can do that. If not, we will have to go forward. We worked all afternoon trying to come up with something, but the amendments kept coming. There was a time we had to draw the line. The number of amendments we received had nothing to do with this legislation, so it was determined to be the time to file cloture.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:18 p.m., adjourned until Friday, October 9, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

TENNESSEE VALLEY AUTHORITY

NEIL G. MCBRIDE, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2013, VICE SKILA HARRIS, RESIGNED.

DEPARTMENT OF STATE

DAVID HUEBNER, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NEW ZEALAND, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SAMOA.

DAVID DANIEL NELSON, OF MINNESOTA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF

MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM B. CALDWELL IV

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID M. RODRIGUEZ

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ROBERT S. HARWARD, JR.

DISCHARGED NOMINATIONS

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

BARTHOLOMEW CHILTON, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2013.

EDWARD M. AVALOS, OF NEW MEXICO, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS.

JILL SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2014.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR THE REMAINDER OF THE TERM EXPIRING MAY 21, 2010.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2016.

EDWARD M. AVALOS, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2010 VICE WALTER LUKKEN, RESIGNED.

SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2015.

HARRIS D. SHERMAN, OF COLORADO, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT.

HARRIS D. SHERMAN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, October 8, 2009:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID M. RODRIGUEZ

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COMMODITY FUTURES TRADING COMMISSION

BARTHOLOMEW CHILTON, OF MARYLAND, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2013.

JILL SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2014.

SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2010 VICE WALTER LUKKEN, RESIGNED.

SCOTT D. O'MALIA, OF MICHIGAN, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2015.

DEPARTMENT OF AGRICULTURE

EDWARD M. AVALOS, OF NEW MEXICO, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS.

EDWARD M. AVALOS, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

HARRIS D. SHERMAN, OF COLORADO, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT.

HARRIS D. SHERMAN, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION.

FARM CREDIT ADMINISTRATION

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR THE REMAINDER OF THE TERM EXPIRING MAY 21, 2010.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2016.

EXTENSIONS OF REMARKS

TRIBUTE TO THE CONGREGATION GEMILUTH CHASSODIM

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October, 7 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 Oct. 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 Oct. 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.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BILBRAY, Madam Speaker, I would like to submit the following Earmark request:

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: Conference Report to H.R. 3183, FY 2010 Energy and Water Appropriations

Account: Army Corps of Engineers, General Investigations, Miscellaneous

Legal Name of Requesting Entity: Scripps Institution of Oceanography, UC San Diego

Address of Requesting Entity: 9500 Gilman Drive, La Jolla, CA 92093

I received $897,000 for the Coastal Data Information Program/Southern California Beach Processes Study within the Army Corps of Engineers. Through this program, high-resolution wave data and forecasts are disseminated in real time via the internet to the National Weather Service and to tens of thousands of diverse users each day. Sea state and surf warnings are issued based on this information for the protection of life and property. In addition, beach elevations are monitored and analyzed, and this information is provided to coastal communities online where local governments and engineers use it for making educated policy decisions for protecting and enhancing local beaches. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, which has the federal responsibility for shoreline protection and uses this data for coastal dredging and construction projects. This program is critical to marine safety and operations for the coastal United States and there are no competitive funding sources available.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Thursday, October 1, 2009.

Had I been present, I would have voted "Aye" on rollcall vote No. 746, on Motion to Instruct Conferees to H.R. 2892; "Aye" on rollcall vote No. 747, on motion to suspend the rules and agree to H. Res. 517; "Aye" on rollcall vote No. 748, on motion to suspend the rules and agree to H Res. 487; "No" on rollcall vote No. 749, on agreeing to H. Res. 788, which provides for consideration of the conference report to accompany H.R. 3183; "Aye" on rollcall vote No. 750, on motion to suspend the rules and agree to H. Res. 692; "Aye" on rollcall vote No. 751, on motion to suspend the rules and agree to H. Con. Res. 151; "Aye" on rollcall vote No. 752, on Agreeing to the Conference Report to H.R. 3183.

BREAST CANCER AWARENESS MONTH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I rise this October day in strong support of and to draw attention to Breast Cancer Awareness month. According to the National Cancer Institute, in the United States, breast cancer is the most common non-skin cancer and the second leading cause of cancer-related death in women.

It is estimated that approximately $8.1 billion is spent in the United States each year on treatment of breast cancer. However, while the rate of breast cancer diagnosis has increased, the overall breast cancer mortality rate has dropped steadily—decreasing by 1.8% per year from 1999 to 2005 among women according to the Centers for Disease Control and Prevention.

This decrease in mortality rates can be attributed to a combination of early detection, expanding screening, and improvements in treatments as well as a willingness to openly discuss breast cancer. Breast Cancer Awareness month is an opportunity to help the more than 211,000 American women who learn they have this disease each year. These newly diagnosed women, survivors, their families, and all those affected will benefit from the research, education, and awareness, which increase early diagnoses and save lives that Breast Cancer Awareness month highlights.

HONORING REVEREND ROBERT E. HENSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. KILDEE. Madam Speaker, Reverend Robert E. Henson is celebrating 30 years as pastor of the South Flint Tabernacle on October 10th at a dinner to be held at the church. I ask the House of Representatives to join me in congratulating Reverend Henson on this momentous occasion.

Prior to his ministry at South Flint Tabernacle, Reverend Henson served pastorates in Texas and Indiana. He has over 40 years serving as a minister. For seven years he was the Youth President of the Indiana District of the United Pentecostal Church International. He also worked as the Editor of the Indiana District United Pentecostal Church International periodical the "Indiana Apostolic Trumpet." After he moved to Michigan, Reverend Henson spent 16 years as presbyter and member of the Michigan District Board of the United Pentecostal Church International. He was the Home Missions director for one year.

Reverend Henson has written several articles and several books including "Effective Altar Ministry," "The Silhouette of Majesty," "Prayer Force One," "Marvelous Mercy," "Living a Balanced Life . . . In an Unbalanced World," "World Changers," and "Just Braggin' on Jesus." He co-authored "Victorious Living for New Christians."

Together with his wife, Shirley, Reverend Henson has two daughters, Melissa and her husband Jonathan Hudson, and Jerusha and her husband Jason McGhee, and four granddaughters: Jelissa, Macy, Jade, and Madelyn.

Madam Speaker, I ask the House of Representatives to rise with me today and applaud the work of Reverend Robert E. Henson and

South Flint Tabernacle as they celebrate 30 years of worship, service, and spirituality under his guidance. I pray that he will continue to guide the congregation and serve the community for many, many years to come.

HONORING PAULETTE WALZ, LEESBURG, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. GINNY BROWN-WAITE of Florida, Madam Speaker, I rise today to honor Paulette Walz of Lake County, Florida. This past week, she was awarded the Social Security Administration's highest honorary award; the Commissioner's Citation. I cannot think of a more deserving recipient.

Born in a small town in middle Tennessee, she first began her work with Social Security recipients while working as a Claims Development clerk in the Cookeville, TN Social Security Office. From there she was promoted to the Service Representative position in Leesburg, FL and thus made her move to the 5th district, where she continues to work as the Public Affairs Specialist for Lake and Sumter Counties.

For the past 24 years, Paulette has done an exceptional job of both helping Social Security recipients with their every concern and in keeping SSA issues front and center. Her efforts span much farther than her office however; she utilizes print, radio and TV to educate recipients about the Social Security options available to them. Paulette hosts two weekly radio shows in The Villages, as well as records weekly Public Service Announcements. She also records a 30 minute television program three times a month where she and her guests discuss programs the Agency administers. Additionally, she utilizes her weekly column in The Villages Daily Sun to respond to congressional inquiries regarding Social Security.

When she is not covering the issue in the media, Paulette teaches a monthly class on SSA benefits at The Villages Life Long Learning College. Additionally, she conducts pre-release seminars at area Correctional Institutions, including the Coleman Federal Correctional Complex, the largest federal prison in the United States. She was also instrumental in implementing the North Florida Area's eServices Outreach Pilot Program; this initiative offers individuals who are close to retirement assistance in making an informed decision as to when to retire.

I have only scratched the service on all she has accomplished. From working first hand with Paulette on many Social Security issues, I can tell you that her expertise and dedication are invaluable.

I congratulate her on this prestigious honor and wish her only the very best in the years to come.

TRIBUTE TO JESUS GONZALES, RECIPIENT OF THE 2009 ST. MADELEINE SOPHIE AWARDS, SACRED HEART SCHOOLS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. ESHOO. Madam Speaker, I rise today to honor Mr. Jesus Gonzales, a recipient of the prestigious St. Madeleine Sophie Award from Sacred Heart Schools. Established in the year 2000, the St. Madeleine Sophie Award honors individuals in the Sacred Heart community who have made a sustained and significant contribution to the Schools and embody the Goals and Criteria of a Sacred Heart education. The individuals honored are selected by a committee comprised of the senior administrative team in conjunction with the Chair of the Board of Trustees and are honored at a reception and at the Mass of the Holy Spirit, the first all-school liturgy of the school year. The recipients will be VIP guests at various SHS events throughout the year and featured in their alumni magazine, The Heart of the Matter, for their commitment to the mission of Sacred Heart education.

This year, Jesus Gonzales was chosen, along with two other distinguished recipients, to be recognized with the Award for his tireless work and commitment to the Sacred Heart School as the Physical Plant Manager. His award was presented by Mr. Dan Greenleaf, who gave this speech at the Awards Ceremony in tribute to Jesus:

Jesus Gonzales is a lover. What I mean here is his heart is full of love.

He shares that love everyday with the students, faculty, staff, administration and parents at Sacred Heart Schools.

Which is not always easy. But he gives this love. And he gets love in return.

He shares this love everyday of his life with his brothers and sisters, nieces and nephews and friends.

He has a lot of love to give and he gets lots in return. Which is no surprise to me because I knew his father Gabriel.

Gabriel didn't speak English and I don't speak Spanish but we still knew each other well.

Gabriel raised 8 wonderful kids into happy productive adults while he was working here at Sacred Heart.

The family is: Theresa, Gabriel Jr., Vidal, Valentine, Jesus, Urlinda, Maria and Tony.

This is a very close family who hold on tightly to their heritage while raising their own families here in the melting pot of the Bay Area.

They see each other every day. They share meals, they vacation together, they hang out on the porch doing nothing together, they have strong relationships with each others children. They give love to each other and they get love from each other.

I tell you this because the family is so much of who Jesus is.

Jesus first stepped on the Sacred Heart campus in 1981, when he was 5 years old. One of Jesus' oldest memories on the campus was Sr. Mesa's chickens and rabbits down by the shop.

Sr. Mesa would sell the rabbits for $1 each, dead or alive. They tasted like chicken. At that time, there was: no McGanney Gym, no Montessori, no Spieker Pavilion, no Apartments, no football field/field house.

Sr. Lawrence had warm cookies in the Main Building and Jesus had a great place to grow up.

His 14th summer, 1989, was his first summer working for Sacred Heart. He painted speed bumps and dug irrigation trenches.

Always a big smile on his face and usually a wise crack to go with it to try and deflect me from seeing how sore he was from swinging the pick.

In high school he worked in the Gator Pit where he would flash those green eyes and talk with all of the high school girls because, well, heck, he was in high school too.

In 1997 he was hired full time in the Maintenance Department.

Two years later he was put in charge of St. Joseph's and the Montessori School and his job changed from actually physically hands on working, to management and dealing with the administration, faculty, coaches, parents and neighbors. He was in his element, this was his strength. He was happier than a pig wallowing in slop. He did well.

In 2003 he was promoted to ''Physical Plant Manager'' in charge of all of the buildings on the campus. There are many decisions made by the Board and the Operations Department and they get handed down to Jesus and his crew.

They might have a list of 25 things to do. They do 10 of them and check the list again and it's up to 30 things to do. It never ends.

Jesus gets to deal with everyone on campus by e-mail, phone and face-to-face. That starts with his crew of about 20 maintenance and housekeeping personnel. They are the front lines. They are the men and women in the trenches. They are the people we all depend on but might not realize it.

Jesus is very fair with his crew. He is consistent in dealing with 20 personalities. He evaluates, makes changes and implements these changes fairly across the board. He can be stern and honest when he needs to be, but he talks to them the same way he would expect someone to talk to him.

Most of his conversations are peppered with humor. He listens, I mean really listens and makes informed decisions. He is not above his crew.

Then he deals with everyone else: administrators, teachers, parents, vendors, police department, fire department, city hall, contractors.

There is nobody that he doesn't approach with a smile and an open mind. He is patient. He is organized, and he will give you all his time to get you what you need.

In the big picture he knows why he's here. I've heard him say it before, ''We are here for the kids.'' It is that easy. You give love, you get love, ''We are here for the kids.''

He is who his father and family and maybe even a little bit of Sacred Heart raised him to be.

A child of the Sacred Heart.

But still after all of this, there is still one person who remains the center of his life. Someone who goes for camping, fishing, bowling and makes him laugh. Someone who helps him get ready for work in the morning.

That most special someone in his life is his son Vidal who is now 8 years old and who gets to grow up in the loving glow of his father and the whole Gonzales family.

Madam Speaker, I ask the entire House of Representatives to join me in offering our congratulations to Jesus Gonzales on the very special occasion of being chosen for the St. Madeleine Sophie Award and for all he does daily to strengthen our community and our country.

HONORING EGGLESTON SERVICES AND THE SARAH BONWELL HUDGINS CENTER

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. WITTMAN. Madam Speaker, I am privileged to rise today to honor Eggleston Services for the meaningful opportunities they provide for individuals with disabilities. Eggleston Services is a company in southeastern Virginia that has close to 600 employees, and upwards of three fourths of those employees have a disability. Many of these workers are able to work through a federal program called Ability One. Ability One encourages federal entities to work directly with agencies like Eggleston to provide valuable work at a fair price, all the while utilizing the skills of persons with disabilities.

Eggleston Services is dedicated to providing a broad array of programs and services for individuals with disabilities. Since 1955 their goal has been to assist people in obtaining meaningful work opportunities, and to help them participate fully in their communities. Eggleston Services helps individuals with disabilities gain freedom from dependence on government support by providing them on-the-job training and stable work opportunities.

Just recently, I had the honor to visit the Sarah Bonwell Hudgins Center in Hampton, Virginia. The center is owned by the Sarah Bonwell Hudgins Foundation and managed by Eggleston Services, Inc. The center provides dynamic programs for individuals with mental and/or physical disabilities. Through its partnership with Eggleston Services, the Foundation helps persons with disabilities by providing a place to work, a place to live in a safe caring environment, and a place to learn to live independently.

The profound work and programs that are available at the center help many and are invaluable. At the Sarah Bonwell Hudgins Center, Eggleston Services operates a Life Enhancement Program, which provides specialized services, activities, and residential care. Eggleston Services also provides programs at the center, including Eggleston Document Destruction, a full-service secure document destruction and shredding business, a business fulfillment center, and a ceramics manufacturing facility.

These remarkable programs serve as a way for people with disabilities to find independence and a sense of one's own. None of this would be possible without the Ability One Program and the dedication of Eggleston Services. Businesses can look to Eggleston Services and the Ability One program and use their successful programs as a model for their own business practices. Persons with disabilities can be key contributors in the workplace and I commend Eggleston Services in conjunction with the Ability One program and the Sarah Bonwell Hudgins Foundation for their work in providing opportunities for individuals with disabilities.

REPEAL THE DON'T ASK, DON'T TELL POLICY

SPEECH OF

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 2009

Ms. BERKLEY. Mr. Speaker, I would like to thank Congressman MURPHY for providing me with the opportunity to speak on this important issue. As a cosponsor of the Military Readiness Enhancement Act, I fully support the repeal of the unjust, unnecessary, and unsound "Don't Ask, Don't Tell" policy. I believe we must reject current practices that have institutionalized discrimination against many valuable members of our armed services for too long. Instead, we must establish a new policy of nondiscrimination on the basis of sexual orientation.

"Don't Ask, Don't Tell" is simply unjust. It flies in the face of the fundamental American value of equality for all. No individual, including those in our armed forces, should be discriminated against based on his or her sexual orientation. Members of our armed services have fought honorably to protect our safety and freedom, so the least we can do in return is to fight to protect their freedom and equality as well. My hometown of Las Vegas includes Nellis Air Force Base, one of the premier Air Force facilities in the U.S., and I believe the courageous men and women who serve there deserve to be treated with equality and respect, regardless of their sexual orientation.

The "Don't Ask, Don't Tell" policy is also completely unnecessary. The vast majority of Americans believe our troops deserve the opportunity to serve with honesty and honor. And most importantly, a majority of servicemembers have said they would have no reservations about serving alongside gay and lesbian troops, proving the problems this policy supposedly prevents are not, in fact, problems at all.

Not only is this practice unjust and unnecessary, it is also unsound. Our military should not fire valuable servicemembers simply for being gay, particularly during a time of war when we need every American who is willing and able to serve. Furthermore, repealing "Don't Ask, Don't Tell" would increase, not undercut, unit cohesion by fostering openness and trust among troops.

Ultimately, "Don't Ask, Don't Tell" does nothing to contribute to our national security. In reality, it only undermines the strength and integrity of our military system. I believe this practice should be repealed immediately, not only for the benefit of our armed forces, but for the safety of Nevada and our Nation as a whole.

RECOGNIZING OCTOBER AS BREAST CANCER AWARENESS MONTH

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ISSA. Madam Speaker, today I rise in support of October as Breast Cancer Awareness Month.

Many of us have concerns for family and friends impacted by breast cancer. This month we must take those concerns and turn the emotion into action.

According to the American Cancer Society, breast cancer is the most commonly diagnosed form of cancer in women in California and the United States as a whole. It is the second most common cause of cancer death. The California Cancer Registry estimates that each year, more than 25,000 California women develop breast cancer and over 4,000 die as a result. California represents a large portion of the 192,370 new cases of breast cancer that have been diagnosed in 2009 alone.

This disease is not gender specific; it will develop in approximately almost 2,000 men this year as well. Early detection and treatment for both sexes has resulted in 2.5 million breast cancer survivors in the United States.

We must continue to encourage all women and men to undergo mammography screening, as it is the most effective test to determine the presence of breast cancer. To do so, I have joined with my colleagues to cosponsor the Breast Cancer Education and Awareness Requires Learning Young Act of 2009. This bill will enhance efforts to increase public awareness regarding the threats posed by breast cancer to young women and men, as well as to enhance campaigns that will further educate the community on the risk factors of breast cancer and the importance of early detection.

I am proud to stand today with my colleagues to recognize the importance of continuing efforts to enhance awareness and preventative actions.

TRIBUTE TO JAN TITTLE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Jan Tittle, the National President of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States. Mrs. Tittle will address the Veterans of Foreign Wars Fall Conference on October 10th in Sault Ste. Marie, Michigan.

The 600,000 members of the Ladies Auxiliary of the Veterans of Foreign Wars have spent the last 96 years honoring those who have sacrificed and served our Nation to preserve our freedoms. They volunteer their time maintaining memorials to the persons making the ultimate sacrifice for our country and to teach our youth about our veterans. They provide financial assistance to preserve the Statue of Liberty, have volunteered over 2 million hours in Veterans Affairs Medical Centers and other hospitals. They provide awards and scholarships to students based upon their expressions of patriotism through art, speech and volunteerism.

Jan Tittle was elected the 2009–2010 National President this past August at the 96th National Convention. She is a Life Member of the TSgt. Walter C. Fulda Auxiliary 3433 in Ladson, South Carolina. She is eligible through her father, Arlen Owens, a World War II Purple Heart recipient. As the National President she plans to focus on the Auxiliary's core programs for veterans and their families.

She also plans to lead the Auxiliary in topping $3 million to the Cancer Aid and Research Fund.

Madam Speaker, I ask the House of Representatives to rise and applaud Jan Tittle as she brings together the Ladies Auxiliary under the theme, "It's Time for America's Military Heroes." I congratulate her and the members of the Auxiliary for their commitment to safeguarding the memory of our veterans and their sacrifice for our Nation.

GOVERNORS OF ALASKA, ALABAMA, AND ARIZONA EXPRESS CONCERNS WITH UNFUNDED MANDATES IN HEALTH REFORM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over $35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letters from the governors of Alaska, Alabama and Arizona:

SEPTEMBER 8, 2009.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, Hart Senate Office Building, Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Senate Finance Committee, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: States cannot afford to carry the huge costs of health care reform. States (and their businesses and residents) are struggling to recover financially. The National Conference of State Legislatures(NCSL) reports states had a $113 billion dollar budget shortfall in 2009 and the situation is getting worse. NCSL estimates state budget shortfalls will increase to $142 billion in 2010. I am also concerned with the proposed new federal mandates that would undercut stare authority over the Medicaid program.

On fiscal impact, H.R. 3200 expands Medicaid coverage to all citizens under 133 percent of the Federal Poverty Level (FPL) while the Senate HELP committee legislation assumes an expansion to 150 percent of the FPL. The Congressional Budget Office estimates these proposed expansions would require spending hundreds of billions of dollars in new public funds. While the proposals would initially place responsibility on the federal government to pay for expanding Medicaid coverage, a shift would later occur to state treasuries and the impact would be significant. For Alaska, the National Governors Association estimates it would cost $140 million in state general funds to expand Medicaid for all Alaskans up to 133 percent of FPL in 2015. (Assuming there is full federal funding the first two years.) This amount would increase to $168 million by 2019, with new state expenditures amounting to billions over time.

This fiscal hit to states would come on top of the Medicaid funding cliff created by Congress in American Recovery and Reinvestment Act. (ARRA). ARRA established a temporary increase in the Federal Medical Assistance Percentage (FMAP) rate to help states deal with Medicaid costs. This higher FMAP rate is set to expire on December 31, 2010. If the higher FMAP rate is not extended, states will face an immediate and significant increase in costs to operate Medicaid programs. In Alaska, approximately $120 million more in state general funds will be needed to operate the Medicaid program for just one year.

Further, proposals in Congress would give the federal government a stronger role in administering Medicaid and undercut state authority. Coverage would have to be expanded to childless adults who qualify and would replace the current state option to cover parents of low-income children with a federal mandate to provide coverage to qualifying adults. Maintenance of effort requirements would prevent states from adjusting eligibility to meet ever-changing fiscal conditions. Lower limits of practitioner reimbursement and coverage limits would be imposed. New services and the coverage of additional provider groups would be mandated and stale flexibility in the eligibility process would be constrained. All these mandates limit state control and flexibility to control the Medicaid program.

While I am sympathetic to the dilemma of health care reform and I applaud your efforts to find a solution, I cannot support legislation from Congress that imposes costly unfunded federal mandates on Alaska and other states. Instead, the federal government should be looking for ways to give the states increased flexibility with federal funding to meet the unique needs of each state's population. This tact would lead to innovation and cost-containment as compared to the current rout pursued in existing health care legislation.

Sincerely,

SEAN PARNELL,
Governor, Alaska.

SEPTEMBER 30, 2009.

Hon. RICHARD SHELBY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR SHELBY: Democrats and Republicans alike agree that our health care system is in need of reform; however, it appears the proposal you will likely be called to vote on has serious flaws that will have a dire budgetary impact on Alabama. As governor of our state, I am writing to express a specific concern I have about this proposal.

The Senate and House of Representatives are considering a bill that includes a major expansion of Medicaid and an increase in costs to the states. Our Medicaid Department has reviewed the cost of expanding Medicaid to 150% Federal Poverty Level and determined that it would cost state and federal taxpayers an additional $1.2 billion per year to cover this mandate alone. Unlike the federal government, our state actually has to balance its budget. Given the effects of the current economic condition on our budgets, any additional costs will overwhelm our resources. Expecting states in the current economic climate to provide additional funding for federal mandates is not reasonable or even practical.

Instead of raising taxes, imposing mandates and charging penalties on small businesses, Congress and the White House may want to consider an approach we have begun to take in Alabama. Small businesses, those with 24 or fewer employees, can now deduct 150% of the money they spend on health insurance premiums from their state taxes, and their employees earning up to $50,000/year can do the same.

Rather than increasing the size and cost of government by putting more people on Medicaid, and thereby making more citizens dependent on government as Washington appears ready to do, Alabama is trying to reduce the burden of health care costs for the overwhelming majority of its employers and their employees. I believe our state can be looked to as a model for other states.

Our Medicaid program is a national innovator in the area of medical homes and health information technology. A higher percentage of Alabamians have health insurance than the nation as a whole, and Alabama has a lower percentage of uninsured children than the nation as a whole. In addition to achieving higher rates of coverage, Alabama has some of the nation's lowest health care costs. That is one reason why Alabama has been so successful in attracting national and international companies and the thousands of jobs they have created in our state.

Not only is health care less expensive in Alabama than just about anywhere else in the country, we are also an open market for insurers. More than 300 companies are licensed to sell health care insurance in our state. We encourage competition and welcome insurers to help in the effort to drive down costs.

We, as a nation, must address the problems of our existing health care system, but simply unloading them on the states will not work. I thank you for your interest in this very important matter and look forward to working with you to find common sense ways to reform our health care system.

Sincerely,

BOB RILEY,
Governor, Alabama.

JULY 16, 2009.

Senator JOHN MCCAIN,
U.S. Senate, Russell Senate Bldg., Washington DC.
Senator JON KYL,
U.S. Senate, Hart Senate Bldg., Washington DC.

DEAR SENATOR MCCAIN AND SENATOR KYL: Thank you for the opportunity to provide information about Arizona's Medicaid program, the Arizona Health Care Cost Containment System (AHCCCS).

As you know, Arizona is facing one of the worst financial deficits in the nation and projections show that the State is expected to make a slow recovery. In the meantime, unemployment has continued to increase and counter-cyclical programs like AHCCCS have continued to experience record-breaking enrollment. In the last four months alone, AHCCCS has grown by more than 100,000 new enrollees, and July 2009 enrollment is almost 17 percent above the same month in 2008. Total enrollment, including our Title XXI KidsCare program, in July reached 1,275,109 members, which is almost 19 percent of the state's total population.

I am proud that AHCCCS program has served as a model for other state Medicaid programs across the country in terms of cost containment. This is due, in large part, to the fact that AHCCCS is a capitated managed care model and 65 percent of its long-term care members receive home and community based services rather than institutional care. According to the Kaiser Family Foundation, AHCCCS has the lowest per member per year (PMPY) cost among Medicaid programs in the country. The average PMPY costs are: (1) $5,645.52 for acute care; (2) $45,960.72 for long-term care, which is a blended average of our elderly and physically

disabled and developmentally disabled programs. The weighted average PMPY cost across all Title XIX groups is $7,182.60.

I am concerned that the Medicaid expansion proposals being discussed at the federal level do not consider the fiscal difficulties states are facing and are likely to continue to face over the next few years. At the same time as Congress is considering prohibiting states from changing their Medicaid eligibility standards, there have been discussions about establishing a federal floor for Medicaid provider rates, which even further limits state flexibility in setting funding levels. State flexibility has been key to Arizona's success in developing and efficiently managing a Medicaid program that provides high quality care at a low cost.

Even with our strong cost containment measures, I remain concerned about Arizona's ability to sustain the existing AHCCCS model, let alone a mandatory expansion to 150 percent, regardless of whether the federal government provides full financing of the expansion for the first five years. Medicaid is already an increasing share of state budgets—Arizona's General Fund spending on AHCCCS has increased by 230% over the past ten years, and has risen from 8 percent of General Fund spending in FY 1999 to an estimated 16 percent in FY 2009.

Maintaining this level of spending increases will be difficult, especially given that Medicaid enrollment and costs continue to rise. Moreover, Arizona's revenues are not expected to turn around for several years and, even when they do rebound, we would require significant revenue growth in order to sustain rising expenditures for the existing Medicaid program.

Attached, please find data responsive to your requests. There is a summary sheet that provides an overview of the information requested, along with several other sheets that provide additional detail. As you know, there are many unanswered questions regarding the proposals. This analysis includes the assumptions that were used to develop the figures, which will obviously change as the proposals are refined.

Please do not hesitate to contact my office if you have questions or should require additional information. I share your concern regarding Arizona's ability to expand its Medicaid program and what the long-term fiscal implications will be for Arizona, and I hope you find this information useful as you consider the various proposals that are before you.

Sincerely,

JANICE K. BREWER,
Governor, Arizona.

COMMENDING JOYCE BOLAND FOR RECEIVING THE REGIONAL COMMISSIONER'S CITATION FROM THE SOCIAL SECURITY ADMINISTRATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. PLATTS. Madam Speaker, I rise today to commend my constituent, Joyce Boland, for receiving the Regional Commissioner's Citation from the Social Security Administration. The Regional Commissioner's Citation is the second highest award that Social Security gives to employees who demonstrate the highest standards of professionalism as established by the agency.

Joyce Boland has worked for the Social Security Administration for 39 years and has dedicated her life to public service. She is often asked to train and mentor employees in other branches, which she does without hesitation. In fact, this is the third time she has received the Regional Commissioner's Citation, an award that is rarely awarded even once in a career, let alone three times.

I applaud the good service that Joyce Boland has not only provided the Social Security Administration, but to the citizens of York County and Pennsylvania as a whole. For this reason, I urge my colleagues to join me in commending Joyce Boland for her good work and service to her country.

INTRODUCTION OF THE ''WATER TRANSFER FACILITATION ACT OF 2009''

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. COSTA. Madam Speaker, today with Congressman CARDOZA I introduced the "Water Transfer Facilitation Act of 2009." The measure should reduce unnecessary delays in water transfers at a time when Central Valley farmers have been hard hit by a three-year drought. It would allow new water transfers of roughly 250,000 to 300,000 acre-feet of water per year. The bill would grant new authority to the Bureau of Reclamation to approve voluntary water transfers between sellers and buyers in the San Joaquin Valley. The measure also would streamline environmental reviews for Central Valley water transfers by ensuring that they occur on a programmatic basis, instead of the current project-by-project basis.

Transferring water between and within counties for water districts is a critical tool during periods of drought. While the best solution would be to have the federal and state pumps fully operational, because we have been unable to modify the Endangered Species Act, this change in the law provides us some relief. This legislation makes permanent the ability to transfer water to our Valley's farms when it is most needed, therefore, allowing our farmers a lifeline to continue to grow crops and help our local economy. More will need to be done to protect the Valley's water, and I will continue that fight.

The bill is supported by a great number of water users across the Central Valley, including the following: Friant Water Users Authority, San Joaquin River Exchange Contractors Authority, Delta-Mendota Canal Authority, Westlands Water District, Metropolitan Water District, Glenn Colusa Irrigation District, Northern California Water Association, Banta-Carbona Irrigation District, Tehama-Colusa Canal Authority, Association of California Water Agencies, Placer County Water Agency, Conaway Preservation Group, and Reclamation District 2035.

I have submitted several of these support letters, and I understand that Mr. CARDOZA will submit additional letters as well.

FRIANT WATER USERS AUTHORITY,
Lindsay, CA, October 1, 2009.

Subject: Support for transfer legislation for the Central Valley Project.

Hon. Congressman JIM COSTA,
Longworth House Building,
Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of Friant Water Users Authority (Authority), we thank you for introducing transfer legislation for the Central Valley Project (CVP) and we support your efforts and this legislation as a means of providing greater flexibility for management of CVP water supplies.

The diminished water deliveries to the CVP as a result of 3 years of below average precipitation amplified by various regulatory restrictions, including the ESA and the most recent delta smelt and salmon Biological Opinions, have, as you know, created a desperate situation in the San Joaquin Valley.

While long-term solutions are being sought, numerous short term efforts are needed to help bridge the water supply gap and greater flexibility, as provided in your legislation, to move water supplies across the San Joaquin Valley would be a useful tool. In addition, the legislation would help Friant districts affected by the SJR Settlement improve management of surface and groundwater supplies.

The Authority consists of nineteen member water, irrigation and public utility districts. The Friant Service area includes approximately one million acres and 15,000 mostly small family farms on the east side of the southern San Joaquin Valley (Madera, Fresno, Tulare and Kern County). Friant Division water supplies are also relied upon by several cities and towns, including the City of Fresno, as a major portion of their municipal and industrial water supplies.

We look forward to engaging in this effort and working closely with you and your staff in advancing this legislation and addressing California water issues.

Sincerely,

RONALD D. JACOBSMA,
Consulting General Manager.

SAN LUIS & DELTA MENDOTA WATER AUTHORITY,
Los Banos, CA, October 5, 2009.

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.
Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.
Hon. DENNIS CARDOZA,
House of Representatives,
Washington, DC.
Hon. JIM COSTA,
House of Representatives,
Washington, DC.

DEAR SENATOR FEINSTEIN, SENATOR BOXER, MR. CARDOZA, AND MR. COSTA: I am writing on behalf of the San Luis & Delta-Mendota Water Authority to express our enthusiastic support for your bill, the Water Transfer Facilitation Act of 2009, authorizing certain transfers of water in the Central Valley Project and other purposes. Water transfers are essential to sound water management and often are time sensitive. Your legislation will bring important reform to existing transfer authorization thus increasing the efficacy of this essential water management tool.

As you are keenly aware, coping with California's water crisis and, in particular, the chronic water supply shortages impacting the Central Valley Project demands utilization of various best management practices

including water transfers. Moreover, the need to transfer water is often urgent and in response to climactic conditions that are frequently sporadic and ephemeral. Regrettably, bureaucratic process can unnecessarily thwart successful execution of a transfer and the best management of this all too precious resource. The clarity your legislation brings to existing authorizations will only improve the capability of water managers throughout the State to effectively respond to the ongoing crisis and put our scant water resources to use even more efficiently.

The Westside of the great San Joaquin Valley is inarguably the most transfer dependent region of the State. Your efforts to address this important matter as well as your vast knowledge of and longstanding commitment to water resource issues vital to the State are most deeply appreciated. If there is anything I can do to be of further service to you in this cause, please do not hesitate to call.

Very truly yours,

DANIEL G. NELSON,
Executive Director.

GLENN-COLUSA IRRIGATION DISTRICT,
Willows, CA, October 2, 2009.

Re Support for water transfer legislation.

Hon. JIM COSTA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of Glenn-Colusa Irrigation District (GCID), we thank you for introducing legislation authorizing and establishing a permanent long-term program to promote and manage water transfers in the Central Valley of California. We support your efforts and this legislation as a means of providing greater flexibility in the management of Central Valley Project (CVP) and other water supplies to help meet unmet needs critical to the future of the State of California.

As you are aware, the devastating impacts of diminished water deliveries to the CVP as a result of 3 years of below average precipitation have been made even greater by the various regulatory restrictions, including the requirements established by the recent federal biological opinions for endangered fish under the ESA. Your legislation will provide immediate, much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the CVP.

GCID is the largest and one of the oldest diverters of water from the Sacramento River, dating back to 1880. As a senior water right holder and CVP Sacramento River Settlement Contractor, we believe we can and will actively participate in this water transfer program. The language in your legislation directing the Bureau of Reclamation to work with other federal agencies to implement the necessary long-term environmental processes addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake will be imperative to its usefulness and success.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,

THADDEUS L. BETTNER,
General Manager.

BANTA-CARBONA IRRIGATION DISTRICT,
Tracy, CA, October 2, 2009.

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
Washington, DC.
Hon. DENNIS CARDOZA,
Longworth Building,
Washington, DC.
Hon. JIM COSTA,
Longworth House Office Building,
Washington, DC.

DEAR HONORABLE PUBLIC SERVANTS: We encourage you to pass this proposed bill as it can only help Californians best use the waters within the state. It is a waste of storage and conveyance systems to limit the uses of these facilities to strictly one brand of water, ie. CVP water. When facilities can be used to move various sources of water to diverse destinations and beneficial uses then the facilities are doing the most good for the American public. These public facilities will then better serve municipal, industrial and agricultural water needs while the environment is being served during times of drought. This bill will clarify a portion of law that federal regulatory agencies are interpreting in such a way as to prevent conveyance and storage of otherwise legal water transfers within the State of California in Federal facilities. Please pursue passage of this legislative correction.

Sincerely,

DAVID WEISENBERGER,
General Manager.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 7, 2009

Mr. BILBRAY. Madam Speaker, I would like to submit the following Earmark request:

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: Conference Report to H.R. 3183, FY 2010 Energy and Water Appropriations

Account: EERE

Legal Name of Requesting Entity: UC San Diego

Address of Requesting Entity: 9500 Gilman Drive, San Diego CA 92093

Description of Request: I received $750,000 for the San Diego Center for Algae Biotechnology (SD-CAB). SD-CAB is a consortium of renowned research institutions—including UC San Diego, The Scripps Research Institute, the Salk Institute, Scripps Institution of Oceanography, San Diego State University and other regional entities—that are collaborating with industry partners in a broad-scale research effort to develop advanced transportation fuels from algae. Scientists from these institutions established SD-CAB in an effort to make sustainable algae-based fuel production and carbon dioxide abatement a reality within the next 5 to 10 years. The primary goal of the center is to create a national facility capable of developing and implementing innovative research solutions for the commercialization of fuel production from algae. Algae biofuels have the potential to provide a secure and renewable source of transportation fuel that is at least carbon neutral, and does not compete for land or fresh water resources required to grow food supply crops.

To further establish the SD-CAB as a national research resource for the sustainable development of algae-based biofuels, I made a project request intended to help develop the facilities necessary to the production and culturing of a variety of algae strains. These facilities would be both on campus at UCSD and at an off-site location where existing infrastructure can be readily upgraded, refurbished and leveraged for the SD-CAB research enterprise. A congressionally directed appropriation of $750,000 has been provided in the House FY 2010 Energy and Water Development appropriations bill to help meet these needs.

This advanced research project will provide an important training component for both students and faculty, in this critical emerging field of research. It will serve as a platform for continued collaboration with other universities and key industry partners. It is also a logical continuation of the San Diego region's leadership role at both the state and federal levels in developing and deploying viable alternative energy and transportation fuel solutions. Further, the cutting edge R&D into alternative transportation fuels derived from algae enabled by this project will be reflective of current related policy goals and funding priorities of both the federal government and the State of California.

GOVERNORS OF CALIFORNIA AND FLORIDA EXPRESS CONCERNS WITH UNFUNDED MANDATES IN HEALTH REFORM

HON. MIKE ROGERS

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over $35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letters from the governors of California and Florida:

JULY 31, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
Washington, DC.
Hon. JOHN A. BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, MADAM SPEAKER AND MR. BOEHNER: I appreciate your commitment and hard work toward reforming the nation's health care system. I think we can all agree that the current system is not working as it should, and I have long supported a significant overhaul. Costs continue to explode, while tens of millions remain uninsured or underinsured. Many families are one illness away from financial ruin—even if they do have insurance.

We have the greatest medical technology in the world at our fingertips, yet Americans' health status lags behind many countries that spend less than half what we do per capita. Any successful health care reform proposal must be comprehensive and built around the core principles of cost containment and affordability; prevention, wellness and health quality; and coverage for all.

COST CONTAINMENT AND AFFORDABILITY

Cost containment and affordability are essential not only for families, individuals and businesses, but also for state governments. Congress is proposing significant expansions of Medicaid to help reduce the number of uninsured and to increase provider reimbursement.

Today, California administers one of the most efficient Medicaid programs in the country, and still the state cannot afford its Medicaid program as currently structured and governed by federal rules and regulations. The House originally proposed fully funding the expansion with federal dollars, but due to cost concerns, members decided to shift a portion of these expansion costs to states. I will be clear on this particular proposal: if Congress thinks the Medicaid expansion is too expensive for the federal government, it is absolutely unaffordable for states. Proposals in the Senate envision passing on more than $8 billion in new costs to California annually—crowding out other priority or constitutionally required state spending and presenting a false choice for all of us. I cannot and will not support federal health care reform proposals that impose billions of dollars in new costs on California each year.

The inclusion of maintenance of effort restrictions on existing state Medicaid programs only compounds any cost shift to states. We simply cannot be locked into a cost structure that is unsustainable. Governors have three primary ways to control Medicaid costs: they can adjust eligibility, benefits and/or reimbursement rates. Maintenance of effort requirements linked to existing Medicaid eligibility standards and procedures will effectively force state legislatures into autopilot spending and lead to chronic budget shortfalls.

The federal government must help states reduce their Medicaid financing burden, not increase it. A major factor contributing to Medicaid's fiscal instability, before any proposed expansion, is that the program effectively remains the sole source of financing for long-term care services. Therefore, I am encouraged by congressional proposals that create new financing models for long-term care services. Proposals that expand the availability and affordability of long-term care insurance are steps in the right direction, but they must be implemented in a fiscally sustainable way. More fundamentally, however, the federal government must take full responsibility for financing and coordinating the care of the dually eligible in order to appreciably reduce the cost trend for this group. This realignment of responsibilities is absolutely essential to controlling costs for this population, while ensuring that state governments will be better positioned to fill in any gaps that will undoubtedly arise from federal health care reform efforts. I also encourage Congress to incorporate other strategies to help stabilize Medicaid costs for states.

Delaying the scheduled phase-out of Medicaid managed care provider taxes pending enactment of new Medicaid rates, reimbursement for Medicaid claims owed to states associated with the federal government's improper classification of certain permanent disability cases, and federal support for legal immigrant Medicaid costs are examples of federal efforts that could provide more stability to state Medicaid programs. Moreover, given the fiscal crisis that many states, including California, are experiencing, I strongly urge Congress to extend the temporary increase in the federal matching ratio to preserve the ability of state Medicaid programs to continue to provide essential services to low-income residents pending full implementation of national health reform.

PREVENTION, WELLNESS AND HEALTH QUALITY

PREVENTION

Wellness and health promotion, along with chronic disease management, can help to lower the cost curve over the long run and improve health outcomes in the near term. This was one of the cornerstone pieces of my health care reform proposal in California, and I continue to believe it should be a key piece of the federal efforts. Prevention, wellness and chronic disease management programs should include both the individual and wider population levels.

At the individual level, proposals to provide refunds or other incentives to Medicare, Medicaid and private plan enrollees who successfully complete behavior modification programs, such as smoking cessation or weight loss, are critical reforms. To ensure they are widely used, individual prevention and wellness benefits should not be subject to beneficiary cost sharing.

Because individuals' behaviors are influenced by their environments, health reform must place a high priority on promoting healthy communities that make it easier for people to make healthy choices. California has demonstrated through its nationally recognized tobacco control efforts that population-based strategies can be effective and dramatically change the way the people think and act about unhealthy behaviors, such as tobacco use. A similar model, community transformation grants, has been advanced in the Senate Committee on Health, Education, Labor, and Pension legislation, and it should be included to support policy, environmental, programmatic and infrastructure changes that address chronic disease risk factors, promote healthy living and decrease health disparities.

Quality improvement measures are also critical to health reform. The House proposal for a Center for Quality Improvement to improve patient safety, reduce healthcare-associated infections and improve patient outcomes and satisfaction is a positive step. Coordinated chronic disease management is necessary to improve outcomes for chronically ill people.

Systematic use of health information technology and health information exchange, including access for public health agencies, is vital to providing the necessary tools to measure the success of quality improvement efforts. Finally, investments in core public health infrastructure can be facilitated through the creation of the proposed Prevention and Wellness Trust.

COVERAGE FOR ALL

Coverage for all is also an essential element of health care reform and I believe an enforceable and effective individual mandate, combined with guaranteed issuance of insurance, is the best way to accomplish this goal. The individual mandate must provide effective incentives to help prevent adverse selection that could occur if the mandate is too weak. Creating transparent and user-friendly health insurance exchanges to help consumers compare insurance options will also help facilitate participation. States should maintain a strong role in regulating the insurance market and have the ability to maintain and operate their own exchanges, with the understanding that some national standards will need to be established. California has a long history of protecting consumers through our two separate insurance regulators, one covering health maintenance organizations and the other monitoring all other insurance products. Maintaining a strong regulatory role at the state level is in the best interest of consumers, and I urge Congress to maintain this longstanding and effective relationship as you design these new market structures.

I hope our experience in California working toward comprehensive health care reform has informed the debate in Washington. There will be many short-term triumphs and seemingly insurmountable roadblocks for Congress and the nation on the road to comprehensive health care reform. We must all remain focused on the goal of fixing our health care system and remember that we all have something to gain from the reforms, and we all have a shared responsibility to achieve them. I look forward to working with you as you move forward on this desperately needed legislation.

Sincerely,

ARNOLD SCHWARZENEGGER,
Governor, California.

SEPTEMBER 17, 2009.

Hon. BILL NELSON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR NELSON: Thank you for your valuable work on behalf of Floridians in the United States Congress. I am pleased with our ability to work together on issues important to our state, including the health and well being of our residents.

We can all agree that we need to work together to make quality health care more affordable and accessible, especially to those who currently do not have health insurance. I stand united with my fellow governors; however, with our concerns about how Congressional proposals may affect our ability to manage scarce state resources.

In the last year, enrollment in Florida's Medicaid program has increased from 2.2 million in July 1, 2008 to 2.63 million in July 2009, causing a strain on our state budget. Congressional proposals would increase those numbers by expanding Medicaid eligibility. Under the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee proposal for example, more than 1.46 million people would be added to our current Medicaid caseload in Florida at a cost of $4.93 billion for the next fiscal year.

Although providing more access to health care for individuals and families in our struggling economy is an affable goal, our preliminary Florida estimates show that in the following year (State Fiscal Year 2010–2011), once the American Recovery and Reinvestment Act Federal Medical Assistance Percentage funds have been exhausted, the impact increases as more than 1.72 million people are expected to be added to our case load at a cost of $5.875 billion.

Some Members of Congress have indicated that states should shoulder some of the burden to fund the expansion of Medicaid at a time when our economy and residents are struggling. To pay for this expansion, states fear the need to cut critical services like education or public safety to add more money to Medicaid. This would have a crippling effect on Florida's state economy and the national economy.

In addition, state Medicaid programs currently take on the burden of financing long term care services for our aging and disabled residents. Due to our large elderly population, Florida is estimating expenditures of $4.3 billion for state fiscal year 2009–2010 (this includes coverage of institutional care, home and community based waiver and our nursing home diversion waiver services). Medicaid is the primary payor for nearly two-

thirds of all nursing home residents in the state. While the U.S. Senate HELP proposal and the House bill call for the creation of a new voluntary federal insurance program for community-based long-term care services, the Congressional Budget Office has questioned the long term viability of this provision. Any federal health care reform discussion must include a combined federal and state approach to the financing and provision of Medicaid and long term care services.

Lack of health insurance is the greatest barrier to accessing health care. With nearly four million Floridians currently lacking health insurance, our state has launched initiatives designed to reduce that number and assist those who need prescription medication. Many of these programs can serve as examples to our nation. I have attached a brief summary outlining several of these successful programs Florida is using to address the health care needs of our residents, while targeting ways to reduce costs to our health care system.

The partnership between our state and our federal government is critical in enabling Florida to serve its residents, and I stand ready to work with you to address those issues which are most essential in health care reform: access and affordability. Our goal should remain clear: maintaining a high quality health care system which allows individuals to get treatment when they need it. I hope I can count on your support to work together on solutions to improve care at the same time as providing sustainability in essential programs like Medicaid through sound financing options at the state and federal levels.Thank you for your consideration and support.

Sincerely,

CHARLIE CRIST,
Governor, Florida.

TRIBUTE TO CEE SALBERG—RECIPIENT OF 2009 ST. MADELEINE SOPHIE AWARDS, SACRED HEART SCHOOLS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. ESHOO. Madam Speaker, I rise today to honor Ms. Cee Salberg, a recipient of the prestigious St. Madeleine Sophie Award from Sacred Heart Schools. Established in the year 2000, the St. Madeleine Sophie Award honors individuals in the Sacred Heart community who have made a sustained and significant contribution to the Schools and embody the Goals and Criteria of a Sacred Heart education. The individuals honored are selected by a committee comprised of the senior administrative team in conjunction with the Chair of the Board of Trustees and are honored at a reception and at the Mass of the Holy Spirit, the first all-school liturgy of the school year. The recipients will be VIP guests at various SHS events throughout the year and featured in their alumni magazine, The Heart of the Matter, for their commitment to the mission of Sacred Heart education.

This year, Cee Salberg was chosen along with two other distinguished recipients to be recognized with the Award for her tireless work as an educator as well as to the Goals and Criteria of Sacred Heart Schools. Her award was presented by Mr. James Everitt, who gave this speech at the Awards Ceremony in tribute to Cee:

I am still a little unclear as to why Cee Salberg asked me to introduce her for this prestigious award. I cannot figure out if she asked me to do her this honor because I don't actually work in the pre-school and Kindergarten so, therefore, I don't really know how she behaves on a daily basis. Or, if it is because she knows that I am afraid of her and that it is unlikely that I will share anything other than the most positive sentiments about her. In any case, tonight we get to celebrate a wonderful and a brilliant educator.

I am so thrilled to be able to introduce Cee Salberg for the St. Madeleine Sophie Award tonight. As I understand it, this award is given to those who have committed themselves to Sacred Heart Schools and who embody the Spirit of St. Madeleine Sophie Barat. For those of you who know Cee it is clear to you why she is the winner of this award. Put quite simply . . .

Cee has the vision of Sophie.

Cee has the courage of Sophie.

Cee has the generosity of Sophie.

Cee has the direct communication style of Sophie.

And most importantly, Cee has the single-hearted love of children that we believe is the most important characteristic of Sophie's own life and legacy.

I believe it is this last characteristic that has landed Cee here this evening. Cee has a single-hearted love of children that is awe inspiring for those who work closely with her and for those whose children have been in the pre-school and kindergarten. If you speak to children who attended our Montessori program they will tell you that they love Ms. Salberg. One high school student told me that Ms. Salberg is the kindest woman that she knows.

However, let me get something clear from the beginning. I am not suggesting that Cee is touchy-feely or that she has never been accused of being aloof or unfriendly. She is in fact, sometimes scary for parents and other adults. As Rich Dioli recently said to me, "Cee may not say hi to every parent who walks through the door but she knows every kid by name and she is the best educator we have." I have several funny anecdotes about times when Cee has scared me but I will save those for her retirement roast in about 15 years.

After Cee invited me to introduce her, which I am sure she is now regretting, I started asking people about her and why they felt that she should be the recipient of this award. I had a great time. People feel very strongly about Cee and almost every person I spoke with, particularly those that work in the preschool and kindergarten, made it clear that they are thrilled that she is receiving this award. And they feel strongly about her for four reasons: because she loves scotch, because she loves the San Francisco Giants, because she keeps chocolate stocked in the faculty room and, most importantly, because everything she does—every day—is about the children that walk through the doors of the Montessori building. I was tempted to summarize what people said about Cee but perhaps I should just report some of the thoughts that Cee's colleagues have about her. . .

Cee has always been available to me when I needed advice, a sounding board, or a kind shoulder on which to cry. She has helped me navigate the Sacred Heart experience. She has been a constant beacon for all of us.

Cee has a loving and giving heart. She is committed to the mission of the school; to economic, social, and ethnic diversity and she is an educational leader that works very closely with her teachers to ensure that the students are being loved and having success in the classroom.

Cee travels the world to learn about other cultures and enhances her own life to better understand humanity.

Cee is kind.

Cee believes in our mission and does everything possible to instill the mission of the school in the children.

Each decision Cee makes is for the children.

Although some say she is not warm and fuzzy—my entire family adores her. She is there for the children and that is what matters.

Cee cares about every child in her school—no matter what.

Cee teaches the children independence, respect, kindness, understanding, and thoughtfulness—everything a parent wants in a child.

Cee is not a woman of many words but she hears all.

Cee always has the perfect outfit for every occasion; classy and elegant.

Cee will bend down and pick up every last scrap of liter under the lunch tables.

Cee is organized, efficient and thrives on order—the preschool runs like a well oiled machine under her control.

Cee is a blessing; a wonderful leader for the parents, children and her staff—I feel proud to be a member of her staff.

Cee has always based her goals for the Montessori on the Goals and Criteria.

Cee has led us to be a faculty that values professional growth, love of God and one another, and social justice.

Cee encourages teachers to keep up on all the newest information in teaching and often gives us professional articles, internet sites, and always encourages us to attend classes and workshops.

Cee has a professional commitment to get to know each student at the Montessori. She spends from 12:15p.m. to 1:00 p.m. at recess each day, observing and interacting with the children.

Cee always encourages early intervention when students are having difficulties socially, emotionally, or academically.

Most importantly Cee has dedicated her years here to boost our financial aid, based on her value of social justice. We now have many wonderful students who would not have been able to attend Sacred Heart without Cee's dedication to financial aid increases.

I am guessing that by now you have gotten the point. Cee is wonderful. In fact, she sounds almost perfect. So, let me share with you some of her shortcomings. Just kidding Cee.

I do, however, want to share with you how I feel about Cee Salberg.

It is unlikely that you will ever hear Cee give a speech about God, St. Madeleine Sophie Barat or the Mission of the School. It would surprise me to find Cee in a large group talking about the latest instructional strategies or arguing about pedagogical methods. It is rare that you will find Cee making loud protests against injustice. It is unusual to hear Cee gossiping about a colleague or undermining the work of her peers. I can almost guarantee that you won't find Cee creating arbitrary policies that prevent a child's growth.

But in my experience you will . . .

Find Cee hugging her students and making sure that they feel loved.

Find Cee allocating resources for teacher development and creating an environment at the Montessori in which student interest drives student learning and achievement.

Find Cee fighting for financial aid and non-tuition related financial aid so that all students have access to a Sacred Heart education.

Find Cee confronting parents and colleagues who do things that don't build community. And, you will find the kind joy and

laughter in the Montessori building that is at the very heart of building community.

And, my favorite, you will find Cee on vacation in the middle of the school year because she values balance in her life and she understands the importance of her family.

I was not surprised to learn that Cee was nominated and ultimately selected to be one of the St. Madeleine Sophie Award winners. Cee has been an amazing mentor to me and I can say from the very depth of my being that I have learned more from Cee Salberg about teaching and learning and about what it means to be a Sacred Heart educator than from any other person in my career. Cee is a woman who St. Madeleine Sophie Barat and St. Rose Philippine Duchesne would recognize as one of their own.

I want to end by reading a nice poem that was written by a member of Cee's staff.

There once was a principal named Cee
As good at her job as she could be.
She juggles admins, parents, kids and teachers,
But she'd rather be cheering in the bleachers
For the San Francisco Giants, her favorite team.
Soon, the World Series? Hey, a girl can dream!
Cee and Keir travel to many a port.
And luckily, Janet can hold down the fort.
At work and at home, Cee has a great crew.
She's the captain, she knows what to do!
For Cee to get this award, we're all very proud,
And not a bit shy to say right out loud:
She deserves this award and can pass any test.
All of us know that Cee is the best!

Cee, it is a true honor and pleasure to be your friend and your colleague. I look forward to celebrating your retirement with you in about 15–20 years.

Congratulations.

Madam Speaker, I ask the entire House of Representatives to join me in offering our congratulations to Cee Salberg on the very special occasion of being chosen for the St. Madeleine Sophie Award, and for all she does daily to strengthen our community and our country.

SUPPORTING CAMPUS FIRE SAFETY MONTH

SPEECH OF

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. GINGREY of Georgia. Madam Speaker, I rise today to express my support for H. Res. 167, a resolution that supports the goals and ideals of recognizing September as Campus Fire Safety Month. This recognition would both heighten awareness and encourage improvements in the overall safety on our college and university campuses.

Since January 2000, 129 people including students, parents, and children, have died in student housing fires, many of which were preventable. Currently a majority of college students live off campus, and eighty percent of these deaths have occurred in off campus housing. One recent example is more personal for me. Over the 2008 Christmas break, there was a suspected arson at the Sigma Nu fraternity house at Texas A&M University. Thankfully, no one was residing in the house at that time, but as a Sigma Nu from my days at Georgia Tech, my prayers continue to be with the chapter in Texas for the rebuilding of their residence.

Nationally, more needs to be done to improve campus-wide fire safety awareness programs so as to prevent the loss of life and property damage on college and university campuses. Many of these fatal fires have occurred in buildings where the fire safety systems have been compromised, are obsolete, or have been disabled by occupants. College administrations must continue to make students aware of the need for automatic fire alarm systems and the safety they provide to occupants and local fire departments.

Madam Speaker, fire safety education is imperative on college and university campuses across the nation. This resolution encourages administrators and municipalities to evaluate the level of fire safety being provided in both on- and off-campus student housing. It further calls upon them take the necessary steps to ensure fire safe 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. I urge all of my colleagues to support this resolution so that we can protect future generations of our nation's leaders from the devastating and potentially life threatening effects of campus fires.

GOVERNORS OF IDAHO, INDIANA, AND LOUISIANA EXPRESS CONCERNS WITH UNFUNDED MANDATES IN HEALTH REFORM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over $35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the record the following letters from the governors of Idaho, Indiana, Louisiana and Minnesota:

SEPTEMBER 15, 2009.

Hon. MIKE CRAPO,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CRAPO: Idaho has a proud history of fiscal responsibility, ensuring that our State government serves its proper role for the people of Idaho while staying within their financial means. As the United States Congress attempts to address the healthcare challenges facing our nation, it is important that we remain diligent in assessing the implications of our decisions, always ensuring that we take seriously our duty to safeguard the financial resources of the American public, and allocating taxpayer money in an efficient and effective manner.

As revised healthcare proposals continue appearing in Congress, the full consequences of these reforms remain unknown and we are uncertain of the possible negative impacts on local businesses, families and senior citizens. However, it is clear that these sweeping proposals would irresponsibly shift a substantial and unmanageable financial burden to the states. Like Idaho, many states already are functioning under severely limited and strained budgets. It is certain that the burden of these reforms would be placed upon the shoulders of hardworking Americans.

The costs associated with these proposed reforms are astounding. Conservative estimates from the Idaho Division of Medicaid indicate that the bill's Medicaid eligibility proposal would increase our state share of Medicaid and the federal matching rate effective would drop in the middle of fiscal year 2011, leaving Idaho struggling to fill the void. Idaho's tax base could not support this large unfunded mandate without resorting to tax increases, including a possible increase in Idaho's already 6-percent sales tax—an irresponsible action which would do serious harm to Idaho taxpayers. The proposed reforms would impose an undue burden on citizens already struggling in this difficult economy.

It has been estimated that combined federal-state Medicaid costs in Idaho could increase by $501 million. In addition, raising the Medicaid reimbursement rate to 110 percent of the Medicare reimbursement rate would increase total federal-state costs $50 million more.

This proposed change in the federal reimbursement rate likely would reduce the number of plans that are offered to persons on Medicare, resulting in increased premiums and reduced services and access to service providers. Seniors in rural Idaho already have trouble finding providers who accept Medicare patients.

Should these changes be approved, that trend could continue statewide—severely limiting access to medical care for some of Idaho's most vulnerable residents. The people of Idaho have entrusted us with a responsibility to use our government resources wisely and efficiently. Imposing costly federal mandates that cannot be sustained in the long run is an irresponsible violation of this public trust. Quite simply, these proposals are financially irresponsible and would not adequately address the needs of senior citizens and other vulnerable groups.

I encourage you to join me in opposing current health care reform proposals. By ending these nonsensical debates and stopping the proposed reforms, we can move forward in a more positive, measured and reasonable direction, using common sense to find a workable healthcare solution that benefits all Americans.

As Always—Idaho ''Esto Perpetua'',
C.L. ''BUTCH'' OTTER,
Governor, Idaho.

SEPTEMBER 8, 2009.

Hon. RICHARD LUGAR,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR LUGAR: During your summer recess I am sure that many, if not all of you heard from your constituents regarding health care reform.

I have heard from them as well. In fact, over the past few months, I have watched Americans come forward to passionately express their anxieties about the legislation currently making its way through Congress. Their worries are well-founded.

There is no disputing the fact that aspects of American health care, such as access and affordability, truly do need to be restructured and improved. Yet, I have serious concerns about Congress's proposed solutions to these problems. In fact, I fear the current rush to overhaul the system will ultimately

do more damage than good and create far more problems than it solves.

And unfortunately, Indiana would bear the brunt of many of the reckless policies being proposed. For example, our Healthy Indiana Plan (HIP), an innovative and successful state sponsored health insurance program for uninsured citizens, would suffer greatly as Congress expands Medicaid coverage, forcing many of the Hoosiers already enrolled in HIP out of the plan and into a broken Medicaid program that does not focus on prevention, healthy lifestyles, or personal responsibility.

Additionally, states will likely have to pick up the tab for this extension of Medicaid. We have estimated that the price for Indiana could reach upwards of $724 million annually. These additional costs will overwhelm our resources and obliterate the reserves we have fought so hard to protect.

While these reforms could do serious damage to our state, I fear they will also have harmful consequences all across the country by reducing the quality and quantity of available medical care, stifling innovation, and further burdening taxpayers.

There is another way. Americans from all walks of life and every political stripe should work together with President Obama and Congress to create a set of measured and sensible reforms that bring down costs, increase access and portability and stress the importance of innovative state-run health insurance programs.

The majority of Americans do believe that health care reform is needed, but do not believe that the legislation currently on offer is the answer. I agree. And I will do everything in my power to raise these concerns and work with you to find a solution.

Sincerely,

MITCH DANIELS,
Governor, Indiana.

SEPTEMBER 30, 2009.

Hon. STEVE SCALISE,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN SCALISE: I join many of my fellow Republican and Democrat governors in expressing concern with any health care legislation being signed into law that would serve as an unfunded mandate to states.

Louisiana is similar to many other states around the country in that we are attempting to address budgetary deficits in large part by working to streamline government to be more efficient and cost-effective. In short, we are trying to emulate many of our working families, small businesses and seniors by watching our spending, doing more with less, and making every dollar count.

However, Louisiana's budgetary situation is uniquely challenged due to an unprecedented FMAP rate drop from 72 to 63.1 percent beginning next fiscal year that will cost Louisiana at least $700 million annually. This additional cost will place significant pressures on our ability to expand our economy, create new jobs and protect critical services in our state.

Louisiana is proud of its commitment to its citizens' health in the face of long-standing issues of extreme poverty experienced in few other states. Our state is a national model for insuring children with over a 95% rate of child insurance and we were recently recognized for achieving the 2nd highest child immunization rates in the nation after an intensive state-wide private-public effort.

My Department of Health & Hospitals has submitted a Medicaid waiver to the US Department of Health & Human Services that can help improve the cost and quality delivered in the Medicaid program. This waiver proposes national best practices of coordinated care, medical homes, provider payment reform, electronic medical records, and consumer incentives to manage cost and improve quality. This proposal can help improve the efficiency in Medicaid and utilize those savings, along with the shifting of DSH dollars from expensive hospital based care to community based outpatient care, to expand coverage through private insurance to tens of thousands of adults in our state.

Again, I ask that you consider the budgetary pressures being felt by Louisiana and many other states and avoid passing any health care legislation that would serve as an unfunded mandate to the states.

Best regards,

BOBBY JINDAL,
Governor, Louisiana.

[From the Washington Post, Aug. 3, 2009]

TO FIX HEALTH CARE, FOLLOW THE STATES

(By Governor Tim Pawlenty of Minnesota)

If you tie money to results, you'll get better results. Unfortunately, government often dumps money into programs without regard to accountability and outcomes. This past week, Democrats in Congress have been busy tinkering with a Washington takeover of the health-care system, but perhaps they should look instead to the states for models of market-driven, patient-centered and quality-focused reform. Rather than taking power away from states, federal health-care reform should use the lessons we've learned tackling this crisis in our back yards.

In Minnesota, our state employee health-care plan has demonstrated incredible results by linking outcomes to value. State employees in Minnesota can choose any clinic available to them in the health-care network they've selected. However, individuals who use more costly and less-efficient clinics are required to pay more out-of-pocket. Not surprisingly, informed health-care consumers vote wisely with their feet and their wallets. Employees overwhelmingly selected providers who deliver higher quality and lower costs as a result of getting things right the first time. The payoff is straightforward: For two of the past five years, we've had zero percent premium increases in the state employee insurance plan.

Minnesota has also implemented an innovative program called QCARE, for Quality Care and Rewarding Excellence. QCARE identifies quality measures, sets aggressive outcome targets for providers, makes comparable measures transparent to the public and changes the payment system to reward quality rather than quantity. We must stop paying based on the number of procedures and start paying based on results.

Instead of returning power to patients and rewarding positive outcomes, many Democrats in Washington want a government-run plan that would require states to comply with dozens of new mandates and regulations. One study by the Lewin Group recently concluded that an estimated 114 million Americans could be displaced from their current coverage under such a plan, and another study by House Republicans said the plan could result in the loss of up to 5 million jobs over the next 10 years.

In typical fashion, the self-proclaimed experts piecing together this Democratic health-care legislation are focusing on only one leg—access—of a three-legged stool that also includes cost and quality. Expanding access to health care is a worthwhile goal. But equal or greater focus should be placed on containing costs for the vast majority of Americans who already have insurance. Those costs will not be contained by a massive expansion of federal programs.

Massachusetts's experience should caution Congress against focusing primarily on access. While the Massachusetts plan has reduced the number of uninsured people, costs have been dramatically higher than expected. The result? Increased taxes and fees. The Boston Globe has reported on a current short-term funding gap and the need to obtain a new federal bailout.

Imagine the scope of tax increases, or additional deficit spending, if that approach is utilized for the entire country.

IN HONOR OF THE CALIFORNIA UNIVERSITY OF PENNSYLVANIA STUDENTS, FACULTY, AND STAFF WHO HAVE SERVED OUR NATION IN IRAQ

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. MURTHA. Madam Speaker, I rise today to ask this chamber to recognize the students, faculty, and staff at California University of Pennsylvania who have valiantly served their country in Iraq. Cal. U. students have an exemplary record of serving our country in times of need and have done so again during the war in Iraq.

There have been nineteen California University students who have been deployed to Iraq. Furthermore, five members of the staff and faculty were also deployed. Many were part of the Pennsylvania Army National Guard 56th Stryker Brigade Combat Team, north of Baghdad. This was the largest National Guard call-up in support of a single operation in the history of the university. I have joined my colleagues in recognizing the 56th Stryker Brigade by becoming an original cosponsor of H. Res. 754, which honors the citizen-soldiers of the National Guard of the State of Pennsylvania, including the 56th Brigade Combat Team (Stryker) of the Pennsylvania Army National Guard on its return to the United States from deployment in Iraq.

Madam Speaker, these students, just like countless others across Pennsylvania and the rest of the country, are choosing to serve their nation and put their own education on hold.

I have seen the consequences and effects of returning home after combat and I am pleased that Cal. U. has an Office of Veterans Affairs. This office has been instrumental in helping veterans reintegrate into the university community and has helped to facilitate the issuance of G.I. Bill benefits. This is an excellent way to help those who have given so much to our country.

I wish to conclude my remarks by commending the California University of Pennsylvania students, faculty and staff members who have selflessly dedicated themselves to our great nation by serving their country. I would also like to commend students and university staff and faculty across our great nation who have done the same.

RECOGNIZING DYKE MARSH WILDLIFE PRESERVE

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. DINGELL. Madam Speaker, I rise in strong support of H. Res. 701, honoring the 50th Anniversary of the Dyke Marsh Wildlife Preserve.

Fifty years ago, commercial dredging and dumping operations threatened the very existence of Dyke Marsh. In 1959, Congress designated Dyke Marsh as a protected wetland habitat, allowing it today to provide a vital habitat for over 6,500 species of animals and plants, and serve as one of the national capital area's most cherished wetland and wildlife preserves.

I am proud to have taken part in the designation of Dyke Marsh. The best times of my life were hunting and fishing with my dad and, later in life, with my children. I want to ensure others are able to enjoy the outdoors in that same meaningful way.

This anniversary reminds me of the great times John Saylor, Henry Reuss and I shared while working on environmental and conservation legislation together. They were great friends and legislators, and I am proud of what we were able to accomplish. John was wise to have once said: 'We are a great people because we have been successful in developing and using our marvelous natural resources; but, also, we Americans are the people we are largely because we have had the influence of the wilderness on our lives.'

I am also reminded of a quote by another great leader, Winston Churchill. Churchill, as you know, enjoyed the occasional drink. One day he was meeting with a group of women who were offended by his consumption of alcohol. They said 'Mr. Churchill, if you lined the walls of your office with the alcohol you have consumed, it would be up to here.' Churchill looked up, thought for a moment, looked at the ladies and said, 'So much to do, so little time.' We should be proud of the good our work towards conservation has done, but remember we have more to do

The Gentleman from Virginia, Mr. MORAN, is to be commended for his hard work in protecting Dyke Marsh and for the good work he has done from his perch in the House Appropriations Subcommittee on the Interior. Important conservation programs are better off because of his wisdom and diligence.

I also want to take a moment to recognize the hard work of the Friends of Dyke Marsh. This organization, currently under the leadership of Glenda Booth, has done a great job of protecting this beautiful space and getting the story of Dyke Marsh out. Friends of Dyke Marsh is an outstanding advocacy organization and they have much of which to be proud.

I urge all my colleagues to rise and commemorate the 50th Anniversary of the Dyke Marsh Wildlife Preserve.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. KING of Iowa. Madam Speaker, on roll-call No. 754, I was unable to reach the House floor to cast my vote before the vote was closed.

Had I been present, I would have voted "yea."

GOVERNORS OF MISSISSIPPI AND NEBRASKA EXPRESS CONCERNS WITH UNFUNDED MANDATES IN HEALTH REFORM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over $35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letters from the governors of Mississippi and Nebraska:

AUGUST 6, 2009.

Hon. GREGG HARPER,
Cannon HOB,
Washington, DC.

DEAR CONGRESSMAN HARPER: As Congress debates healthcare reform, I want to raise a few issues of concern with the policies being considered in both House and Senate bills. Healthcare reform is truly a bipartisan issue; after all, Republicans and Democrats understand that our healthcare system faces significant challenges—from steadily increasing medical costs to confusing insurance provisions. As the national debate continues, it is important that everyone realizes the severe impact the proposed legislation would have on states like Mississippi.

As Governor, I am particularly concerned about the direction the Senate and House are taking in regards to Medicaid expansion. Instead of discussing policies to reform a broken system, the debate in Congress has shifted to finding ways to fund an expanded Medicaid program at the state level. At the end of the day, both the Senate and House proposals are unfunded mandates, which, for states like Mississippi, would result in burdensome and costly changes to the system.

For example, when we talk about sharing the cost of an expanded Medicaid program, Mississippi would pay another $333 million annually under a larger program covering up to 150 percent below the Federal Poverty Level (FPL). A Medicaid program covering up to 133 percent FPL expansion would cost an extra $297 million. In many states, funding the current Medicaid programs robs other critical programs. The same is true for us. Each year we struggle to cover our Medicaid expenses while providing for essential services including public education and public safety.

While there has been some discussion at the federal level to assist states in paying for this expansion, my staff learned last week that the Senate Finance Committee is proposing to cap the amount of federal money distributed to the states to pay for this expansion at $40 billion over 10 years. Estimates show the cost of expanding the Medicaid system to all states at the lowest level, or 133 percent FPL, is $30 billion per year. At 133 percent FPL, states would be saddled with Medicaid expansion costs in the second year of expansion.

These projections are overwhelming as Mississippi, like all states, continues to grapple with budget realities. Our General Fund Revenue collections for July 2009 are 11.27 percent below our estimate. Compared to the prior year, collections for this July are 21.43 percent or $56.3 million below what was collected in July 2008. During Fiscal Year 2009, Mississippi's revenue was $390 million short of the revenue estimate, causing most of state government, except for education and Medicaid, to take approximately a 6 percent cut in the Fiscal Year 2010 budget.

Our Fiscal Year 2010 budget included $523 million in stimulus funds; otherwise, we would have faced even more significant cuts. It will take our state years to catch up, and that's without a $297 million or $333 million Medicaid state-share increase.

Further, the proposed healthcare reform legislation also includes numerous tax increases to finance significant expansions of government-run healthcare. Different versions of the House legislation incorporate a payroll tax on small businesses. Although the recent House Energy and Commerce Committee agreement included an 8 percent payroll tax for small businesses with an annual payroll of $500,000, previous versions taxed small businesses with a payroll of $250,000.

This tax will do nothing more than punish wage and job growth, especially when you consider that the tax rate increases as the size of payroll increases. According to the National Federation of Independent Businesses (NFIB), such employer mandates could cost 1.6 million jobs with more than 1 million of those jobs lost in the small business sector. That means higher taxes for Mississippians, since 96.7 percent of our employers are small businesses. In addition, the Senate HELP Committee proposal requires employers to offer health coverage to their employees and contribute at least 60 percent of the premium cost or pay $750 for each employee that is not offered coverage.

Language in the proposed legislation also would mandate an individual to purchase health insurance and, should he be unable to afford such coverage, he'll be slapped with a 2.5 percent additional income tax for the coverage. But the proposed legislation goes even further, taxing higher income individuals beginning at $280,000 and families at $350,000 on a sliding scale.

This language generates a massive tax increase on high income filers, more than half of whom are small business owners already being taxed if they do not provide health insurance to their employees. A tax increase in the middle of a recession, with unemployment rising, is not the answer.

Besides increasing taxes, the House bill cuts Medicare nearly $500 billion. These cuts include reductions to Medicare providers and hospitals, while gutting Medicare Advantage by $150 billion to $160 billion. Admittedly, I am baffled as to why Congress would propose slicing funding for a program that our seniors support and that provides for their health and well-being.

As Congress heads home for the recess, I urge Members to review the proposed legislation with their state leadership. I am primarily concerned about the effect this legislation may have on Mississippi's financial stability, both now and in the future. These so-called ''reforms'' would severely impact Mississippi's budget and our ability to fund other important priorities, like education and public safety. Before Congress makes such sweeping reforms to our healthcare system, I implore you to first ensure that these changes are efficient and beneficial to our citizens, without burdening our states through unfunded mandates.

Sincerely,

HALEY BARBOUR,
Governor, Mississippi.

SEPTEMBER 8, 2009.

Hon. ROGER WICKER,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR WICKER: Governors across the nation are growing increasingly concerned about the financial strain rising healthcare costs are putting on state budgets. During the National Governors Association (NGA) meeting in July, governors—both Republicans and Democrats—formalized their opposition to current Congressional reform proposals by issuing a policy opposing unfunded mandates that shifts costs to the states. This will necessarily require almost all states to raise taxes to manage this burden. In Mississippi, the issue of Medicaid expansion hits close to home, since our state's share of the Medicaid program is currently $707 million, or 12 percent of a $5.87 billion state supported budget, which includes temporary stimulus funds.

Nevertheless, the current proposals, both in the House and Senate, will expand the Medicaid program at additional costs paid not by the federal government, but passed down to the states. After a call with the governors representing the NGA Healthcare Task Force and the Senate Finance Committee, Chairman Baucus told the news media it would be impossible for the federal government to pick up all the costs for new Medicaid recipients; thus, states would have to bear some of the costs.

Why? Although CBO appears to estimate that H.R. 3200 will cost more than $1 trillion over the next ten years, the fine print reveals the true cost would be much higher. By imposing tax increases early in the budget window, before the bulk of the spending occurs, the true cost of the bill is hidden by budget gimmickry. Delaying the implementation of the program until the fourth year also uses budget tricks effectively to hide the immense long-term cost of this proposal. CBO has projected a 10 year deficit of more than $200 billion associated with the bill as is. However, when the full cost of the bill is taken into account after it is fully implemented, the spending in the bill skyrockets to nearly $2 trillion over 10 years (2014–23) with a deficit of more than $600 billion. I have included an attachment showing the scoring of H.R. 3200 the only comprehensive health care reform bill CBO has scored.

According to the National Association of State Budget Officers, Medicaid expenses in 2007 for federal and state government combined were $336 billion. This number is projected to reach $523 billion by 2013, a 56 percent increase in just six years. Should the reforms being debated in Congress become law, Mississippi would be saddled with an average increase of $360 million in additional costs, on top of the already $707 million it costs to fund Mississippi's annual state share of the Medicaid program. These proposals, which would cover all individuals at 133 percent federal poverty level (FPL), will burden state budgets, forcing states to raise taxes. In Mississippi, that would necessarily mean increases in our state income or sales tax rates. Mississippi, like so many states, simply can't afford to pick up the tab for another unfunded mandate passed by Congress.

Such state tax increases would be on top of the federal tax increases already included in the House and Senate bills, like huge tax increases on small businesses whether in the form of an additional 8 percent payroll tax or a 5.4 percent income tax surcharge. During a deep recession, when most people believe job creation and economic growth should be top priorities, huge tax increases will make it more expensive to employ people; consequently, employers will employ fewer people.

Medicare, the nation's largest provider of health coverage for the elderly and people with disabilities covering over 46 million Americans, is on the chopping block. CBO has estimated that provisions in H.R. 3200 would lead to a total of $162.2 billion in cuts being taken from Medicare Advantage plans. This $162.2 billion impacts 11 million people and represents nearly $15,000 in new costs passed to every Medicare Advantage senior beneficiary. These harmful and arbitrary cuts could result in Medicare Advantage plans dropping out of the program, harming beneficiary choice, and causing millions of seniors to lose their current coverage. Moreover, the bill grants federal bureaucrats the power to eliminate the Medicare Advantage program entirely, making the oft-repeated statement, ''if you like your plan you can keep it,'' ring hollow for seniors.

Lastly, if we are trying to make health care more affordable, how do you leave out tort reform? After all, litigation and the resulting practice of defensive medicine add tens of billions to the cost of health care. In Mississippi we passed comprehensive tort reform in 2004, partially to stop lawsuit abuse in the area of medical liability. It worked. Medical liability insurance costs are down 42 percent, and doctors have received an average rebate of 20 percent of their annual paid premium. The number of medical liability lawsuits against Mississippi doctors fell almost 90 percent one year after tort reform went into effect. Doctors have quit leaving the state and limiting their practices to avoid lawsuit abuse.

With all the issues concerning a government-run health care system, I wanted to warn you of the state tax increases Mississippi will shoulder on top of the federal tax increases in the pending bills as well as my concern for the increased costs our senior citizens will face as Medicare Advantage is cut. Congress must slow down and work in a bipartisan manner. Everybody agrees that health reform is needed, but it should be done thoughtfully. I hope you'll keep this important information in mind when proposals that shift costs to states or to our senior citizens are considered.

Sincerely,

HALEY BARBOUR,
Governor, Mississippi.

JULY 21, 2009.

Hon. BENJAMIN NELSON,
U.S. Senator, Hart Building, Washington, DC.
Hon. MIKE JOHANNS,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR NELSON AND SENATOR JOHANNS: I just returned from the National Governors Association meeting and much of the discussion among Governors was about health care. As former Governors, I thought you might appreciate the information that we received from the NGA staff. Attached are seven handouts.

The handouts and discussion among Governors reflect concerns about funding, cost, Medicaid, employer mandate, and insurance reforms. The single most important concern was this legislation would be the biggest unfunded mandate on the fifty states in the history of our country.

President Obama has told the Governors that health care reform must not be an unfunded mandate for the states. I am in strong agreement that an unfunded health care mandate would be unfair to state taxpayers.

In handout 4, NGA Executive Director Ray Scheppach outlines concerns about Medicaid in the context of health care reform. He indicates that if the Medicaid expansion becomes an unfunded mandate, states are likely to reduce their investments in education. That would be very unfortunate and as Scheppach writes ''Reducing state education investment will lower U.S. competitiveness, productivity and real income of U.S. citizens. This is not good long-run policy for the U.S.''

While I have other concerns about health care reform, one of the most troubling aspects is the potential for an unfunded mandate on the states. I strongly urge you to avoid an unfunded mandate on the states. Thank you.

Sincerely,

DAVE HEINEMAN,
Governor, Nebraska.

FORMER CONGRESSMAN BRADEMAS AWARDED HONORARY DEGREE BY THE AMERICAN COLLEGE OF GREECE

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. SARBANES. Madam Speaker, I am pleased to note that on June 27, 2009, our distinguished former colleague in the House of Representatives, Dr. John Brademas, was awarded the honorary degree of Doctor of Laws by The American College of Greece.

John Brademas was the first Greek-American elected to the United States House of Representatives and as such this honorary degree from The American College of Greece has particular symbolic resonance. I add, however, that this is the 55th honorary degree received by Dr. Brademas.

Madam Speaker, the remarks of Dr. Brademas at The American College of Greece on June 27, 2009 follow.

JUNE 27, 2009.

REMARKS OF DR. JOHN BRADEMAS, PRESIDENT EMERITUS, NEW YORK UNIVERSITY, NEO FALIRO, PEACE AND FRIENDSHIP STADIUM, ATHENS, GREECE

Father Constantinos, President Horner, Dr. Sue Horner, Consul General McKeever, Chancellor Bailey, chairman Peter Thun of the Board of Trustees, Senior Vice President Protopsaltis, fellow honorees, members of the faculty and graduating students of The American College of Greece.

It is for more than one reason that I count the award I have just received among the great honors of my life, and I'm especially pleased that my wife, Mary Ellen, a practicing physician, was able to break away from New York City to join us here.

In the first place, this is a degree from The American College of Greece. As you know, my late father, Stephen J. Brademas, was born in Greece—in Kalamata—and my two brothers and sister and I were all raised to be deeply proud of our Hellenic heritage.

''Be proud that you are an American'', my father used to say, but ''be proud, too, that you are a Greek!''

All four of the Brademas children were deeply conscious of the importance of our Greek background.

Here let me say how pleased I am that my cousin, Anna Bredima, General Counsel for the Union of Greek Shipowners, is here today with her two children, Evangelo and Ersiliana.

Anna, by the way, is a graduate of Pierce College.

Although my mother was not of Greek descent she was, like her father, a teacher—and that fact emphasizes another dimension of his Greek ancestry that my father used to press upon his children—the importance of learning, of knowledge, of education.

A second dimension of the history of Greece that my father and I often discussed was democracy. ''We Greeks invented democracy!'' my father reminded us, and said that some of us should still practice it.

Accordingly, after graduating from Harvard University and one year of postgraduate study there, I went to England, on a Rhodes Scholarship, to study at Oxford University. At Oxford, I wrote a doctoral dissertation on the anarchist movement in Spain but I like to note that although I studied anarchism, I did not practice it!

For on my return to my hometown in Indiana, I immediately plunged into politics and became a candidate for election to the Congress of the United States. Just old enough—25—under our Constitution to be a candidate, I lost my first race by half a percent. Naturally, I ran again, two years later, but lost a second time. Undaunted, I was first elected, on my third attempt, and then ten times reelected. So I served as a Member of Congress for 22 years.

In the House of Representatives, I gave particular attention to writing legislation to support schools, colleges and universities; and the students who attend them; to measures to help libraries and museums; and the arts and the humanities, generally.

In my last four years as a Member of Congress, I was the Majority Whip of the House of Representatives, an assignment that brought me every other week, with Speaker of the House of Representatives, ''Tip'' O'Neill of Massachusetts, and the other Democratic Leaders of the House and Senate to breakfast at the White House with President Jimmy Carter arid Vice President Walter Mondale. All Democrats, we talked politics and policy.

It was, of course, while a Member of Congress that I became deeply involved in the issue of Cyprus, a matter that continues to preoccupy me. I worked closely then with my valued friend, also a Rhodes Scholar at Oxford, and the first Greek-American elected to the United States Senate, Paul S. Sarbanes. And I'm pleased to note that Paul's son, John Sarbanes, now serves in the United States House of Representatives.

As I am the son of a Greek immigrant, I am pleased to call your attention to another son of Greek immigrants, both his father and mother. I speak of Peter C. Peterson, the highly successful and highly respected American business leader and public servant. Peter G. Peterson, co-founder of Blackstone Group and former Secretary of Commerce, has just published a fascinating book, The Education of an American Dreamer, which I am pleased to present to President Horner for the College library. Your faculty and students will find the story of this remarkable son of Greek immigrants inspiring, I am confident.

More modestly, I am pleased also to present a book of my own to The American College of Greece, The Politics of Education, in which I describe my experience as a Member of Congress in writing legislation to assist schools, colleges and universities; the students who attend them; and measures to assist libraries and museums.

I move ahead, In 1980, as a result of the landslide victory of Ronald Reagan, I lost my race for reelection to a twelfth term. Shortly thereafter, I was invited to become president of New York University, the largest private, or independent, university in the United States. In 1991 I became president emeritus, my present responsibility, so now I'm only going some twelve hours a day!

If I were to single out one dimension, of my commitment to strengthening New York University, it would be that I gave particular attention to building our programs for the study of other countries and cultures, not only through programs in New York City but centers abroad as well. Much of the responsibility of an American university president focuses on fundraising, both from the Federal government and private sources. So I pressed hard, and, I believe, effectively, to bolster the financial situation of New York University.

I must add just a word about my present initiative, another strongly shaped by my Greek origins, the establishment at NYU of the John Brademas Center for the Study of Congress, of Congress as a policy-making institution.

Let me explain that unlike parliamentary institutions in Europe, the Congress of the United States has great power, in addition to that of the President of the United States, to make national policy. But with 100 Senators and 435 Representatives and without the party discipline characteristic of parliamentary systems, it is not easy for even informed Americans to understand Congress. So we are, with the establishment of the John Brademas Center for the Study of Congress at New York University, creating an institution that will bring together Senators, Representatives, scholars and citizens to discuss the ways in which our national legislature makes national policy and ways of improving the system.

Now, ladies and gentlemen, from what I have told you, I hope you can see that I have inherited from my Greek father at least two dimensions of the extraordinary contributions of Hellenic civilization to today's complex world: first, respect for learning, for education; and second, respect for politics, for democracy.

So even as I pay tribute to two distinguished persons you are also honoring here today, Andrew Athens, a valued friend of many years and an outstanding leader of the Greek-American community; and Mikis Theodorakis, musician, scholar, public servant, I reiterate how deeply touched I am to receive an honorary degree from The American College of Greece.

RECOGNITION OF THE ANNIVERSARY OF THE CLEAN TRUCK PROGRAM

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. RICHARDSON. Madam Speaker, I rise today to applaud the economic and environmental benefits the landmark Clean Truck Program has brought to southern California during its first year.

California is home to one of our nation's largest and most vibrant economic hubs: the ports of Long Beach and Los Angeles. Unfortunately, the ports are also home to emissions generated by the short-haul transport of goods. The neighborhoods surrounding the ports of Long Beach and Los Angeles are disproportionately impacted by the air pollution caused by trucks and suffer from associated health problems including emphysema, asthma, and cancer.

Successfully addressing localized air pollution and climate change will require a national strategy and a federal framework to coordinate implementation of air quality goals. Cities, local communities and local government can and should play a role in our national strategy.

As seen by the Clean Truck Program's success, local governments are already making important contributions to federal efforts to improve air quality. On October 1, 2008 the ports of Long Beach and Los Angeles implemented a ban on trucks with model years prior to 1989. Today, port officials estimate that approximately 1,500–2,000 ''dirty'' diesel trucks have been removed from drayage operations. The new trucks that replaced them generate 90 percent fewer emissions than the old dirty diesels.

Beyond cleaning the air the Clean Truck Program has successfully stimulated local economic activity. The program's financial incentives have stimulated $500 million in private investment. Nationwide, new truck sales are down 60 percent. In contrast, truck dealers near the ports of Long Beach and Los Angeles have reported a 33 percent year over year increase in sales due to the financing made available by the Clean Truck Program. These new truck sales include the sale of several liquefied natural gas trucks, which draw upon one of America's greatest energy assets.

Almost 800 trucking companies have embraced the program's financial incentives, resulting in the deployment of more than 5,000 2007 EPA compliant trucks. At the program's current pace, the ports estimate that by January 2010, more than 90 percent of the cargo transit at port terminals will be made by trucks meeting USEPA 2007 heavy duty truck emissions standards. This achievement will allow the ports to meet their 2012 goal of 80 percent emissions reductions from overall drayage operations two years ahead of schedule.

The ports of Long Beach and Los Angeles Clean Truck Program has been a tremendous success and has brought economic and environmental benefits to the Area. I congratulate the ports on the first year of an innovative solution, and I optimistically look forward to the results of the program next year.

RECOGNIZING THE IMPORTANCE OF CLINICAL TRIALS THAT FOCUSED ON WOMEN AND PEOPLE OF COLOR IN THE UNITED STATES

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. HONDA. Madam Speaker, people of color, both women and men, have historically been underrepresented in the medical profession, biomedical and biotechnology research, and clinical trials in the United States. As we move toward an era of personalized medicine,

we realize that small differences between people become critically important in devising more effective, tailored treatments to improve and extend quality of life while helping doctors and patients better prevent and treat disease. Language and cultural barriers, stigma about participating in studies, and a historical lack of diverse community involvement in clinical trials by industry must be overcome so that all of our communities can be assured that they equally participate in the future of medicine.

To address this problem, we need more studies that reflect the changing face of the HIV/AIDS and other epidemics, both on effective messaging and education campaigns for the diverse group of affected individuals and on possible vaccines. One notable example of this kind of effort is the Gender Race and Clinical Experience (GRACE) study conducted by Tibotec Therapeutics, part of the Johnson & Johnson family of companies. The GRACE study, findings from which were recently presented at the International AIDS Society conference in South Africa, is the largest study to date to examine gender and race differences in response to an HIV therapy. In addition, the trial was designed to help overcome some of the barriers, identified by the advisors, which have historically deterred women and people of color from participating in clinical studies, including stigma, lack of child care, transportation and personal support systems. Based upon advisor and community input, study participants could obtain assistance to cover costs associated with their participation in the study, including funds for travel and childcare, as well as food vouchers. Through innovative strategies like these, the GRACE study was able to enroll seventy percent women, sixty percent African Americans and twenty-two percent Latinos. I believe that the GRACE study is significant for reasons beyond just its clinical results. Studies like this, which are designed to overcome the barriers to participation and engage affected communities and providers show that with greater industry effort, meaningful numbers of women and racial and ethnic minorities can be enrolled in important clinical trials.

For example, studies in the United States and across the world are seeking an answer to the devastating HIV/AIDS epidemic. The epidemic is changing its face, spreading into new populations and presenting new challenges to education and outreach efforts. In the United States, women are increasingly affected by HIV/AIDS, accounting for more than one quarter of all new HIV/AIDS diagnoses, with African American and Latina women representing seventy-nine percent of women living with the disease. HIV/AIDS disproportionately impacts our African American and Latino communities, and the infection rate is rising among Asian American and Pacific Islanders as well. In my home state of California, there are almost 150,000 people living with AIDS, and Latinos represent about one-quarter of these cases. There are over 60,000 people living with HIV/AIDS in the greater Los Angeles area alone. In terms of new HIV infections, Latina women are infected at a rate almost four times as high as white women. African Americans in my district are also highly impacted by HIV/AIDS.

I commend Tibotec Therapeutics, Johnson & Johnson, and all researchers and companies actively engaged in diversifying their clinical trials and creating new relationships with affected communities. As Congress moves forward with health reform, with outcome and effectiveness-based reimbursement models, we must strongly encourage the expansion of efforts industry and academia are making to reflect the diversity of our nation in their workforce and clinical trials.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. KLEIN of Florida. Madam Speaker, I would have voted on September 15, 2009 when I was unavoidably detained as follows:

Had I voted, I would have voted "yes" on rollcall No. 702.

GOVERNORS OF NEBRASKA, NORTH DAKOTA, NEVADA, AND RHODE ISLAND EXPRESS CONCERNS WITH UNFUNDED MANDATES IN HEALTH REFORM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over $35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letters from the governors of Nebraska, North Dakota, Nevada and Rhode Island:

SEPTEMBER 16, 2009.

Hon. BENJAMIN NELSON,
U.S. Senator, Hart Building, Washington, DC.
Hon. MIKE JOHANNS,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR NELSON AND SENATOR JOHANNS: I am writing to alert you that the analysis provided by the staff to the members of the NGA Health Care Reform Task Force indicates that the Chairman's Mark released by Senator Baucus this morning contains a new unfunded Medicaid mandate. Earlier this year I wrote both of you expressing my concern that this might occur as part of health care reform.

I greatly appreciate the fact that both of you have repeatedly expressed concerns about the negative impact that health care reform could have on the Federal deficit and the State budget. As former Governors you understand the impact that Medicaid has on state spending. This new unfunded federal Medicaid mandate could result in higher taxes on Nebraskans or in cutting state aid to Nebraska's school districts as well as state appropriations to our universities, state colleges and community colleges. This proposal is not in Nebraska's best interests.

As we develop more specific information, I will be providing you with our best estimates of the magnitude of the impact on Nebraska. Thank you for your attention to this matter.

Sincerely,

DAVE HEINEMAN,
Governor, Nebraska.

SEPTEMBER 30, 2009.

KATHLEEN SEBELIUS,
Secretary of Health and Human Services, Hubert H. Humphrey Building, Washington DC.

DEAR SECRETARY SEBELIUS: As Congress and the Administration work through the various versions of health care reform currently moving through the legislative process, we ask that you carefully consider the following issues.

First, having served as chief executive of a state yourself, I am sure you are mindful of the growing concern among the nation's governors about the risk to states of including unfunded mandates in national healthcare legislation. States are constitutionally mandated to balance their budgets, which means that any shortfalls caused by unfunded federal mandates could force increases in taxes, a reduction in services or both. This potential is especially troubling at a time when states are financially struggling.

We cannot be certain what form evolving legislation will take, and what the impact of that final legislation will be on state budgets. For that reason, we, along with the National Governors Association, urge extreme caution in moving forward with any plan that would commit the states, without their express participation and consent, to obligations that may financially bind them for decades into the future.

Second, it is important that any healthcare reform plan passed by Congress and signed by the President reward the states for good Medicare and Medicaid outcomes. North Dakota health care providers, for example, consistently provide low-cost, high-quality healthcare, yet have the lowest reimbursement rates in the nation. Any reform of the system must have incentives for good performance and cost-effectiveness.

Notwithstanding these issues, like Americans everywhere, we too are concerned about rising healthcare costs and the need to provide access to affordable, high-quality healthcare for our citizens. Congress and the Administration should be looking at a range of reforms chat can deliver meaningful and almost immediate benefits for our healthcare system. These include measures, among others, like tort reform for medical liability; tax credits to help make insurance more affordable; providing transparency in billing; ensuring healthcare insurance portability; and limiting denials for preexisting conditions.

Clearly, healthcare reform is needed. On that matter there is no disagreement, but it needs to be done right. To that end, I do hope that you will keep in mind OUR concerns and recommendations as you consider proposals to improve America's healthcare system.

Sincerely,

JOHN HOEVEN,
Governor, North Dakota.

SEPTEMBER 11, 2009.

Hon. HARRY REID,
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR REID: It has been clear from the early days of the 111th Congress that health insurance reform will be a top priority for lawmakers this year. Comprehensive reform should lower health care costs while increasing insured populations, quality of care, and point-of service accessibility for all Nevadans.

One common thread appears throughout recent legislative proposals: the expansion of Medicaid as a central ''reform'' component. Simply put, the expansion of existing healthcare programs is not authentic reform and further, places the cost burden to the states at a time when states can ill afford it.

It is essential that Congress take the time to examine all possible options for health insurance reform in order to find sustainable long-term solutions. Lowering healthcare costs and reforming the healthcare system is possible without unfunded mandates or Medicaid expansions forced on the states. While certain changes to the current Medicaid program could advance the overall function of health insurance reform, expansion of the program without a permanent funding mechanism is not something that any state can support, nor is it a viable solution.

As you know, unlike the United States Constitution, most state constitutions require a balanced budget, including Nevada. In Nevada, we will spend nearly $907,000,000 for Medicaid programs in Fiscal Years 2010 and 2011. This accounts for 13.8 percent of our General Fund budget. Any further expansion of this program would be another great example of Washington playing budget games by passing on costs to the state—this is unrealistic in the current economy and as a long term resolution.

Additional expansions of the Medicaid program will force Nevada into deep cuts in other programs and services which are not federally mandated in order to balance our General Fund. In the current fiscal year gaming revenues are down 12.5 percent, and sales tax revenues are down 20 percent. By overriding my veto, the 2009 Nevada Legislature passed substantial tax increases to burden our already beleaguered citizens.

Many current proposals also include significant cuts to the Medicare program. Nevada's growing senior population is frightened by the proposed $162,200,000 reductions which will impact an estimated 11,000,000 seniors. Harmful and arbitrary cuts to Medicare Advantage may result in plans dropping out of the program, limiting beneficiary choice, and causing millions of seniors to lose their current coverage. These proposals must be stopped.

Nevadans cannot afford more taxes. Now is not the time to place unfunded Medicaid or other mandates on the states. By expanding Medicaid programs, the United States Congress will be forcing the State of Nevada into deep budget cuts in other state programs. I do not believe that any child's education should be placed on the chopping block to fund these new programs, but we will face that dilemma if these proposals of the Democratic Congress are enacted.

Health insurance reform should be addressed in a cooperative manner by both the federal and state governments. If states are treated as partners—not pawns—we can work to enact important reforms in concert with federal efforts. State-enacted caps on medical malpractice lawsuits, for example, would have a transformative impact on the health care and health insurance industry in each state, cutting costs for consumers without negatively affecting the stability of our current health care industry.

I am ready to work with my fellow Governors and the U.S. Congress in order to support sensible, accountable, and workable health insurance reform that helps, not hurts, Nevadans.

Sincerely,

JIM GIBBONS,
Governor, Nevada.

SEPTEMBER 25, 2009.

Hon. JACK REED,
Senator, U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR REED: I appreciate your work and that of your colleagues in the Congress to craft legislation to reform the health care system in America. As you know, Rhode Island took on reform last year, albeit on a smaller scale, as we developed and pursued approval of our groundbreaking Global Consumer Choice Waiver.

One of the primary reasons the State pursued the Global Waiver is that federal Medicaid rules often limit the ability of the states to adapt to fiscal realities and the complex and changing needs of beneficiaries. It is difficult to deliver vital services to the beneficiaries and be fair to all taxpayers when the federal government denies us the flexibility to effectively structure and manage a program representing such a significant financial investment.

I am extremely concerned that several of the health reform initiatives recently introduced in Congress will prevent Rhode Island from fulfilling the Global Waiver's promise. Such initiatives will further strain the state's budget at a time of great fiscal uncertainty and impose even more debt on our children, grandchildren and great grandchildren.

Therefore, I ask for your support and that of all members of the Rhode Island Congressional Delegation, to preserve the innovative health care initiatives now under way in Rhode Island and in many other states. I ask that you reject any reform proposals that impose additional financial burdens on the states and the people and communities we serve or that otherwise limit our capacity to meet our constituents' needs.

As originally proposed, the Senate Finance bill required a significant portion of the costs for covering the uninsured through Medicaid to be paid by lower and middle income taxpayers and the states. I am aware that changes in the proposed legislation provide, at least temporarily, additional funding for the required Medicaid expansions to ''high need'' states like Rhode Island. However, full federal funding will only be available for a limited period and would cease at the very time population projections estimate we will begin to see a surge in Medicaid eligibility for elders. It is unclear how the state or federal government will be able to sustain these Medicaid expansions in light of these projections and at a time of decreasing revenues and sky-rocketing deficits. The House legislation imposes burdens on state budgets and working Americans that are unacceptable.

Likewise, there still remain Medicaid eligibility and coverage mandates that will limit the flexibility of the states to operate financially sound, sustainable programs. Moreover, ongoing health reform efforts, such as those now under way in Rhode Island, may be hampered as limited administrative resources are diverted to finance the mandated expansions. Federal oversight of the Medicaid program should be streamlined, and allow for far greater innovation at the state level.

As a Governor, I am particularly concerned about the prospect of additional ''short-term funded'' federal Medicaid mandates. The Medicaid program itself is expensive, provider-centered, inefficient, slow to innovate and, as such, ultimately unsustainable. For these reasons, the Medicaid program is hardly the best and by no means the most appropriate platform for expanding health coverage to tens-of-thousands of additional Rhode Islanders and millions of other Americans.

I hope you will ensure that any legislation enacted by Congress does not include additional mandates on states, or at the very least compensates states fully for those it does impose, including the administrative costs associated with expansion. Additionally, providing states with the flexibility they need to implement the relevant provisions of reform should be a top priority today and in the future.

There are better ways to reform America's health care system, and I hope that President Obama and Congress will work with Governors, providers, consumers and others to bring about sensible reforms that increase quality, contain costs and ensure portability of health care.

Sincerely,

DONALD L. CARCIERI,
Governor, Rhode Island.

CONFERENCE REPORT ON H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 2009

Mr. HOLT. Madam Speaker, I rise in support of the conference report on the Fiscal Year 2010 Energy and Water Development and Related Agencies Appropriations Act. Programs funded under this legislation range from nuclear weapons and nonproliferation capabilities to basic research on current and next generation energy sources and distribution technologies. I am pleased that the conference agreement before us today reflects a strong commitment to our nation's needs in these areas.

I believe that nuclear proliferation is the single greatest threat to global peace and security. The United States should be leading efforts to eliminate nuclear weapons and secure loose or inadequately safeguarded nuclear material. That is why I am very pleased that the conference agreement increases our investment in nonproliferation programs to $2.1 billion, including a 43 percent increase in funding for International Nuclear Material Protection and Cooperation. These funds will improve our ability to stop illicit nuclear trafficking and prevent terrorists from gaining access to unsecured nuclear material around the world. Equally important is the fact this agreement exceeds the budget request for weapons dismantlement and disposition, reflecting a dedication to reduced U.S. nuclear weapon stockpiles.

The conference agreement also maintains significant investments in Department of Energy research and development programs that are critical to placing our nation on a path toward a sustainable energy future. The support for energy efficiency and renewable energy research in this legislation will help us develop new, less expensive ways to produce and use energy. Funding for electricity delivery and reliability will allow us to begin modernizing and securing our aging electrical grid against internal and external threats. The $4.9 billion in funding for the Office of Science will support the basic research that will be the foundation of tomorrow's transformative discoveries and innovations. I appreciate the $426 million investment for fusion energy sciences included

in the conference agreement, and I hope we will continue to strengthen this and other basic and applied energy programs in the coming years.

Finally, I applaud the conference agreement for upholding the funding goals of the America COMPETES Act—an important step toward restoring the rightful place of science in our nation. Yet we should not underestimate the size or scope of the challenges posed by climate change and energy security. As we consider future legislation, the twin goals of a clean energy future and a robust economy will require a firm dedication to providing our scientists and engineers the resources they need to initiate genuinely transformative changes in our energy sector.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in the Conference Report to accompany H.R. 2997:

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2997 (Conference Report)

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: Rutgers University Marucci Center for Blueberry and Cranberry Research and Extension

Address of Requesting Entity: 125A Oswego Road, Chatsworth, NJ 08019

Description of Request: Provide an earmark of $550,000 for the Cranberry/Blueberry Disease Project for research on breeding and pest management to provide continued support for the $50 million a year industry. Past research has found bacterial anti-adherence mechanisms helping to fight urinary tract infection and dental caries, and other antioxidant properties. A major effort within the breeding program aims to enhance these health beneficial properties.

Requesting Member: Congressman FRANK LoBIONDO (NJ–02)

Bill Number: H.R. 2997 (Conference Report)

Account: Animal and Plant Health Inspection Service—Salaries and Expenses

Legal Name of Requesting Entity: State of New Jersey, Department of Agriculture

Address of Requesting Entity: 369 S. Warren Street, P.O. Box 330, Trenton, NJ 08625

Description of Request: Provide an earmark of $500,000 for the New Jersey Gypsy Moth Pest Management Program to support and enhance gypsy moth control on effected communities and public lands. Funds will be used to cost share aerial treatments borne by local municipalities; for outreach in developing a web-based interactive online map showing the distribution of the gypsy moth in New Jersey and proposed treatment areas; and for technical support for salaries for field scouts and vehicle operation.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Tuesday, October 6, 2009.

Had I been present, I would have voted "aye" on rollcall vote No. 753 (on motion to authorize conferees to close conference on H.R. 2647), "aye" on rollcall vote No. 754 (on motion to instruct conferees to H.R. 2647), "aye" on rollcall vote No. 755 (on motion to suspend the rules and agree to H. Res. 707).

GOVERNORS OF SOUTH CAROLINA AND TEXAS EXPRESS CONCERNS WITH UNFUNDED MANDATES IN HEALTH REFORM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over $35 billion in new liabilities on State budgets over the next 10 years. In addition, these proposals would expand the Federal Government's role in administering Medicaid, which would severely handcuff States' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the record the following letters from the governors of South Carolina and Texas:

SEPTEMBER 11, 2009.

Hon. LINDSEY O. GRAHAM,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR LINDSEY: Thank you for the work you do on behalf of this country and our state.

With this work in mind I write to respectfully layout some concerns our administration has with regard to proposed health care changes in Washington. I am not writing to second guess your work, or that of Congress, but just to give you the vantage point from the seat I hold—and the consequent implications for taxpayers of this state given the proposed changes' impact in Medicaid administered by our state.

Like many governors across the nation, our administration is growing increasingly concerned about the financial strain rising health care costs are putting on South Carolina's annual budget. During the National Governors Association meeting in July, many governors joined together in a bipartisan effort to formally oppose the current Congressional health care proposals by issuing a policy opposing unfunded mandates. If these so-called reform proposals move forward, almost all states will have to raise taxes to manage this health care expansion. In South Carolina, Medicaid already receives up to $880 million annually—16 percent of our budget.

The current House and Senate proposals would expand Medicaid and pass health care costs down to the states. Senate Finance Committee Chairman Max Baucus said that it would be impossible for the federal government to pick up all of the costs for new Medicaid recipients and that states would have to bear additional costs. To help put this matter into perspective, when the enhanced federal medical assistance percentage expires at the end of 2010, South Carolina will be spending $1.2 billion, or more than 20 percent of our state budget, on Medicaid annually. That total represents just one-third of the total Medicaid dollars spent in our state—not counting the costs associated with the proposed changes to our health care system.

The Congressional Budget Office (CBO) estimates H.R. 3200 will cost in excess of $1 trillion over the next ten years. However, the fine print reveals that the true cost would be much higher. The legislation relies on a large tax increase, which is implemented four years before most of the program's spending is ramped up. This delay in implementation is nothing more than a budget trick masking the true cost of the proposal. Even under the CBO projection, H.R. 3200 would add more than $200 billion to the budget deficit in the next 10 years.

This projection is predicated on $219 billion in spending changes that may be an illusion. A strong indicator that suggests that these savings will not materialize is found in a further analysis of the CBO study by Ways and Means Committee staff, which shows that the total price tag will reach $2 trillion by 2024, including roughly $600 billion in deficit spending. These are the significant costs you are contending with at the federal level in times of $2 trillion deficits.

According to the National Association of State Budget Officers (NASBO), Medicaid expenses nationally will reach $523 billion by 2013—a 56 percent increase in just six years. The proposed changes to the program would increase Medicaid spending by $450 million in South Carolina—more than half of what we already spend on Medicaid. With that significant an increase, South Carolina would be forced to either raise taxes or cut critical services in education and public safety, the two other large spending items in our budget.

Any state tax increase would be in addition to the proposed federal tax increases included in the House and Senate bills, like huge tax increases in the form of an additional 8 percent payroll tax or a 5.4 percent income tax surcharge on small businesses. Even in prosperous times, we would not support the incredible burden of this unfunded mandate, but in the current global economy, that impact would be disastrous for our state.

The proposal being discussed in the United States Senate has similar problems for South Carolina as, by 2015, this proposal would add more than 400,000 South Carolinians to the Medicaid program. The federal government would cover increased funding only until 2015. After 2015, South Carolina must start picking up the tab. By 2020, South Carolina would be forced to come up with an additional nearly $900 million annually for the increased number of Medicaid enrollees. Federal programs will grow at South Carolina's expense, and will increase Medicaid costs in our state by 50 percent.

Lastly, if we are trying to make health care more affordable, why exclude tort reform and national insurance markets from the plan? Litigation, and its negative impact on the practice of medicine, significantly increases the cost of health care in this state. South Carolina passed comprehensive tort reform legislation in 2004, partially to stop

lawsuit abuse in medical liability cases. Subsequently, medical liability insurance costs are down 42 percent, and doctors have received an average rebate of 20 percent of their annual paid premium. The number of lawsuits against South Carolina doctors fell almost 90 percent one year after tort reform went into effect. Doctors have stopped leaving the state and no longer limit their practices to avoid lawsuit abuse.

Likewise, eliminating the interstate purchasing restrictions for insurance would create a bigger market for insurance, thereby giving consumers more options and driving down the price. A national market for health or life insurance means that South Carolinians can purchase whichever policy best fits their needs—whether the policy is from South Carolina, New York or California.

With all the issues surrounding a government-run health care system, I wanted to bring to your attention the increased taxes that South Carolinians might shoulder on top of the federal tax increases in the proposed bills.

Everybody agrees that there should be reforms to our health care system, but it should be done thoughtfully. I look forward to working with you on this and other issues.

Sincerely,

MARK SANFORD,
Governor, South Carolina.

JUNE 5, 2009.

Hon. JOE L. BARTON,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE BARTON: As Congress continues to grapple with the daunting challenge of enacting significant health care reform measures before the August recess, I urge you to contemplate the effects of certain policy considerations on our great state.

Government-run health care is not the solution to fix a broken health care system, and is financially unsustainable. At today's costs, extending Medicaid benefits to uninsured citizens at or below 100 percent of the federal poverty level would cost Texas an additional $4.6 billion in general revenue per year (equal to a 2.3 cent, or 27 percent, sales tax increase), on top of the $19 billion in general revenue the state expects to spend on Medicaid in the 2010–11 biennium. This type of federal government spending mandate would erode the state's economic viability without containing health care costs or improving health care quality and access.

Health and human services general revenue spending in Texas for the 2010–11 biennium is projected to grow almost 13 percent, to $25.3 billion. The Texas Health and Human Services Commission already projects a Medicaid-related shortfall of more than $1 billion in general revenue in the coming biennium, and combined Medicaid and Children's Health Insurance Program caseloads will exceed 3 million people. The number of uninsured Texans also continues to grow, and the state continues efforts to address a critical primary care physician shortage in many areas of the state.

In 2007, I set forth a comprehensive plan to transform health care in Texas. This reform waiver has been languishing before the Centers for Medicare and Medicaid Services for more than a year. My plan would provide more people with insurance, reduce expensive emergency room visits for basic care, and make it easier for the working poor to buy into employer-sponsored insurance. I am pleased to note that many of the policy proposals in this waiver are surfacing in Congressional discussions on health care reform, including programs that emphasize quality preventive care and reforms that promote a robust, competitive private insurance market centered on consumer choice and affordability.

The Texas waiver proposal reflected strong bipartisan acknowledgement of the need for reform. Improving quality of care, controlling escalating health care costs and addressing access-to-care issues requires collaboration among federal, state and local governments. A one-size-fits-all federal government mandate will not achieve significant reform. Rather, allowing states and local governments the flexibility to restructure the way health care is financed and delivered is critical to significant reform.

Texas just concluded its 81st Legislative Session, which was marked by the passage of a biennial state budget with less than 1 percent growth in general revenue spending, leaving intact the state's Rainy Day Fund, which will provide an expected balance of $9.1 billion to address future state needs. However, despite the many legislative accomplishments that will continue to position Texas as an economic leader in this country, the state faces significant financial burdens ahead due to rapidly increasing Medicaid caseload and health care cost growth.

I urge you to ensure that the momentum surrounding the current health care reform debate is informed by the effect on Texas in a way that protects state flexibility and innovation while guarding against growing federally mandated programs that will be financially unsustainable, not only for Texas, but for most other states and the federal government, as well. No government has ever taxed, or borrowed, its way to prosperity, no matter how laudable the spending goal may have been. I hope you will resist the temptation to finance an item as basic as health care with deficit financing that cannot be maintained.

Sincerely,

RICK PERRY,
Governor, Texas.

SEPTEMBER 23, 2009.

Hon. MAX BAUCUS,
Chairman, Committee on Finance, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: Last week, Senate Majority Leader Harry Reid said he was concerned that the health care legislation you have proposed will expand the Nevada Medicaid population beyond what his state can afford. Speaking as governor of a state with a significantly larger caseload than Nevada—a caseload that could double under your proposed Senate Finance plan—let me respectfully say I am troubled by the financial impact on Texas taxpayers and our budget.

The Texas Health and Human Services Commission estimates that the various federal health care proposals circulating around Congress could add as much as $60 billion to the state budget over the next 10 years, creating twice the number of Texas Medicaid recipients.

Additionally, these bills place a new tax burden on certain businesses and provide for the federal takeover of some current state insurance functions. These one-size-fits-all government mandates are both unsustainable and unable to fix our broken health care system.

Instead of government mandates and more deficit spending, successful health care reforms can only be achieved by providing states with the flexibility to develop state-specific solutions.

For example, in 2003, I signed into law medical liability reform that has improved access to medical care in Texas, particularly in underserved areas. Prior to these reforms, Texas doctors were being sued at twice the national average, and many were giving up practicing in Texas altogether. Today, doctors are coming to Texas as fast as they can, with record numbers applying to practice medicine in the Lone Star State. Tort reform is the sort of state-specific, market-driven reform measure that will help provide effective, affordable solutions to our health care woes.

In addition, as you may know, last month, I wrote to Secretary Kathleen Sebelius to again urge approval of the Texas Medicaid reform waiver, which was originally submitted in April 2008. This waiver—which would promote preventive care, improve quality and access to care, and enable more low-income working Texans to purchase private health insurance—continues to languish at the Centers for Medicare and Medicaid Services.

I urge you to support our right, as a state, to further explore these approaches, rather than forcing us to implement federal mandates that promise financial hardships for the states and little in the way of benefits for our economy and all of our constituents.

Sincerely,

RICK PERRY,
Governor, Texas.

HONORING THE STUDENTS AND STAFF OF DEVINE HIGH SCHOOL

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. RODRIGUEZ. Madam Speaker, I commend your hard work and dedication in the pursuit of academic excellence. Through your efforts, you have garnered the prestigious honor of being named a National Blue Ribbon School by Secretary of Education Arne Duncan, the highest distinction a school in the United States can achieve.

The Blue Ribbon Schools Program was established in 1982 by Secretary of Education Terrell Bell. The program honors public and private elementary, middle, and high schools that demonstrate academic superiority or dramatic gains in student achievement. Only 3.9 percent of all schools in the United States have received this award.

As your Member of Congress, I am proud of your ambition and inspired by your success. I have always believed that our future prosperity is predicated on our present commitment to education. You are lighting the way as a beacon for those not only in our district, but also in our nation. I applaud you for your efforts and encourage you to keep up the excellent work.

IN HONOR OF THE SANTA CRUZ COUNTY PARTICIPANTS OF ''PEDAL FOR PEACE'' OCTOBER 7, 2009

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. FARR. Madam Speaker, I want to commend the Santa Cruz County Participants of "Follow the Women—Pedal for Peace". This year's participants are Jane DeJarnette, Janet Fogel, Lilly Ann Popken, JoAnn Smith, Marilyn Marzell, and Elizabeth Schwartz. The objective of the ride is to raise awareness of violence in the Middle East and its affects on women and children, who suffer the most as a result of the

conflict. The women from Santa Cruz County will be joining women from 40 other countries.

Created in 2004, the ''Follow The Women'' annual bicycle ride is the brainchild of 2001 European Woman of the Year and Nobel Peace Prize Nominee Detta Regan. In April 2004, she gathered together 270 women from all over the world, including the United States, Palestine, Britain and Iraq, to bike across Lebanon, Syria and Jordan to campaign for peace and an end to violence in the region. Traditionally throughout the Middle East, women do not ride bicycles making the ''Follow the Women—Pedal for Peace'' ride extraordinary. It brings much attention to the worthy cause of promoting good relations between different cultures and ethnicities.

''Follow the Women'' has held several different events in addition to the annual bike ride. In 2007, they distributed medical kits in Gaza throughout the conflict. That year, they also held a youth exchange to explore and share the experiences between different cultures. The participants gained a better understanding of themselves and others.

''Follow the Women'' has also helped fund a counseling project in Ramallah. The aim of this project was to offer support to children and their families who were suffering following the conflict in the Middle East. This year, ''Follow the Women—Pedal for Peace'' hopes to raise enough funds to build a playground or possibly two for the children of Gaza.

Madam Speaker, I congratulate Follow the Women and especially wish to recognize the riders from Santa Cruz. I wish them much luck in their annual bike ride.

REMEMBERING JACK ALLEN STONE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Jack Allen Stone. Sadly, Jack passed away on July 28, 2009 in Bay City, Michigan. I have known Jack since the early 1960s and will deeply miss him.

Jack Stone moved to Michigan from Missouri in 1930. He was the Class President at Beecher High School when he graduated in 1944 and this began his dual interests in education and politics. He joined the U.S. Army and served as a Corporal E4 during the Korean War. Returning to Flint, Jack worked for Chevrolet and became a committeeman for the UAW. During this time he married, had three daughters and attended the University of Michigan-Flint. He graduated with a B.A. degree in 1961 and began teaching that same year.

Teaching US Government and Michigan History at Grand Blanc High School for 27 years, Jack was a moving force in starting the Grand Blanc chapter of the National Honor Society. During this time he also was active with negotiating teacher contracts. He negotiated the first teacher contract with Grand Blanc Schools and played a major role in negotiating contracts for many years. He was an advisor for MEA PAC and sat on the interview board for school board candidates. Active in the Genesee County Democratic Party, Jack worked on my first campaign and successive campaigns. He also helped elect Senator Don Reigle and State of Michigan Speaker of the House Bobby Crim.

After retiring in 1988, Jack moved to Gladwin, Michigan and built his dream home on Sugar Springs Lake. He is survived by his wife Joan, and his daughters: Janine Wallace, Rebecca Tereau and Leslie Stone.

Madam Speaker, I ask the House of Representatives to join me in honoring the memory of a dear friend, Jack Allen Stone. Over the years I have respected his wisdom, enjoyed his friendship, heeded his advice and I am saddened by his passing.

RESOLUTION TO HONOR OUR SCHOOL PRINCIPALS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a resolution supporting October 2009 as National Principals Month. This designation will honor and recognize the critical role that school principals play in the lives of our students.

One of the principle reasons behind a school's success is often a strong principal.

Elementary, middle and high school principals consistently provide the vision, dedication, and mobilizing force behind successful schools.

Principals set the academic tone for their schools and work collaboratively with teachers to develop performance goals and objectives, all in an effort to improve student achievement.

Today's principals are expected to fill a variety of roles, each complex in its own right.

On any given day, they are likely to be everything from educational visionary, to community builder, to budget analyst, to facility manager, to counselor.

This means that principals often work long hours. In fact, the Bureau of Labor Statistics estimates that one in three principals works more than 40 hours per week and often works additional time supervising school activities at night and on weekends.

During my time on the San Diego School Board, I worked with many of these remarkable individuals. I witnessed how their commitment and energy can inspire an entire school—from the youngest student to the most senior teacher.

In the end, it is principals who are responsible for creating and managing the environment where our students learn and grow.

This month, let's honor this important role, which they dedicate themselves to year-round.

I am pleased to introduce this bipartisan resolution with my colleague from the Education and Labor Committee, Congressman TODD PLATTS.

INTRODUCTION OF THE ''WATER TRANSFER FACILITATION ACT OF 2009''

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. CARDOZA. Madam Speaker, today with Congressman COSTA, I introduced the ''Water Transfer Facilitation Act of 2009.'' the measure should reduce unnecessary delays in water transfers at a time when Central Valley farmers have been hard hit by a three-year drought. It would allow new water transfers of roughly 250,000 to 300,000 acre-feet of water per year. The bill would grant authority to the Bureau of Reclamation to approve voluntary water transfers between sellers and buyers in the San Joaquin Valley. The measure also would streamline environmental reviews for Central Valley water transfers by ensuring that they occur on a programmatic basis, instead of the current project-by-project basis.

Transferring water between and within counties for water districts is a critical tool during periods of drought. While the best solution would be to fully operate the federal and state pumps, this change in the law provides us some relief. This legislation makes permanent the ability to transfer water to our Valley's farms when it is most needed, therefore, allowing our farmers a lifeline to continue to grow crops and help our local economy. More will need to be done to protect the Valley's water, and I will continue that fight.

The bill is supported by a great number of water users across the Central Valley, including the following: Friant Water Users Authority, San Joaquin River Exchange Contractors Authority, Delta-Mendota Canal Authority, Westlands Water District, Metropolitan Water District, Glen Colusa Irrigation District, Northern California Water Association, Banta-Carbona Irrigation District, Tehama-Colusa Canal Authority, Association of California Water Agencies, Placer County Water Agency, Conaway Preservation Group, and the Reclamation District 2035.

I have submitted several of these support letters here for the record, and I understand that Mr. COSTA will submit additional letters as well.

ASSOCIATION OF CALIFORNIA WATER AGENCIES,
October 6, 2009.

Re ACWA support for Water Transfer Legislation.

Representative CARDOZA,
Longworth House Office Building,
Washington, DC.

Representative COSTA,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVES CARDOZA AND COSTA: Thank you for introducing water transfer legislation for the Central Valley Project (CVP) which ACWA is pleased to support. As California's water supply challenges multiply, this legislation can provide greater flexibility for management of CVP water supplies. As you know, ACWA's 450 public agency members are collectively responsible for 90 percent of the water delivered in California for residential and agricultural uses.

California's water supply situation is dire and worsening. Three years of below average precipitation along with heavy regulatory restrictions through the ESA and Biological Opinions, have seriously diminished California's water supplies. Under these conditions, it is essential that short term actions, such as provided by your legislation to flexibly enable water supplies to move across the San Joaquin Valley, be pursued.

Again, thank you for introducing water transfer legislation. ACWA looks forward to working with you to secure its passage in an expedited manner.

Sincerely,

TIMOTHY QUINN,
Executive Director.

NORTHERN CALIFORNIA
WATER ASSOCIATION,
Sacramento, CA, October 2, 2009.

Re Support for Water Transfer Legislation.

Hon. JIM COSTA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of the Northern California Water Association (NCWA), we thank you for introducing legislation authorizing and establishing a permanent long-term program to promote and manage water transfers in the Central Valley of California. We support your efforts and this legislation as a means of providing greater flexibility in the management of Central Valley Project (CVP) and other water supplies to help meet unmet needs critical to the future of the State of California.

As you are aware, the devastating impacts of diminished water deliveries to the CVP as a result of three years of below average precipitation have been made even greater by the various regulatory restrictions, including the requirements established by the recent federal biological opinions for endangered fish under the ESA. Your legislation will provide immediate, much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the CVP.

NCWA was formed in 1992 to present a unified voice working to resolve California's water issues and protect the water rights and supplies of the diverse Northern California region, now and into the future. NCWA represents 54 agricultural water districts and agencies, private water companies, and individual water rights holders with rights and entitlements to the surface waters and groundwater resources of the Sacramento Valley. Many of our members can and will actively participate in this water transfer program. The language in your legislation directing the Bureau of Reclamation to work with other federal agencies to implement the necessary long-term environmental processes addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake will be imperative to its usefulness and success.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,

DONN ZEA,
President and CEO.

TEHAMA-COLUSA CANAL AUTHORITY,
Willows, CA, October 5, 2009.

Re Support for Water Transfer Legislation.

Hon. JIM COSTA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of the Tehama Colusa Canal Authority (TCCA), we thank you for introducing legislation authorizing and establishing a programmatic program to promote and manage water transfers in California, including the Sacramento Valley. We support your efforts and this legislation as a means of providing greater regulatory certainty for the management of Central Valley Project (CVP) water supplies for water users.

As you are aware, the TCCA is intimately aware of the impacts of diminished water deliveries to the CVP as a result of below average precipitation and regulatory requirements placed upon the CVP and its water users through the requirements established by the recent National Marine Fisheries Service biological opinions for endangered salmon. Your legislation will provide much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the CVP.

Many of our members have participated in water transfer programs in the past and would continue under this legislation in a more flexible manner. Also, the language in your legislation directing the Bureau of Reclamation to work with other federal agencies to implement the necessary long-term environmental processes addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake will be imperative to its usefulness and success.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,

JEFFREY SUTTON,
General Manager.

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA,
Los Angeles, CA, October 5, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: The Metropolitan Water District of Southern California is pleased to support the legislation you are introducing related to water transfers for the Central Valley Project (CVP). This legislation will help provide good water management while providing flexibility for CVP customers.

As a regional wholesale water provider, Metropolitan provides water for nearly 19 million people throughout our six-county service area in Southern California. As Metropolitan and the entire state continue to address water supply challenges throughout California, the vitality of our economy and environment has been seriously affected. Your proposed legislation will help address these critically important issues.

Please let me know if we can be helpful in any way.

Sincerely,

JEFFREY KIGHTLINGER,
General Manager.

GOVERNOR OF UTAH EXPRESSES CONCERNS WITH UNFUNDED MANDATES IN HEALTH REFORM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Michigan. Madam Speaker, I rise today to express concerns regarding health reform proposals which would create unfunded state mandates. Legislation currently before the House would dramatically expand the Medicaid program and place over $35 billion in new liabilities on state budgets over the next ten years. In addition, these proposals would expand the federal government's role in administering Medicaid, which would severely handcuff states' ability to run their own programs and preempt state authority to manage Medicaid eligibility and benefits.

Over the last several weeks, governors have expressed concerns over these proposals. I would like to submit for the RECORD the following letter from the governor of Utah:

SEPTEMBER 15, 2009.

DEAR SENATOR BENNETT, as Governor of the State of Utah, I am aware of the critical importance of health system reform in our country. However, I believe the best place for innovation and policy change is in the individual states, as we have a greater understanding of the specific needs of our citizens. This effort is already underway in Utah, with great success. I am worried, however, that the direction of the current language of federal health system reform bills will preclude state-directed reform and place a detrimental burden on states' budgets. Therefore, I am contacting you in order to forge a partnership to enact reform that will benefit not only the citizens of Utah, but will benefit everyone throughout our great country.

In Utah, we have a good system of public medical programs that provide for our neediest population. However, the weight of the current programs strains our state budget. So far, we have managed to fully fund the existing programs, although it becomes more challenging each year. The extension of Medicaid to additional populations, as discussed in proposed federal healthcare legislation, will amount to an unfunded mandate that would create financial havoc for our state.

While I understand the idea that everyone must ''share in the pain,'' and appreciate the Administration's commitment to reforming healthcare without increasing the size of the federal deficit, to force Medicaid cost increases onto states will simply shift massive cost increases to the states. As I am sure you know, Utah, like most other states, is suffering from the negative impacts of a nationwide recession. As we prepare the state's fiscal year 2011 budget, we face continued cuts to agency budgets and reduced government services on top of painful reductions made last year. The unfunded mandate of a forced Medicaid expansion will only exacerbate an already dire situation. If required to increase our Medicaid program as envisioned in Washington, Utah, and most every other state, will be forced to find the money to do so through other means. This will require states to either raise taxes or continue to cut budgets in areas currently suffering from a lack of funding, such as public and higher education. We must work together to ensure that no new requirements for states to fund health care for additional populations pass.

This does not mean, however, that the State is ignoring or has forgotten about middle-income uninsured families in Utah. Quite the contrary, the aggressive health system reform being pursued in Utah is designed to address the healthcare needs of those families in a manner that does not shift additional burden to the State.

As mentioned above, Utah has made remarkable progress toward health system reform. One of the cornerstones of our State's efforts is the introduction of a defined contribution health benefit system and implementation of the Utah Health Exchange, which provides the technology to make that market work. This new market approach is proving to be very popular. In fact, in just nine days, following the official launch of the Utah Health Exchange, 136 of Utah's small businesses signed up to contribute to health care coverage for their employees, representing approximately 7,000 covered lives.

It is essential that federal legislation not derail this promising effort to provide insurance in a new way to Utah's small business employees, who are the backbone of our economy. When fully implemented, the Exchange will help individuals and employees access the information they need to make informed choices about their health and health care, as well as their health insurance. This tool has a standardized application process and allows people to apply for a broad range of coverage electronically; which further increases access to affordable coverage.

To me, the highlight of the Exchange is that it is almost entirely run by the private sector. The State brought together a technology company, a finance company, and many different insurers who have worked out the necessary details to provide a platform for this new marketplace. We were able to go from a signed bill to a functioning exchange in just five months. This is the very definition of forging unprecedented partnerships to find solutions that government alone cannot provide. The driving force behind any proposed exchange must continue to be private sector ingenuity, with government assisting in the appropriate ways.

I look forward to working with you in a similar manner to ensure that federal and state healthcare reforms are compatible and will result in success for the citizens of our great State. I believe that together we can develop workable alternatives to the traditional Washington D.C. ''one-size-fits-all'' solution. We must continue to recognize that states are the laboratories of innovation and that the best solution to our nation's challenges is to empower states to serve their unique populations in the best ways possible.

Please contact me if there is any way I can be of assistance with this very important issue.

Best Regards,

GARY R. HERBERT,
Governor, Utah.

HONORING STAFF SERGEANT ZACHARY J. RHYNER, USO AIRMAN OF THE YEAR

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ETHERIDGE. Madam Speaker, I rise in honor of Staff Sergeant Zachary J. Rhyner's distinguished service in the United States Air Force, and to congratulate him on being named USO Airman of the Year. Staff Sergeant Rhyner's extraordinary heroism in Shok Valley, Afghanistan on April 6, 2008 as part of Operation Enduring Freedom is a testament to his training, character, and personal strength.

While conducting an air assault infiltration as Special Tactics Combat Controller, Sergeant Rhyner and his team were caught in an ambush. Intense sniper, machine gun and rocket-propelled grenade fire rained down on the team from a well-trained insurgent force. Sergeant Rhyner was shot once in his left leg and struck twice in his chest. Although wounded, Sergeant Rhyner stayed calm and called in more than 50 air strikes and strafing gun runs. He placed himself between enemy forces and his men several times in order to return fire and to allow his teammates to retrieve the critically wounded and the deceased. He has been recognized for his heroism several times. In addition to being named USO Airman of the Year today, he received the Air Force Cross, the service's second highest medal for valor, on March 10, 2009. He also received a Purple Heart and the Jewish Institute for National Security Affairs Grateful Nation Award.

Staff Sergeant Rhyner is based at Pope Air Force Base, in North Carolina's Second District and lives in Harnett County, my home county. I am proud to have him as a fellow North Carolinian, and I urge my colleagues to join me in congratulating him on this honor and saluting his service.

HONORING SENATOR EDWARD KENNEDY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to honor Senator Edward Kennedy, who passed away August 25, 2009, at age 77. A leader in the Senate for over 46 years, Senator Kennedy dedicated his career to equality and justice for all.

Senator Kennedy believed that the fight for quality and affordable healthcare was the cause of his life and nothing less than a moral obligation for us all. His courageous commitment to improving the welfare of all people was inspirational to me and millions of Americans. As Chairman of the Senate Committee on Health, Education, Labor, and Pensions, he influenced nearly every piece of legislation that came before the Senate. Because of his deep concern for the treatment of mental health patients, he helped individuals suffering from mental health and substance abuse disorders receive adequate coverage and prompted the growth of America's Community Mental Health Centers. Senator Kennedy was also committed to increasing access to health care for everyone. I wish he was with us long enough to see all his hard work come true.

Senator Kennedy was a compelling advocate for equal access to education for all children. His leadership was instrumental in expanding the Head Start Program and he devoted himself to improving teaching quality and equality across the country.

Senator Kennedy fought tirelessly to ensure all students who wished to obtain higher education were able to do so. During the 110th Congress, he helped enact the most substantial increase in student aid funding, making higher education more accessible and affordable to all.

Madam Speaker, Senator Kennedy was a shining example of what the very best public servants can aspire to become and his passion for helping others will live on through the lives he has touched. His legacy of hard work, compassion, and excellence will continue to impact America for generations to come.

HONORING ELDON ROTH

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. KINGSTON. Madam Speaker, I rise today to honor Eldon Roth, a celebrated and respected member of the agricultural community. I am privileged to be joined by the distinguished Congresswoman ROSA DELAURO in recognizing Mr. Roth. It is a remarkable day indeed when we can both wholeheartedly endorse the same objective.

Growing up in rural South Dakota, Eldon Roth learned the values of a strong work ethic and perseverance. Lacking access to electricity and running water in his home, he never allowed the limitations of sheer circumstance to hinder his pursuit for excellence. Eldon and his wife Regina, who is his business partner, started their business in San Francisco back in the 1970s. A self-educated man who never accepted the status quo, Mr. Roth occupied his spare time by employing his understanding of mechanics to improve the efficiency of the meat freezing process.

This focus led him to working with stainless steel firms in the area to develop a large drum. His natural mechanical genius devised a way to liquefy the meat product at the lowest possible temperature. The FMI Roller Press Freezer, a huge piece of equipment, was a new concept for the continuous quick-freezing of ground meats and other similar consistency products. Through his work, the freezing process was trimmed from two days to a matter of mere minutes. It revolutionized the industry and standardized the quick-chill process that now assures high levels of food safety.

Over the years, Mr. Roth continued his innovating work and as a selfless man of integrity, he takes time to share his discoveries with other meat processors to protect consumer health. Mr. Roth has not only developed unique ways to increase the value of beef and pork, but he led a revolution in equipment design. By taking great pride in his work, Mr. Roth undoubtedly raised the bar in terms of excellence for the U.S. meat and poultry processing industry.

Today, the company Mr. Roth founded, Beef Products Inc. is the world's leading producer of boneless beef. Mr. Roth's impact in the market of beef and poultry has justly earned him multiple awards. BPI has built plants in Texas, Kansas, Iowa and Nebraska. He is a recipient of a 2008 Beef Industry Division award presented by the National Cattlemen's Foundation as well as the recipient of the 2007 E. Floyd Forbes Award, the highest honor from the National Meat Association.

Along with founding the world's leading producer of high-quality lean-beef trimmings, Mr. Roth made sure to give back to the local community. Last year, Mr. Roth organized an event in Sioux City, Iowa where he hosted a prime rib appreciation dinner Salute to the 185th Refueling Wing of the Iowa Air National Guard. He had about 1,500 Guardsmen with their families and guests to attend at the BPI aircraft hangar, and he and his company staff cooked hot roast beef for everyone! One of his special guests was Congressional Award winner Col. Bud Day, along with other local dignitaries.

Mr. Roth is known as a self-made man who possesses unequaled discipline, drive, and discernment. He is successfully building a legacy of generosity by giving back to the people of his own community. I am proud to stand here today, shoulder to shoulder with Congresswoman ROSA DELAURO, to honor Eldon Roth of South Dakota.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. ESHOO. Madam Speaker, I was not present during the rollcall vote Numbers 758 to 760 on October 7, 2009. Had I been present, I would have voted:

On rollcall vote No. 758 I would have voted ''yes.''

On rollcall vote No. 759 I would have voted ''yes.''

On rollcall vote No. 760 I would have voted ''yes.''

IRAN—GLOBAL THREAT REQUIRING GLOBAL ACTION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. GRANGER. Madam Speaker, the global threat of Iran's nuclear program is growing every day. The luxury of time has vanished and the need for Congressional action is absolute.

What we already knew about the Iranian nuclear program, compounded with the recent revelations of an additional uranium enrichment facility outside of Tehran and Iran's continued testing of long-range missiles, only continues to build on an already disturbing scenario.

The Iranian regime is furiously building its nuclear program and threatening anyone who walks the streets of Paris, Beijing, London and New York. Every day that goes by without weakening the regime or its ambitions, the world becomes less safe. We MUST act now.

I wholeheartedly support increased sanctions and divestment efforts and hope the U.S. Congress responds immediately to provide these critical tools to the President.

The United States needs to show strong leadership to show the world that we are serious in taking down this imminent threat from Iran. U.S. actions should be matched by other world leaders—especially Russia and China.

Iran's potential peril to the world is global, so too should be the response.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Conference Report accompanying H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: Conference Report accompanying H.R. 2997

Account: ARS, Salaries and expenses account, $1,293,000

Legal Name of Requesting Entity: Auburn University, Auburn, AL

Address of Requesting Entity: 102 Samford Hall, Auburn, Alabama 36849

Description of Request: ''Improved Crop Production Practices'' Taxpayer justification—It is my understanding that this funding will provide $1,293,000 to develop and assist in adopting cropping systems that reduce production cost primarily by reducing the need for nitrogen fertilizer, pesticides, fuel, and equipment. Federal funding would allow the program to expand reniform nematode research throughout the State, develop more intense mature management research that includes bioenergy crops, and expand research on the development of alternative substrates for nursery crop production. Current and future profitability of agronomic based crop production in Alabama is dependent on the research and outreach efforts. Use of precision technologies associated with these studies have resulted in practices that saves fuel, herbicides, and fertilizers and protects Alabama's vital natural resources. The project's total budget is $8,874,000. Specifically within the budget, $1,298,734 will go toward permanent personnel salaries, $360,760 for research expense, and $240,500 for equipment. This request is consistent with the intended and authorized purpose of the Agricultural Research Service, ARS Account. Auburn University will meet or exceed all statutory requirements for matching funds where applicable.

HONORING RODNEY B. LEWIS ON HIS DISTINGUISHED CAREER–

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. PASTOR of Arizona. Madam Speaker, I rise before you today to praise and reflect upon the career of an outstanding attorney and community leader, Rodney B. Lewis. I would also like to congratulate Rod on recently being honored with a Lifetime Achievement Award by the Native American Bar Association of Arizona.

Rod Lewis comes from a family dedicated to serving the Native American community in Arizona. Rod is one of three sons born to the late Reverend Roe B. Lewis and Sallie Lewis. He and his brothers, John and Robert, grew up on the Gila River Indian Reservation. All three attended college and graduate school and each has devoted their careers to the service of Indian tribes and Indian people. In fact, John is the Executive Director of the Inter Tribal Council of Arizona.

Rod earned his bachelor's degree from Trinity College in San Antonio, Texas. While in college, Rod participated in the Reserve Officers' Training Corps and upon graduation was commissioned as a second lieutenant in the Army Rangers, ultimately obtaining the rank of first lieutenant upon discharge from the Army. Rod earned his master's degree from Arizona State University in 1969 and went on to law school at the University of California Los Angeles. Upon graduating with his JD in 1972, Rod returned to the Gila River Indian Community to serve as the tribal attorney for the Community and to raise a family. He and his wife Willardene have three children and five grandchildren.

Rod has had an extraordinary legal career. He was the first Native American to pass the Arizona Bar Exam and be licensed to practice law in Arizona. He was also the first Native American lawyer to argue a case before the United States Supreme Court. Shortly after law school, Rod faced an effort by the State of Arizona to tax the sale of tractors to the Gila River Indian Community farms. Rod fought this effort and prevailed in a 5 to 4 Supreme Court decision. The Central Machinery v. Arizona State Tax Commission decision continues to stand as the definitive case recognizing the right of Indian tribes to operate beyond the taxing authority of states.

Rod served as the General Counsel of the Gila River Indian Community for more than 30 years. For much of his tenure as General Counsel, Rod led the battle to secure the water rights of the Gila River Indian Community. Rod worked tirelessly in litigating and ultimately negotiating the single largest Indian water rights settlement in the history of the United States. This settlement resulted in the return of 653,000 acre-feet of water to the ''River People'' of the Gila River Indian Community and $200 million to construct a system to deliver water to the reservation.

Rod Lewis has dedicated his life to being a champion for the Gila River Indian Community. He is a genuine trailblazer who has broken down barriers and served as a role model for a new generation of Native American lawyers. Madam Speaker, I am honored to recognize Rod for his distinguished career and outstanding leadership and thank him for being my friend.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BILBRAY. Madam Speaker, I would like to submit the following request:

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: Conference Report to H.R. 3183, FY 2010 Energy and Water Appropriations

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: The City of Solana Beach

Address of Requesting Entity: 635 South Highway 101, Solana Beach, CA, USA 92075

I received $305,000 to complete the feasibility study for the Solana Beach-Encinitas Shoreline Protection Project. The protective beaches throughout the Solana Beach area are severely eroded, leaving residences, portions of Highway 101, and public access points susceptible to dangerous wave attack and beachgoers subject to falling rocks as bluffs are destabilized by erosion. This Shore Protection Project will build up the protective beaches along the coast, preserving public access, recreational areas, and as well as public infrastructure and private homes.

TRIBUTE TO JOAN BURDICK, RECIPIENT OF THE 2009 ST. MADELEINE SOPHIE AWARDS, SACRED HEART SCHOOLS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. ESHOO. Madam Speaker, I rise today to honor Joan Burdick, a recipient of the prestigious St. Madeleine Sophie Award from Sacred Heart Schools. Established in the year 2000, the St. Madeleine Sophie Award honors individuals in the Sacred Heart community who have made a sustained and significant contribution to the Schools and embody the Goals and Criteria of a Sacred Heart education. The individuals honored are selected by a committee comprised of the senior administrative team in conjunction with the Chair of the Board of Trustees and are honored at a reception and at the Mass of the Holy Spirit, the first all-school liturgy of the school year. The recipients will be VIP guests at various SHS events throughout the year and featured in their alumni magazine, The Heart of the Matter, for their commitment to the mission of Sacred Heart education.

This year, Joan Burdick was chosen along with two other distinguished recipients to be recognized with the Award for her tireless work as an educator and for her dedication to the arts, as well as to the Goals and Criteria of Sacred Heart Schools. Her award was presented by Connie Solari who gave the following speech at the Awards Ceremony in tribute to Joan:

When I was about 10 years old, I saw the movie Auntie Mame with Rosalind Russell. I always wanted to BE that person—elegant, spontaneous, excitable, risk-taking, generous, brunette—and above all gorgeously DRAMATIC. While I've fallen considerably short in embodying this remarkable character, I did finally meet her avatar one afternoon in the spring of 1978.

Her name was Joan Burdick.

At the time, I was writing the Sacred Heart Schools Newsletter, and I'd been assigned to interview ''the drama teacher'' at St. Joseph's. After about three minutes, it was clear that I was in the face of a mythic educator. Since then, I've come to know Joan as a gifted classroom teacher, an awe-inspiring director, a close professional colleague—and a friend. And it's under these frequently overlapping headings that I propose to introduce her.

MRS. BURDICK, TEACHER

When Nancy Tarantino requested nominations for this award she received pages of testimony from Joan's former students. As the mother of two of her sixth-grade English students at St. Joseph's, I can personally attest to her excellence: She's one of those teachers whose high standards bring high results, and who manage to inspire students with a belief in their ability to do things they never dreamed possible. A few years later, as Dean of Faculty, I saw her spin her magic first-hand in the high school English classroom, making William Shakespeare and Emily Bronte and Tennessee Williams come fully alive as a tea-kettle bubbled in the background and students nestled comfortably on the couches and overstuffed chairs that filled her classroom.

Several of her former students commented on her gift for transforming their shy, even withdrawn selves into polished, confident public speakers. ''She taught us to walk deliberately and never fidget when speaking,'' wrote one. ''She corrected our posture and forced us to project and enunciate, to think on our feet and improvise.'' One went as far as to say that it was Joan who introduced him to his ''first sense of community with other students.'' Another credited her with evoking and developing her self-esteem and overall confidence—qualities that obviously allow everything else to fall into place.

But Joan's gifts went even beyond how to write essays on Bronte's Wuthering Heights or how to deliver a line of iambic pentameter like you meant it. She taught us how to behave.

Permit me an anecdote.

For several years we took the entire senior class on a five-day trip to the Ashland Shakespeare Festival. Please note that this was the ENTIRE senior class, not a self-selecting group of dramaphiles. In addition to preparing the students for what they were about to see onstage, Joan also prepared them to be a good AUDIENCE: mouths shut, bodies quiet, hats off, minds alert. One afternoon we were waiting in the lobby for our ninety students to arrive. [I believe it was the same day Michele Rench and I had bought Joan a pink volume of Emily Post's Etiquette in a used bookstore.] Suddenly, one very large and bumptious senior approached Joan, lowered himself onto one knee, and kissed her hand with a courtly flourish. It's a gesture I doubt he's ever repeated since, but it speaks volumes about how Joan could ignite hidden reserves of gentility within even the most unlikely knight-at-arms. I read recently that St. Madeleine Sophie believed good manners to be an expression of CARITAS; if we accept her judgment, then Joan Burdick unleashed a FLOOD of Christian Love via students who recognized, even temporarily, the value of good manners. Another former student (one I vividly remember for his livewire personality) wrote: ''To this day I think I'm a better audience than most. If I make noise during a performance, I can still feel Mrs. Burdick's stern look beading into the back of my head.''

JOAN HUNT BURDICK, DIRECTOR

The distinction between Joan the Teacher and Joan the Director is of course quite arbitrary, since Joan DIRECTED her English classes in much the same way she TAUGHT her aspiring actors. But let me leave the classroom now and take you all to the stage in the Little Theater—a vanished building, but one whose ghost hovers beneath the foundations of this marvelous Campbell Center. Let's imagine it's 1987. Joan has unleashed her latest brainchild—an all-campus production of The Sound of Music. In addition to students from grades one through twelve, she has cast teachers from both sides of campus, the Director of Development, the Director of Admissions, and—yes—none other than Director of Schools Nancy Morris as the ''Climb-Every-Mountain''-crooning Mother Superior. I myself was among the many actors whom she'd recruited and given their first taste of thespian glory. One alum described the Little Theater as ''a symbol of the great things that can come out of a small space occupied by a director who cultivates the imagination and talent of actors who want to do great things.'' We wanted to do great things. Witnessing Joan rallying us together just before the opening performance of Sound of Music, we were gripped by that feeling. We were going to ''make theater'' together and in so doing transform not only the physical space, but the audience which had come to be transported into that imaginative mental space that theater engenders. Joan understands this power of theater, and throughout her life, she has made her students (and I count myself among them) understand this. Her willingness to take risks, tackling such daunting works as Shakespeare's Much Ado About Nothing and Chekhov's The Cherry Orchard, is grounded in her proven ability to inspire casts with a Dionysian fervor that spins itself out into the audience.

When Joan was invited back to direct the Farewell to the Little Theater show in June of 2003, the 120 cast members, including students, faculty and alums, gave Joan the longest standing ovation many ever remember witnessing. No wonder.

JOAN BURDICK, COLLEAGUE AND MASTER BUILDER

In 1990, Joan transferred full-time to the high school, and we began working closely together. In addition to teaching with her in the English department, I was privileged to watch her build not only the SHP drama program, but the entire Fine Arts department. We went from a school that offered five electives in drawing, painting, photography and drama to one that, by the time she retired in 2001, offered twenty, including sculpture, ceramics, dance, computer graphics, concert and chamber choir, instrumental music, technical theater and scenic design, video production, and the ever-amazing student-directed play.

As Fine Arts chair, she represented her department on the school Curriculum Committee with passion and precision. She nurtured her department members in the nuanced art of becoming a Sacred Heart educator. For Joan was not only an employee of Sacred Heart, she is an alumna of Sacred Heart Schools, Atherton—quite literally raised on the vision of St. Madeleine Sophie.

AND THIS BRINGS ME, FINALLY, TO JOANIE BURDICK, FRIEND—AND BY EXTENSION FAMILY WOMAN

For over 150 years, Sacred Heart educators (virtually all of them nuns) were referred to as ''Mothers.'' Joan Burdick is nothing if not the ultimate MATRIARCH, a maternal figure not only to her family but also to her many friends. Joan enjoys deep, powerful and lasting friendships. Many of her former students and colleagues now consider her a friend, someone with whom we still enjoy having an elegant cup of tea or glass of sherry. I'd argue that we all consider ourselves part of Joan's extended family as we seek her advice or share stories with her.

With respect to her biological family, she is a matriarchal force that one crosses at one's peril. When her son-in-law Ken Thompson was diagnosed with leukemia three years ago, I had the sense that Ken would somehow be safe because Joan was standing there, a cross between a lioness and a heavily, armed archangel, determined that NOTHING was going to hurt her family. Her daughters Corie and Riette and her son Hunt accorded their mother the ultimate compliment by following her into that magical world of theater themselves, scoring major successes as actors, singers, dancers, stage designers and directors. Her grandson Sean now enjoys life with a grandmother who teaches him chess, instructs him in the fine art of taking tea, and occasionally sweeps him off to Europe or New

York City, much like my Auntie Mame did for her nephew Patrick.

Let's face it. Joan Burdick is nothing if not ''elegant, spontaneous, excitable, risk-taking, generous, brunette, and gorgeously dramatic.'' (It's only fitting that she just flew in from Paris last night to receive this award.)

She is the Queen of all Drama Queens—but one with her beautifully shod feet planted firmly on the ground of faith, family, and friendship. A Queen whose reverence tor theater reminds us that Western drama evolved out of Greek religious ritual—an idea echoed by a former colleague who wrote that ''Joan's productions were always, always a validation of life and meaning.'' I am honored to introduce Joan Burdick, whose work here for 25 years so validated life and meaning, and who so incarnates The Sacred Heart Educator at her very finest.

Madam Speaker, I ask the entire House of Representatives to join me in offering our congratulations to Joan Burdick on the very special Occasion of being chosen for the St. Madeleine Sophie Award and for all she does daily to strengthen our community and our country.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Wednesday, September 30, 2009.

Had I been present, I would have voted ''no'' on rollcall vote No. 743 (on motion to suspend the rules and agree to H.R. 2442), ''no'' on rollcall vote No. 744 (on motion to suspend the rules and agree to H.R. 1771), ''aye'' on rollcall vote No. 745 (on motion to suspend the rules and agree to H.R. 1053).

HONORING THE HISTORICAL SOCIETY OF SAGINAW COUNTY AND CASTLE MUSEUM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. KILDEE. Madam Speaker, I rise today to recognize the Historical Society of Saginaw County for being selected by the American Association of Museums for participation in the Museum Assessment Program. The Historical Society of Saginaw County operates Castle Museum in downtown Saginaw. The Society is holding its annual Membership Lumberjack Brunch and Open House on October 18th at the Museum.

The American Association of Museums conducts the Museum Assessment Program to help museums identify challenges and develop strategies to address them. The program also helps museums to ensure high standards in collections care, governance, institutional planning and effective community engagement. Over 3500 museums have benefited from this program.

The Historical Society of Saginaw County was founded in 1938 and incorporated in 1964. The Society has operated Castle Museum since 1992 and is committed to telling the continuing story of the people of the Saginaw region. The Castle Building was constructed in 1898 in the French chateau style. At that time the Federal government decided all Federal buildings were to be built to reflect the historic legacy of the community and Architect William Aitken decided to design the building to reflect the early French traders that settled in the region. Originally utilized as a Post Office, the Castle Building is listed on the National Register of Historic Places and is the cornerstone of the Historical Society's dedication to preserve Saginaw's heritage for future generations.

Today, the Castle Building serves as the Castle Museum and houses over 100,000 archeological and historical artifacts from the region. Traveling and long-term exhibits are displayed in the facility. The Historical Society of Saginaw County has utilized the building to showcase their educational programs, film presentations, and community tours. They also offer research services, an oral history recording program and a living history program at the Museum. Currently, the Historical Society is retrofitting a van to take the museum's programs to elementary schools and they are planning to launch this project in early 2010.

Madam Speaker, please join me in congratulating Board President, Margaret E. Clark, the Board members, staff, volunteers, and Society members as they are honored by the American Association of Museums and wish them continued success in preserving our history for many, many years to come.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, and Science Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 2997, Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Agricultural Research Service, Salaries and Expenses Account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: Auburn University, 102 Samford Hall, Auburn, AL 36849

Description of Request: ''Improved Crop Production Practices, AL, $1,293,000''

Provide $1,293,000 to develop and assist in adopting cropping systems that reduce production cost primarily by reducing the need for nitrogen fertilizer, pesticides, fuel, and equipment. Federal funding would allow the program to expand reniform nematode research throughout the state, develop more intense mature management research that includes bioenergy crops, and expand research on the development of alternative substrates for nursery crop production. Current and future profitability of agronomic based crop production in Alabama is dependent on the research and outreach efforts. Use of precision technologies associated with these studies have resulted in practices that saves fuel, herbicides, and fertilizers and protects Alabama's vital natural resources. The project's total budget is $1,900,000. Specifically within the budget, $1,298,734 will go toward permanent personnel salaries, $360,760 for research expense, and $240,500 for equipment. This request is consistent with the intended and authorized purpose of the Agricultural Research Service, Salaries and Expense Account. Auburn University will meet or exceed all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of the H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Agricultural Research Service, Salaries and Expenses Account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall, Auburn University, AL 36849

Description of Request: Provide $1,293,000 to develop and assist in adopting cropping systems that reduce production cost primarily by reducing the need for nitrogen fertilizer, pesticides, fuel, and equipment. Federal funding would allow the program to expand reniform nematode research throughout the state, develop more intense mature management research that includes bioenergy crops, and expand research on the development of alternative substrates for nursery crop production. Current and future profitability of agronomic based crop production in Alabama is dependent on these research and outreach efforts. Use of precision technologies associated with these studies have resulted in practices that saves fuel, herbicides, and fertilizers and protects Alabama's vital natural resources. The project's total budget is $1,900,000. Specifically within the budget, $1,298,740 will go toward permanent personnel salaries, $360,760 for research expense, and $240,500 for equipment. This request is consistent with the intended and authorized purpose of the Agricultural Research Service, Salaries and Expense Account. Auburn University will meet or exceed all statutory requirements for matching funds where applicable.

HONORING THE LIFE AND WORKS OF SENATOR EDWARD M. KENNEDY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. ESHOO. Madam Speaker, ''Be not afraid of greatness: some are born great, some achieve greatness, and some have greatness thrust upon 'em.''—William Shakespeare, ''The Twelfth Night.''

It is with a sense of proud sadness and deep gratitude that I am blessed to offer a few words about a man who was born to greatness, had it thrust upon him and achieved greatness—because, in the end, he was not afraid.

It is with an array of inexpressible emotions that I am blessed to call him an inspiration, mentor, and most valued friend.

To be Ted Kennedy's friend was to be wrapped in a special embrace, a golden aura of generosity and thoughtfulness, compassion and comradeship. It simply felt good to be around him.

I believe the highest praise bestowed on anyone is that he made the people around him better. This he did by calling all of us to the better angels of our nature.

It is said that to whom much is given, much is expected. No one expected more of himself than did Ted Kennedy, and no one gave more of himself to others.

No one bore greater burdens—some of them the result of cataclysmic events that damaged not only our nation, but hurt him deeply and in ways that would have paralyzed any of us.

He carried on, shouldering the future of a young and sprawling family and the continuing hopes and dreams of our nation.

In a speech in August of 1968, mere weeks after the death of his brother Bobby, Teddy said:

''There is no safety in hiding. Like my brothers before me, I pick up a fallen standard. Sustained by the memory of our priceless years together, I shall try to carry forward that special commitment to justice, excellence and courage that distinguished their lives.''

We met in 1978 in San Francisco when I was little more than a laborer in the vineyards of California Democratic politics. In 1979, I joined his campaign for president and was appointed to his state steering committee.

I soon found myself involved in decisions about who to seat at the 1980 Democratic Convention and in strategic discussions about how we might win the nomination against a sitting president.

In this way, he lifted the fortunes and the sights of so many, allowing us to find new challenges, to seek out new responsibilities and to broaden our own understanding of what we could do, who we could be and how we could help him achieve an America of justice, excellence and courage.

It was at the convention, of course, that he gave what is widely regarded as his greatest single speech. The speech concluded with those words that have continued to ring out through the decades: ''The work goes on, the cause endures, the hope still lives, and the dream shall never die.''

Conventions have become pre-packaged events with carefully staged ''spontaneous'' demonstrations of affection and support. At the 1980 convention, we were outsiders, there against the wishes of an incumbent president whose strategists controlled all the machinery of convention-like hoopla.

So, for an hour, we clapped and cheered, we cried and we chanted ''Kennedy, Kennedy.''

In retrospect, we were enthralled not by the end of a campaign but by the promise of future fights and the certainty that our cause would go forward, as would our work on behalf of the downtrodden and the disaffected.

He said in 1985, with yet another presidential election stirring, ''The pursuit of the presidency is not my life. Public service is.''

He loved to be of service and he reveled in all that it meant, taking joy in those things that would have seemed small and inconsequential to him—and spreading joy.

In 1986, while serving as a member of the San Mateo County Board of Supervisors, I was elected to the position of chairman of the Board. The title was nice, but it was antiquated and was a vestige of an era when only men served in office. I asked the county counsel to take the necessary steps to change the title to president of the Board.

It became a national news story that appeared in the Wall Street Journal, an article that included the headline: ''Eshoo to become president.''

Teddy sent me a telegram that read: ''I always wanted to be president, but I'm glad you got there first.''

No one bore greater burdens—some of them self-inflicted. He faced them unflinchingly and with the hope that he would do better. In a scandal-besieged era, he was, again, an example to us of how to live in the public eye with humility, with humanity and with yet another kind of courage.

He said: ''I recognize my own shortcomings—the faults in the conduct of my private life. I realize that I alone am responsible for them, and I am the one who must confront them. I believe that each of us as individuals must not only struggle to make a better world, but to make ourselves better, too.''

When others would have scrambled for the safety of obscurity, he stood at the helm and sailed the storms.

He was flawed but in a way that makes his virtues stand even taller, for in our midst was a man who never thought of himself as a saint, but believed that the least among us deserve the greatest blessings this nation can bestow.

He was generous. He was thoughtful. He was passionate. He was courageous beyond measure.

And so it is fitting that his last large moment on the national stage should be filled with hope. This is how he lived his life. This is the gift he gave to us.

At his final Democratic convention, he harkened to his own past to paint an enduring vision of a better tomorrow that is uniquely Teddy:

''The work begins anew. The hope rises again. And the dream lives on.''

So, we are saddened at his passing and in the knowledge we will never see his like again and that we will never be warmed by the sun in quite the same way.

But we are filled with the promise he believed and that he gave us, ready to do battle in his name and to extract a measure of joy from life, as he would do.

And we are comforted in the knowledge that he is with his family and his legions of friends and that he is at peace. May God grant this peace to Vicki, his great love, his precious children and his entire family.

As John Bunyan wrote in ''Pilgrim's Progress'':

''When the day that he must go hence was come, many accompanied him to the riverside, into which as he went, he said, 'Death, where is thy sting?' And as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side.''

BREAST CANCER AWARENESS MONTH

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. BACA. Madam Speaker, I rise in support of recognizing the month of October as Breast Cancer Awareness Month.

This special recognition started 25 years ago to highlight and raise awareness of this devastating disease.

Breast cancer is the most common type of cancer among women in the U.S. other than skin cancer.

In 2009, it is estimated that in the United States there will be 192,370 new cases and 40,170 deaths from breast cancer.

Sadly, just in my District in San Bernardino County, California the breast cancer incidence was reported to be 116.6 cases per 100,000 females during the period of 2001 to 2005.

This is why we need to continue all efforts to raise awareness, not just during October but throughout the year.

As a husband, father, grandfather, and as a son—the wonderful women in my life continue to be my driving force behind trying to make a difference in this fight against breast cancer.

My efforts and passion date back to my public service in the California State Legislature.

Through the leadership of Senator DIANNE FEINSTEIN, I helped passed the reauthorization for the Breast Cancer Stamp, which to this date has raised over $55 million dollars for research on breast cancer.

These efforts coupled with the month long activities of many organizations on behalf of Breast Cancer Awareness Month are necessary to ensure that all men and women across America have the tools to overcome breast cancer.

While we recognize October as Breast Cancer Awareness Month, we must also keep in mind that breast cancer is prevalent in our society and any healthcare reform must address this problem.

This is why passing healthcare reform that includes a ban on denying coverage based on pre-existing conditions is extremely important.

Millions of Americans combating breast cancer must not be denied coverage based on their condition at a time when these individuals need coverage the most.

We must ensure that access to adequate testing for breast cancer and patient education is readily available.

I congratulate all individuals and organizations that will hold events this month, and urge

every American to do their part to observe Breast Cancer Awareness Month.

100TH ANNIVERSARY OF THE BOROUGH OF SOMERVILLE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to congratulate the citizens of the Borough of Somerville, county of Somerset, New Jersey, as they celebrate the 100 year anniversary of the incorporation of their municipality.

Although the Borough of Somerville was not incorporated until April 16, 1909, its roots lie much deeper in American history. The town of Somerville was settled in 1683 by Dutch and English immigrants as part of Bridgewater Township. The town unwaveringly aided in the fight for the independence of our Nation, including housing General George Washington from December 1778 to June 1779 while the Continental Army was stationed at Camp Middlebrook.

Until the 1840s, Somerville was a sparsely populated agricultural community. However, with the completion of the rail line in the 1840s and the development of water power in the 1850s, Somerville rapidly developed. From the abundant red clay from which Somerville was built, brick making became one of the earliest industries.

Today, Somerville is an essential hub in central New Jersey, and the seat of county government, the Somerset Board of Chosen Freeholders. Its bustling yet quaint Main Street boasts numerous boutique specialty shops and a large variety of dining options. The borough also hosts many local recreational, cultural, and historical activities, including the annual Tour of Somerville bike race, the oldest bicycle race in the United States, and both the home of the historic Wallace House and Old Dutch Parsonage. Somerville has truly become a premiere destination for visitors.

The Borough of Somerville continues to grow and prosper. Currently, the borough is in the process of completing a large redevelopment project to include a new shopping center, town homes, and many other amenities on the grounds of the former borough landfill. The project is centered around the Somerville train station and envisioned as a transit village redevelopment.

Madam Speaker, for 100 years, Somerville has been a center for local commerce, not only the citizens of Somerville, but for all of New Jersey. Somerville is truly a unique and special part of New Jersey, and I ask you, Madam Speaker, and my colleagues to congratulate all residents of Somerville on their special centennial celebration.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. LARSON of Connecticut. Madam Speaker, on October 7, 2009 I missed rollcall votes 756, 757, 758, 759 and 760. Had I been present, I would have voted ''yea'' or ''aye'' on all.

IN RECOGNITION OF MARY'S PIZZA SHACK

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague, LYNN WOOLSEY, to recognize and honor Mary's Pizza Shack, which has been selected as the Business of the Year by the Sonoma Valley Chamber of Commerce.

Not only is Mary's Pizza Shack being honored by the Chamber, but the restaurant chain is celebrating its 50th year anniversary as a mainstay in Sonoma Valley.

Family matriarch, Mary Fazio, started the business in Boyes Hot Springs with a $700 investment and pots and pans from her own kitchen. Her dream was to have a warm, family-friendly place where people could enjoy hearty portions of her family's favorite foods at reasonable prices. It was clearly a recipe for success. Today there are 18 ''Shacks'' in seven counties in Northern California and this third generation-run family business is branching out this year with a new fast/casual restaurant concept to compliment to original Mary's Pizza Shacks.

But Mary's is much more than a successful business model; it is an integral part of the fabric of the community.

For generations, it is been the after-game destination for every sports team in the valley, young or old. Countless victories have been celebrated there and losses have been made a little more bearable with a pepperoni pizza or two.

Since its inception, Mary's has given back to the community through its financial support of 50 community organizations each year, through its popular ''Dine and Donate'' nights, and its commitment to the valley's youth. As an employer, Mary's makes it a point to hire people with disabilities.

Madam Speaker, local businesses in the small communities throughout our two Congressional districts are much more than employers. They are the backbone of a support system for projects, non-profit organizations, and our youth and civic events that would not be successful without their involvement. Like many of the businesses selected by the Sonoma Valley Chamber of Commerce as its Business of the Year, Mary's Pizza Shack exemplifies this commitment. It is therefore appropriate for us to honor Mary's Pizza Shack, the Fazio family and all of their employees, both past and present, for 50 years of dedicated service to the Sonoma Valley.

INTRODUCING H.R. ___, DRUG PRICE COMPETITION ACT OF 2009

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Drug Price Competition Act of 2009, a bill that will help achieve some of the goals that are essential to health care reform: ensuring fair market competition and increasing access to affordable drugs.

State-of-the-art drugs have undoubtedly improved and saved lives, and consumer demand for these drugs has certainly posed an economic burden on countless Americans. Although prescription drugs account for 10 percent of total health care expenditures, it is one of the fastest-growing segments within health care spending. Consumers are not the only ones who face the cost of prescription drugs. The federal government is now the largest purchaser of drugs in the United States and accounts for roughly two-fifths of the drug consumer market.

Generic drugs cost between 80–85 percent less than brand name drugs and comprise 70 percent of all drug prescriptions that are filled in the United States today. Many have acknowledged the role that generics have played in alleviating the burden of prescription drug costs on individual and government health care spending. The Hatch-Waxman Act of 1984 established a pathway for generic drugs to receive approval from the Food and Drug Administration, FDA, and enter the consumer market. However, some generic and brand name drug companies have exploited a flaw in this Act and have restricted access to generics.

Under the Hatch-Waxman Act, the first drug company that submits an application for product approval to the FDA receives a 180-day period of exclusivity in which no other generic company is allowed to enter the market. This application is also accompanied with a challenge to the brand company's drug patent. In response, brand companies often pay generic companies large sums of money to encourage them to postpone their entry into the market.

Generic drug companies frequently comply because they can retain their 180-day period of exclusivity even if they agree to enter the market years later than was first anticipated. Additionally, generic manufactures that were not the first-to-file have no incentive to challenge the brand company's patent and potentially open the blocked markets because they would not be able to enter the market until after the 180-day exclusivity period.

Madam Speaker, the Drug Price Competition Act of 2009 is a House companion to a bill that Senator BILL NELSON of Florida introduced earlier this year. The bill targets the root of the blocked drug market problem. It allows generic companies that win patent challenges to share the 180-day exclusivity period with the generic companies that first submitted an application to the FDA. However, no subsequent challenger would be eligible to share in the exclusivity reward once the generic drug has been launched.

If enacted, first-to-file generic manufactures would be less likely to accept a late entry date because this would mean that another generic manufacturer could win a patent challenge and share the 180-day exclusivity period.

Madam Speaker, generic medications are critical to managing everything from heart disease to battling life-threatening cancer. Stymied market competition and delayed access to generic medication pose serious health and economic costs to patients and taxpayers. The Drug Price Competition Act of 2009 will effectively correct the systemic flaw in the Hatch-

Waxman Act that has blocked price competition, and increase access to affordable life-saving medications. I urge my colleagues to support this important bill that takes a fair market and cost-saving approach to improving our health care system.

HONORING COMMANDER ROBERT ''CLEM'' CLEMENTS

HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. MASSA. Madam Speaker, I rise today to honor a friend and fellow Naval Officer, CDR Robert S. Clements. Tomorrow, after his 25-year tenure with the United States Navy, Commander Clements will commemorate his retirement with a ceremony aboard the Display Ship *Barry* in the Washington Navy Yard.

He enlisted in the U.S. Navy Reserve in May 1984 and graduated from Recruit Basic Training in October 1984. After receiving his commission in the Navy and graduating with a B.S. degree in Business Management in May 1988, Commander Clements subsequently graduated from Navy Supply Corps School, Athens, GA, in December 1988.

In January 1989, Commander Clements reported to USS *Savannah* (AOR–4) in Norfolk, VA, and served as the Disbursing Officer, Sales Officer, and Food Service Officer. In April 1992, he reported to Naval Air Station, Joint Reserve Base, New Orleans, LA, where he served as Combined Bachelor Quarters Officer, and Aviation Support Division Officer. After receiving his M.S. degree in business management from Troy State University in August 1994, he served as Supply Officer in USS *Elliot* (DD–967) in San Diego, CA from 1995 to May 1997.

Commander Clements was selected to serve as the Officer in Charge, Chairman's Dining Room, Office of the Chairman, Joint Chiefs of Staff, Pentagon, Washington. DC, where he served on the Joint Staff from June 1997 to July 1999. A millennium graduate of the Marine Corps University, Command and Staff College, he completed the 10–month Joint Professional Military Education (JPME) Phase I curriculum and Military Operations other than War (MOOTW).

Commander Clements served as the Director of Operations, Fleet Hospital Support Office, Williamsburg, VA from August 2000 to September 2003 and as Deputy Director of Operations and Mobilization Officer, Navy Expeditionary Logistics Support Force (NAVELSF), Williamsburg, VA from October 2002 to July 2004 where he mobilized the initial NAVELSF capabilities in support of Operation Iraqi Freedom I. He then served as the Deputy Assistant Chief of Staff for Logistics/N4A, Commander, U.S. Naval Forces Central Command, Commander, U.S. Fifth Fleet, Manama, Bahrain in support of Operation Iraqi Freedom II and additionally, he led the logistics crisis action planning in support of the October 2005 Pakistan earthquake relief effort.

From May 2006 to August 2007, Commander Clements served as the Director of Logistics, Reserve Component Command, Region Mid-Atlantic and was responsible for the integration of Navy Reserve Readiness Command Mid-Atlantic, Wash., D.C. and Navy Reserve Readiness Command, Northeast, Newport, RI. He also served as the Director of Logistics, Naval Air Facility, Washington, D.C. from September 2007 to December 2007. Commander Clements is currently the Deputy Director of Training and Readiness (J–97), Joint Reserves Forces, Defense Logistics Agency (DLA), Fort Belvoir, VA, responsible for the training and readiness of over 750 military reservists assigned throughout the DLA organization supporting worldwide military operations.

His personal decorations include the Defense Meritorious Service Medal, the Meritorious Service Medal (four awards), the Joint Service Commendation Medal, the Navy and Marine Commendation medal (three awards), and the Navy and Marine Corps Achievement Medal (five awards). Commander Clements was the recipient of the Naval Reserve Association's 1994 Junior Officer of the Year Award. He is a life member of the Naval Reserve Association, NRA, and also a member of the National Naval Officers Association. On behalf of the United States Congress, it is my honor to recognize Commander Clements and the essential contributions he has made to our great Nation.

BREAST CANCER AWARENESS MONTH

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. BARRETT of South Carolina. Madam Speaker, October marks Breast Cancer Awareness Month. Right now there are over 2.5 million breast cancer survivors in this nation.

Jean Kling in Aiken, SC is one. Upon hearing of her diagnosis, Mrs. Kling tearfully and bravely smiled at her husband and three grown children. Nothing had prepared any of them for this news. But like every other challenge in her life, Mrs. Kling encouraged herself in her faith in Jesus Christ and began the process of getting well.

She underwent a mastectomy. Lost all her hair during six months of chemotherapy and saw signs of re-growth during six months of radiation. After all her treatments, doctors said she was cancer free and she remains that way 10 years later.

Mrs. Kling is one of many women who have survived the devastating diagnosis of breast cancer. During October, we remember our loved ones who have lost their lives to this disease and we thank all those in the medical profession, researchers and the American Cancer Society for all they do to make a difference.

TRIBUTE TO CELIA TORRES GARCIA MALDONADO

HON. DONNA M. CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mrs. CHRISTENSEN. Madam Speaker, I rise to join in the commemorations of Hispanic Heritage Month and as it is known in my district, as the Puerto Rico—Virgin Islands Friendship Celebration, to honor and commend a mover and shaker in my community, who has served our community, in particular its youth in an exceptional manner for many years. Celia Torres Garcia Maldonado, or Cielo, as she is affectionately known, has for the past thirty five years been the visionary behind an organization that has provided structure, creativity, and the opportunity to excel to young women and men on my home island, St. Croix in the U.S. Virgin Islands.

In 1974, when her young daughter expressed interest in becoming a majorette, Cielo, finding that there were not any viable groups for her to join on St. Croix, took it upon herself, with the help of like minded friends to found the St. Croix Majorettes, an organization which has stood the test of time in providing a positive outlet for St. Croix's youth to develop their performing talent.

As the story is told, with the purchase of a baton and the help of her sister Mirta L. Martínez, it all began. The St. Croix Majorettes was organized in May 1974 with Celia T. Maldonado as director, and Mirta L. Martínez and María Cotto as co-directors. These ladies were assisted by the late Miguel Duchesne.

The local majorettes started with twenty girls practicing at the Canegata Ball Park. Within two months, and with the help of the Doc James Radio Talk Show, parents were encouraged to register their children and this led to an increase of 150 active participants. In 1975, the St. Croix Majorettes and Marching Band were officially inducted into the Majorettes and Band Federation of Puerto Rico. The organization grew and eventually, Cielo and the St. Croix Majorettes, was responsible for hosting the first Majorette festival on St. Croix. Seven groups came from Puerto Rico and one from St. Thomas to participate in the VIPR Friendship Day celebrations.

Under the leadership of Cielo, the St. Croix Majorettes have been invited and have participated in numerous festivities on the U.S. mainland and Caribbean islands representing St. Croix in a dignified and diligent manner.

After thirty three years, Celio T. Maldonado, director of the St. Croix Majorettes, has over 300 members who are still performing whenever they are called upon to do so. They continue to practice at their headquarters located in Est. Peter's Rest. All members and parents of the St. Croix Majorettes have become her most precious ''extended family''.

Her utmost satisfaction, pride and joy is when former members, who are now parents, bring their children to enroll. As she travels around and meets her ''extended family'', her proud remark is always, ''This is, or was one of my majorettes.''

Cielo's reach has been far and wide. For instance, one of my staffers, Attorney Angeline Muckle Jabbar, one of the original group of little girls who are now successful in their careers, was molded by Cielo and the St. Croix Majorettes.

Madam Speaker, today, I ask the Congress to join me in commending an outstanding Virgin Islander and American of Hispanic Heritage who continues to serve her community and its youth in an outstanding manner.

CONFERENCE REPORT ON H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. MARKEY. Mr. Speaker, I wish to address briefly the language of Section 401 of the conference report, which requires the Nuclear Regulatory Commission (NRC) to provide a report on barriers to the issuance of a combined construction and operating licenses (COLs).

As the Chairman of the Energy and Environment Subcommittee of the House Energy and Commerce Committee, which has jurisdiction over the NRC, I want to ensure that the Commission, in responding to Section 401, remains cognizant of its responsibilities to comply with the substantive and procedural requirements of the Atomic Energy Act, the National Environmental Policy Act (NEPA) and NRC regulations in the issuing of COLs to new nuclear power plants. These laws cannot be overridden or even challenged by a reporting requirement appended to an annual appropriations bill.

The NRC should, of course, review COL applications in an efficient fashion, without undue or unwarranted delays. However, speed of action is not the only policy interest that the Congress has with respect to licensing. Public confidence in the fairness and integrity of the licensing process requires the Commission to ensure that licensees comply with the substantive safety requirements of the law and of NRC regulations. The Commission must therefore assure that it does not sacrifice crucial safety evaluations, public input or adequate environmental review as part of any effort to streamline or accelerate its regulatory functions.

Under Section 185 of the Atomic Energy Act, the NRC is directed, after holding a public hearing, to ''issue to the applicant a combined construction and operating license if the application contains sufficient information to support the issuance of a combined license and the Commission determines that there is reasonable assurance that the facility will be constructed and will operate in conformity with the license, the provisions of this Act, and the Commission's rules and regulations.''

The Act further stipulates that in conducting its licensing activities, ''The Commission shall identify within the combined license the inspections, tests, and analyses, including those applicable to emergency planning, that the licensee shall perform, and the acceptance criteria that, if met, are necessary and sufficient to provide reasonable assurance that the facility has been constructed and will be operated in conformity with the license, the provisions of this Act, and the Commission's rules and regulations.''

Moreover, the Act mandates that: ''Following issuance of the combined license, the Commission shall ensure that the prescribed inspections, tests, and analyses are performed and, prior to operation of the facility, shall find that the prescribed acceptance criteria are met.''

In addition, NRC regulations 10 CFR Part 51 and 10 CFR Part 52 implement the requirements of the Atomic Energy Act and NEPA in regards to the licensing process. Under these regulations, for example, the NRC is required to prepare an environmental impact statement (EIS) as part of the COL application. According to the NRC website, ''the NRC staff estimates that the environmental review process will take approximately 24 months. This includes scoping, issuance of the draft EIS, a comment period, and issuance of the final EIS.''

While it is true that the necessary reviews take time, the NRC's licensing regulations were enacted to protect the public from poorly sited locations, untested reactor designs, and other factors that could lead to environmental damage, unsafe construction, or even catastrophic nuclear emergencies. I support an efficient and effective NRC licensing process as long as it does not come at the expense of the safeguards codified in existing law.

In point of fact, it does not appear that the licensing process itself is to blame for any delays in new reactor approval. In 2007 the NRC established the Office of New Reactors (NRO), separate from the Office of Nuclear Reactor Regulation, so that the NRO can focus solely on the review of new reactors. Indeed, NRC Chairman, Dr. Gregory Jaczko, has repeatedly stated that the licensing delays are ''almost exclusively tied to challenges with the [reactor] designs not being complete,'' resulting in license applications that reference uncertified design plans. This bottleneck has far more to do with the iterative design approval process, than with potential internal NRC barriers such as inefficient administration or inadequate funding. Certainly all must agree that it is impossible for the NRC to approve a license application for which there is not yet an approved design!

Finally, I would note that while Section 401 mandates report submission to the committees on Appropriations, the House Energy and Commerce Committee, which is the NRC's authorizing committee, also expects to receive copies of any reports submitted pursuant to this Section.

I look forward to seeing the Commission's report on this matter, and I urge the Commission to pay careful heed to the current laws and regulations under which the NRC operates, so that we ensure that the nuclear reactor application process works properly.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. GERLACH. Madam Speaker, unfortunately, on Tuesday, October 6, 2009, I missed three recorded votes on the House floor. Had I been present, I would have voted ''yea'' on rollcall 753, ''nay'' on rollcall 754, and ''yea'' on rollcall 755.

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

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of the Conference Report for H.R. 2997, the Agriculture Appropriations Act of 2010.

My district is home to some of the most fertile farm land in our great nation, as well as some of the hardest working farmers.

While so many people identify Michigan with manufacturing, it can be easy to forget that agriculture is Michigan's second leading industry, and the bright spot in a struggling Michigan economy.

As you drive through my district, you will see fields full of dry beans, sugar beets, corn, wheat, soybeans, various vegetables, and other crops needed to feed our nation and the rest of the world. You will also see thriving cattle and pork industries.

This bill is important because it provides much needed funding for the Farm Services Agency which administers disaster and loan programs, farm commodities and conservation programs directed towards producers.

The bill also goes a long way in providing money for continued agriculture research which is so important in increasing harvest yields and furthering education for our producers. Agriculture research is vitally important to ensure that America remains the greatest food producer in the world.

Finally, this legislation will provide necessary money for our nation's struggling dairy farmers. In these tough economic times, dairy producers have been struggling with a steep drop in price for their product. My district is home to a large dairy industry, and it is of vital importance that we do all that we can to help these producers out.

While there are certainly challenges with this bill, it is vital that we move this important funding bill forward. The funding provided by this bill will serve as strong support for an industry that is crucial for our national economy.

I strongly urge my colleagues to vote in favor of this important legislation.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Ms. ROS-LEHTINEN. Madam Speaker, on rollcall no. 754, a motion to instruct Conferees on H.R. 2647, the Department of Defense Authorization, FY2010.

Had I been present, I would have voted ''nay.''

HONORING THE SERVICE AND DEDICATION OF MARK W. LIBELL

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the service and dedication of Mark William Libell, a member of my staff who is leaving my office to pursue the next phase in his career.

Mark grew up in Alabama and received his bachelor's degree in History from Maryville College in East Tennessee. After getting his start on the Senate side of the Hill, Mark returned to school to pursue a J.D. at the University of Alabama, which he completed in 2 years.

Mark was drawn to the pace and promise of Washington at a young age. With a love of American history, Mark grew up reading the stories of our Nation's leaders. In fact, I think he has the record in my office for the number of books he requested from the Library of Congress. His commitment to public service is evident in his work and has earned the respect of his colleagues.

As the Senior Legislative Assistant in my office, Mark was a valuable resource to me and my staff. His broad knowledge of policy, his appreciation for the rules of the House, and his enthusiasm for the job helped me to advance my legislative priorities and better serve my constituents.

While Mark's work-related contributions have been greatly valued, his sheer presence in the office will be sorely missed. Mark was always one of the first in the office to grab lunch, usually around 11:30 a.m. His choice of food was always a topic of discussion in the office as the aroma filled the air, whether fish from the cafeteria or Chinese food.

Madam Speaker, there is no question that Mark's character of thoughtfulness, dry humor, and fun spirit is strong and will be missed by all.

Mark, I thank you for your service and wish you the best of luck in the future and in your new position.

DEEPEST SYMPATHIES FOR INDIA AND AFGHANISTAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. WILSON of South Carolina. Madam Speaker, I wish to express my deepest sympathies for the people of India and Afghanistan after a cowardly homicide bomb attack outside the Indian Embassy in Kabul this morning. Our thoughts and prayers go out to the families who have lost loved ones. As the former co-chair of the Congressional Caucus on India and Indian Americans and current co-chair of the Afghanistan Caucus, I am personally concerned.

These bloodthirsty attacks are a clear sign that we face a determined enemy. But our fight in Afghanistan not just against terrorist elements like Al Qaeda who murdered Americans on September 11. We face a larger threat to the people and to the stability of the entire region especially our longtime partner Pakistan.

We need to heed the advice of our commanders on the ground who are requesting more reinforcements and more resources. We need to implement a strategy that will capture or kill those responsible for terrorist acts as well as destroy their financial and logistical networks. We must ensure they will not find a safe haven anywhere from which to plot. I join with Republican Whip ERIC CANTOR to urge Democrats and Republicans to uphold President Barack Obama's campaign pledge to protect American families by defeating terrorists in Afghanistan.

TRIBUTE TO MR. FRANK STELLA

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. LEVIN. Madam Speaker, it is with joy that I rise today in tribute to Mr. Frank Stella, an icon of Metropolitan Detroit, who will celebrate his 90th birthday on October 30, 2009.

A successful entrepreneur and eternal philanthropist, Mr. Stella embodies the American Dream. The son of Italian immigrants, he bravely served in the U.S. Army Air Forces during the Second World War and founded the F.D. Stella Products Company, a food service distributor, in 1946. His company is today a preeminent national supplier and designer of restaurant equipment.

Over the past six decades, Mr. Stella has not just built a business in Detroit: he has built a legacy in service to the community. His involvement spans prominent educational and medical institutions, civic and business organizations, and charitable and political causes. He has served as a Board Member to the University of Detroit—Mercy for more than two decades, in addition to the Board of Directors for the Detroit Medical Center, the Michigan Chamber of Commerce, the Economic Club of Detroit, the Detroit Symphony Orchestra Hall, and the National Italian American Foundation of Washington, D.C., among many, many others. The impact of his philanthropy was recognized by five of our country's presidents and three of our state's governors.

Frank Stella has received many awards, though none can fully capture his contributions to the public and private arenas. His catalogue of honors only begins to highlight the gratitude of those he has served: Mr. Stella was awarded the decoration of 'Grande Ufficiale,' the Government of Italy's highest honor; named 'Michigander of the Year' by the Detroit News and 'Executive of the Year' by the Detroit Executive Association; received the George Romney Award for Lifetime Achievement in Volunteerism, the Urban League Warrior Award, and the Bnai Brith Award, to name just a very few; and was granted three honorary doctorates.

As he turns 90, and is joined by his family, friends, and colleagues in celebration, Mr. Stella is unsurprisingly choosing to honor this landmark occasion with a fundraiser for four of his favorite charities—the National Italian American Foundation Scholarship Fund, Orders of the Sons of Italy in America, Italian Language Inter-cultural Alliance, and Boys Town of Italy. These charities proudly celebrate Italian-American culture while inspiring new generations of civic involvement and generosity, fitting tributes to Mr. Stella's continued work.

Madam Speaker, I ask my colleagues to join me in thanking Frank Stella for his lifetime of service and dedication. I wish Mr. Stella a joyous 90th year full of health and happiness.

RECOGNIZING THE 20TH ANNIVERSARY OF THE SUNSHINE SLOPERS SKI CLUB

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. MEEK of Florida. Madam Speaker, I rise to recognize the 20th Anniversary of the Sunshine Slopers Ski Club, the first African-American ski club in the state of Florida.

Skiing, a sport that is an exhilarating activity that allows individuals and families to enjoy a natural environment and participate in physical activity, may seem uncommon for residents in the State of Florida. Yet, the Sunshine Slopers Ski Club prospered throughout the last 20 years into a popular and successful club that positively impacts African-American communities through programs that provide opportunities for adults and youth to participate in recreational and competitive skiing.

On June 28, 1989, the first organizational meeting of the Sunshine Slopers, Inc. was held at the North Dade Regional Library in Miami Gardens, Florida. Subsequent meetings were held at the same location while the group developed a club logo, selected club colors, and elected officers. By September 5, 1989, the club was established with 36 charter members and was accepted as a developmental club of the Eastern Region of the NBS. The Sunshine Slopers, Inc. was incorporated on October 2, 1989, thereby becoming the first African-American ski club in the State of Florida. Soon thereafter, the officers began to get the club active through involvement in ski-better workshops and attending eastern regional board meetings.

The groups first trips were: Beech Mountain, North Carolina; Snowshoe, West Virginia; Lake Tahoe, Nevada, Mini-Summit, and Smugglers Notch, Vermont, Winterfest. On March 22, 1990, during the American Challenge Cup Mini-Summit at Heavenly Ski Resort in Lake Tahoe, the Sunshine Slopers, Inc. was officially accepted into the National Brotherhood of Skiers by the national president Paul Ray, national membership director Naomi Bryson and eastern region vice president Jeanie Polk. Sunshine Slopers, Inc. was recognized by Polk as the fastest growing club in the country. At the end of its first year, membership was approximately 140 which included singles, married couples and children. Currently, there are about 200 members of the club.

The Sunshine Slopers strongly supports the NBS' key focus of finding and developing Olympic caliber skiers. Their focus is one of a kind, and fosters assertiveness, self-actualization, and self-determination. Additionally, they aim to develop leaders that are a benefit to various communities. The NBS provides funding to its youth programs in support of young athletes who otherwise would not have the opportunity or financial resources to ski competitively or recreationally.

Madam Speaker, please join me in applauding Sunshine Slopers Ski Club as it celebrates 20 years of synonymous and exceptional experience to the sport of skiing—which in turn offers unique opportunities to allow all Floridians and Americans a chance to be together outside and enjoy the season. I appreciate this opportunity to congratulate Sunshine Slopers Ski Club before the United States House of Representatives.

OBAMA, THE ECONOMY AND COMMUNITY COLLEGES

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. ROTHMAN of New Jersey. Madam Speaker, I would like to submit the following article entitled "Obama, the Economy and Community Colleges." This article was printed in the Bergen Record on September 15, 2009:

[From the Bergen Record, Sept. 15, 2009]

OBAMA, THE ECONOMY AND COMMUNITY COLLEGES

(By G. Jeremiah Ryan)

If most experts are to be believed, the recession has bottomed out and we are about to begin the process of rebuilding our economy. While this is good news, it is hardly comforting to the thousands of New Jerseyans who are out of work or underemployed.

That's because although business activity is starting to pick up, job creation isn't. In fact, the same experts who are predicting the start of an economic rebound readily admit that the labor market will continue to deteriorate well into next year, and they expect the unemployment rate to hit double digits.

The question, then, is: What can we do to prevent further erosion in the job market and jump-start employment? President Obama answered that question back in July when, in a major public policy address, he unveiled a plan to spend $12 billion over the next 10 years to help the nation's community colleges train people for the jobs that will be needed in tomorrow's economy.

PARTNERSHIP

By looking to community colleges for help, the president is harnessing a job-training infrastructure that already exists. No need to reinvent the wheel. Two-year colleges have been preparing students for employment for as long as they have existed. More recently, they have taken the lead in partnering with government agencies to provide customized job training for businesses in their communities.

Bergen Community College and the Bergen County Workforce Improvement Board came together this summer to help supermarket retailer Whole Foods train 300 of its employees at stores in Paramus and Edgewater. The board helped arrange a $1 million training grant from the U.S. Department of Labor, while the college developed training budgets and schedules, and located instructors for computer courses, as well as for classes in customer service and basic supervision.

Obama is not the only one to recognize the value of community colleges. The public has, too. This fall, many two-year colleges saw sharp increases in enrollment. As of the first day of classes, Bergen Community College had enrolled 16,769 students, a 17 percent increase over last year.

Two-year colleges are also preparing students to join the workforce in a relatively short period of time. Labor market experts believe that in the future there will be a strong supply of jobs for people who have two-year degrees or occupational certificates. In fact, these so-called ''middle-skill'' jobs—nurses, hotel managers, paralegals, etc.—make up about 50 percent of the labor market in New Jersey and pay above-average salaries. A licensed practical nurse, for example, earned a median salary of $46,800 in 2006, well above the $35,838 median salary for all occupations in New Jersey that year.

FLEXIBILITY

To have a lasting impact on the economy, it will be important to prepare students for jobs in industries that are growing and have a future. A hallmark of county colleges has been their ability and willingness to add courses of study that are in demand by the communities they serve. This year, Bergen Community College added nine more degree programs in subjects such as non-profit management, homeland security, fire science and sports management. When you add them to the existing curricula, Bergen students have 140 programs of study to choose from, each leading to a rewarding career.

Obama's speech was a beginning, a recognition that the path to improving employment must include community colleges. Many details need to be worked out, but we have the know-how and experience to help people get back to work.

G. Jeremiah Ryan is president of Bergen Community College in Paramus.

HONORING CHIEF WILLIAM ''DUB'' WARRIOR OF BRACKETTVILLE, TEXAS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. RODRIGUEZ. Madam Speaker, I am honored to rise today to recognize Chief William "Dub" Warrior of Brackettville, Texas, a Historian and Seminole-Negro Indian descendent of the John Horse Band, and commemorate the distinguished service and loyalty of the Seminole-Negro Indian Scouts to the United States Army.

Following the Civil War, the Army was called into west Texas to defend settlements and travelers against retaliation raids from displaced Apache and Comanche Indians. However, they lacked the ability to track down and stop them. The Army needed experienced Indian fighters who knew the rugged terrain and were as skilled as their opponents at surviving and fighting in the desert borderlands. Thus, in 1870 the fearless Seminole-Negro Indians were recruited from Mexico as U.S. Army scouts. They were highly regarded and praised by their commanders for being excellent trackers, hunters and marksmen, and experts at hand-to-hand combat. During twenty-six expeditions they engaged in twelve battles without losing a single scout, and their bravery earned four scouts the Congressional Medal of Honor.

Therefore Madam Speaker it is my great pleasure to rise and announce in honor of these esteemed persons that the greater Washington, DC chapter of the 9th and 10th Horse Calvary Association, in partnership with the Army Freedom Team Salute and St. Elizabeth's Hospital of Washington, DC, has planned a Seminole-Negro Indian Recognition Ceremony for today, Friday, October 9, 2009 in the St. Elizabeth's Hospital Chapel. Chief William "Dub" Warrior will be the keynote speaker for this event. He is the descendant of Tony Warrior, who collaborated with and assisted John Horse, leader of the Seminole-Negro Indians, in the movement of their tribe from Indian Territory to slavery-prohibited Mexico. Chief Warrior's grandfather, Carolina Warrior, and great grandfather, Bill Warrior, were members of the revered U.S. Army scouts.

TESTIMONIAL RECOGNIZING MS. LUCY BECKHAM AS THE 2010 NATIONAL SECONDARY PRINCIPAL OF THE YEAR

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 08, 2009

Mr. BROWN of South Carolina. Madam Speaker, I am pleased to extend my congratulations to Ms. Lucy Beckham of Wando High School in Mount Pleasant, South Carolina on her selection as the 2010 National Secondary Principal of the Year.

This distinction, presented by MetLife and the National Association of Secondary School Principals, is a most deserving recognition of her leadership and dedication to the students entrusted to her.

The National Principal of the Year program began in 1993 and was established to honor those education administrators that have set the highest example for their peers.

Ms. Beckham's contributions and sense-of-purpose extend beyond the campus of Wando to so many areas including her church and numerous community activities.

I am certain that all of the faculty and staff at Wando are proud to have her at the helm, and as the grandparent of a Wando student, speaking for all the families of the greater Charleston area, we congratulate her for being No. 1 at Wando and for now being No.1 in the Nation.

INTRODUCTION OF THE ''WATER TRANSFER FACILITATION ACT OF 2009''

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. COSTA. Madam Speaker, yesterday with Congressman CARDOZA I introduced the "Water Transfer Facilitation Act of 2009." Given the overwhelming water user support we received for this bill, I am submitting additional letters in connection with this bill.

SAN JOAQUIN RIVER
WATER AUTHORITY,
San Joaquin Valley, CA, October 5, 2009.

Re Support for Transfer Legislation for the Central Valley Project.

Hon. JIM COSTA,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of the San Joaquin River Exchange Contractors Water Authority (Exchange Contractors), we thank you for introducing transfer legislation for the Central Valley Project (CVP)

and we support your efforts and this legislation as a means of providing greater flexibility for management of CVP water supplies.

The diminished water deliveries to the CVP as a result of various regulatory restrictions, including the most recent delta smelt and salmon Biological Opinions and three years of below average precipitation statewide, have, as you know, created a desperate situation in the San Joaquin Valley.

While long-term solutions are being sought, numerous short term efforts are needed to help bridge the water supply gap and great flexibility, as provided in your legislation, to move water supplies within the San Joaquin Valley would be a useful tool.

The Exchange Contractors consist of four member agencies serving over 240,000 acres in the San Joaquin Valley in Fresno, Madera, Merced, and Stanislaus Counties.

We look forward to engaging in this effort and working closely with you and your staff in advancing this legislation and addressing California water issues.

Sincerely,

STEVE CHEDESTER,
Executive Director.

SAN LUIS WATER DISTRICT,
Los Banos, CA, October 5, 2009.

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. DENNIS CARDOZA,
House Representatives, Longworth Building, Washington, DC.

Hon. JIM COSTA,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN, SENATOR BOXER, MR. CARDOZA, and MR. COSTA: I am writing on behalf of the San Luis Water District and its Board of Directors. We strongly support the Water Transfer Facilitation Act of 2009. Given the regulatory impacts of recent Biologic Opinions, the survival of our commercial, residential and agricultural water users is increasingly dependent on supplemental water transfers. Your legislation will bring important reform to existing transfer authorization and this essential water management tool.

Coping with chronic water supply shortages impacting the Central Valley Project requires implementation of best management practices including water transfers. The need to transfer water is often urgent. Regrettably, bureaucratic process can unnecessarily thwart successful execution of a transfer. Your legislation will improve the capability of water managers throughout the State to effectively and efficiently respond to the ongoing crisis.

Your continuing efforts to address these important matters are critical and deeply appreciated.

Sincerely,

MARTIN R. MCINTYRE,
General Manager.

WESTLANDS WATER DISTRICT,
Fresno, CA, October 6, 2009.

Re Water Transfer Facilitation Act of 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing on behalf of Westlands Water District to express its support for your bill, the Water Transfer Facilitation Act of 2009, authorizing certain transfers of water in the Central Valley Project and other purposes. Water transfers are a critical tool for providing water supplies for areas that are faced with chronic water supply shortages. However, the approval process for many transfers often distract from their usefulness. Your legislation will bring important reform to existing transfer authorization thus increasing the efficacy of this essential water management tool.

As you are keenly aware, the chronic water supply shortages impacting the area of the San Joaquin Valley served by the Central Valley Project demands that water users in the affected area rely on water transfers. Moreover, the need to transfer water is often urgent and in response to climactic conditions that are frequently sporadic and ephemeral. Regrettably, bureaucratic process can unnecessarily thwart successful execution of a transfer. The clarity your legislation brings to existing authorizations will only improve the capability of water managers throughout the State to effectively respond to the ongoing crisis and put our scant water resources to use even more efficiently.

The westside of the San Joaquin Valley is inarguably the most transfer dependent region of the State. Your efforts to address this important matter are greatly appreciated. If there is anything I can do to be of help in connection with your efforts, please let me know.

Very truly yours,

THOMAS W. BIRMINGHAM,
General Manger/General Counsel.

IN RECOGNITION OF THE OPENING OF THE CLOVERDALE HISTORY CENTER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize the Cloverdale Historical Society as it dedicates and opens the new Cloverdale History Center.

The new 4,000 square foot, temperature controlled History Center will house and preserve a wide variety of artifacts and documents and provide accommodations for historical, genealogical and cultural research. It will be the centerpiece of a cultural renaissance in what has become Sonoma County's fastest growing city.

The Society is staffed 100 percent by volunteers who take great pride in the area's heritage and its diversity. It was founded in 1968 by local residents dedicated to preserving the local history of this vibrant community.

One of its more unique projects is its ongoing work to completely restore Cloverdale's oldest residential structure. The Gould-Shaw house and its gardens face the town's main boulevard and lend a 19th century charm through its Gothic Revival architectural style.

The Historical Society has also hosted the annual "Old Time Fiddle Festival" for the past 35 years. The event helps preserve the historic fiddling culture and has fostered appreciation for this distinctively American music among the thousands of visitors who have participated in this event throughout the years.

Madam Speaker, the City of Cloverdale is rightfully proud of the Historical Society and its new History Center. It is therefore appropriate that we acknowledge and honor the Cloverdale Historical Society and the countless volunteers who have made this dream a reality.

EARMARK DECLARATION

HON. FRANK A. LOBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. LOBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in the Conference Report to accompany H.R. 2467.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: H.R. 2467 (Conference Report)

Account: Army—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: (1) Drexel University; (2) Waterfront Technology Center

Address of Requesting Entity: (1) 3141 Chestnut Street, Philadelphia, PA 19104; (2) 200 Federal Street, Suite 300, Camden, NJ 08103

Description of Request: Provide an earmark of $3.8 million for Applied Communications and Information Networking (ACIN). ACIN enables the warfighter to rapidly deploy state-of-the-practice communications and networking technology for warfighting and National Security. This funding will build on funding from previous years to fully develop this technology.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: H.R. 2467 (Conference Report)

Account: Air Force—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Accenture

Address of Requesting Entity: 200 Federal Street, Suite 300, Camden, NJ 08103

Description of Request: Provide an earmark of $4.0 million for Distributed Mission Interoperability Toolkit (DMIT). DMIT is a suite of tools that enables an enterprise architecture for on-demand, trusted, interoperability among and between mission-oriented C4I systems. This spending will build on funding from previous years to allow DMIT to be extended to Joint and coalition requirements, and address current weaknesses in Air Force management years ahead of current schedules. Adoption by major programs and commercial entities would lead to savings in the $100 millions on current and future DOD programs.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: H.R. 2467 (Conference Report)

Account: Navy—Research, Development, Test, and Evaluation

Legal Name of Requesting Entity: Absecon Mills Inc.

Address of Requesting Entity: Vienna and Aloe Avenues, PO Box 672, Cologne, NJ 08213

Description of Request: Provide an earmark of $2.5 million for Force Protection—Non-Traditional Weaving Application for Aramid (Ballistic) Fibers and Fabrics. By reevaluating standard Industry design and manufacturing techniques for force protection technology, we believe Non-Traditional weave designs of Aramid (ballistic) fiber coupled with new applications of microwave plasma treatments can enhance the strength of the fiber and result in enhanced individual mobility, ease of medical access, reduced weight, increased ballistic protection, cost effective savings and weight reduction of ballistic materials currently used.

Requesting Member: Congressman FRANK LOBIONDO (NJ–02)

Bill Number: H.R. 2467 (Conference Report)

Account: Air Force—Advance Procurement

Legal Name of Requesting Entity: L–3 Communications Systems

Address of Requesting Entity: 1 Federal Street, Camden, NJ 08103

Description of Request: Provide an earmark of $3.75 million for Senior Scout COMINT (Communications Intelligence) Capability Upgrade. As part of the Senior Scout ongoing mission, there is an immediate need to add improved COMINT capability to detect and characterize new, modern, low-power radio signals at extended standoff ranges in the presence of interference. The current systems are not able to detect these specific signal sets, which limits intelligence collection capabilities.

RECOGNIZING THE CONTRIBUTIONS OF DENNIS RAHIIM WATSON AND HIS ONE-MAN SHOW, ''FIRST BLACK PRESIDENT OF THE UNITED STATES''

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. RANGEL. Madam Speaker, as we celebrated the election of President Barack Obama as the first African-American President of the United States, I rise to pay tribute to motivational speaker Dennis Rahiim Watson on the occasion of the 26th anniversary of his critically acclaimed one-man show, ''The First Black President of the United States,'' which made its debut in the Art Gallery of the Adam Clayton Powell Jr. State Office Building in my beloved village of Harlem, New York.

Since 1982, Dennis Rahiim Watson, a Bermuda born and Harlem raised former actor comedian, has made a major contribution for over a quarter of a century to black and white youths of America. Throughout his life, he has inspired, motivated and challenged over 5 million youth and adults alike with his one-man show, ''The First Black President of the United States.'' Dennis has thrilled audiences at high schools, colleges, and universities among them Harvard, Notre Dame, Howard, University of Georgia, Tufts, NYU, CCNY, Malcolm-King College, Illinois State University and University of Pittsburg.

Former President William Jefferson Clinton in a letter to Dennis stated that, ''for over a quarter of a century you have used your role as the First Black President of the United States to give disadvantaged youth an insight into the future and its possibilities, and by your own example you have helped to provide countless young people with the tools and encouragement they need to reach their god-given potential. Your life's work has been a true investment in the future of our Nation.''

More recently, President Barack Obama in a letter praised Watson for his role as the First Black President of the United States by stating that, ''theatre has the power to inspire and the power to teach and it's important to use that power to lift up and honor our highest ideals.'' ''You have broadcast the message in your role as the First Black President of the United States that all children can dream big dreams and that anyone regardless of the color of their skin can achieve anything. Anyone can grow up to become President of the United States.''

I congratulate Dennis Rahiim Watson on his latest achievement of becoming the new Chairman of the National Youth and Gang Violence Taskforce and President and CEO of the Center for Black Student Achievement. Your commitment to the value of educating our youngsters and listening to their concerns is irrefutable.

So, Madam Speaker, I ask that you and my distinguished colleagues join me in recognizing my good friend Dennis Rahiim Watson. His success is a testament to his historic and tireless commitment to bringing African-American youth the vision, the hope, and the dream that an African-American could become President in our lifetime before anyone ever knew it was remotely possible.

HONORING COLONEL KIMBERLY B. SIEVERS

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Ms. SCHWARTZ. Madam Speaker, I rise today to honor Kimberly B. Sievers, Colonel, United States Air Force on her retirement from active duty service on October 1, 2009, after serving for 27 years in uniform in defense of our country.

In 1982, Colonel Sievers reported to the U.S. Air Force Academy. She graduated in 1986 and began training as an intelligence officer at Lowery Air Force Base in Denver, Colorado. She spent the next several years directly supporting flying operations, providing intelligence and training to pilots at the fighter squadron level—including the 80th Tactical Fighter Squadron in Kunsan Air Base, Republic of South Korea, and the 50th Tactical Fighter Wing in Hahn Air Base, Germany.

Colonel Sievers continued to develop her analytical and leadership skills at Ramstein Air Base in Germany at both the 7450th Tactical Intelligence Squadron and the European Command staff, ending her time at Ramstein as the Team Leader for Intelligence Force Management. She returned to Korea for a second tour at the operation level, leading the Intelligence Plans and Manpower section at 7th Air Force and then the Analyst Element at the 607th Air Intelligence Squadron. From there, Colonel Sievers moved to the Pacific Air Force staff in Hawaii where she directed the liaison efforts between the staff and intelligence elements of all the Air Force squadrons in the Pacific.

Colonel Sievers was then selected to serve in the first of what would be many future leadership positions, as the Director of Operations for the Pacific Intelligence Squadron. She spent a year in residence at the Air Command and Staff College at Maxwell Air Force Base in Montgomery, Alabama. From there, she was selected to command the Intelligence Division at the elite USAF Weapons School at Nellis AFB in Las Vegas, Nevada.

Colonel Sievers was herself one of the very first intelligence officers to graduate from the Weapons School and only the second ''home grown'' Intelligence Weapons Officer to command the division. Building on that experience, Colonel Sievers was selected to command the 93rd Intelligence Squadron at Lackland AFB in San Antonio, Texas. The 93rd is the largest intelligence squadron in the Air Force with over 800 personnel.

Following that successful command, the Air Force sent Colonel Sievers back to school at the National Defense University, here in Washington, DC. During times of war the best and brightest are needed to lead our young men and women and the Air Force turned to Colonel Sievers to serve as the forward Director of Intelligence for the entire Air Force component under Central Command. Deployed forward to Al Udeid Air Base in Qatar, Colonel Sievers directed the efforts of all intelligence personnel supporting combat operations in both Iraq and Afghanistan.

Returning to the U.S., Colonel Sievers utilized her war experience to help guide the Department of Defense intelligence, surveillance and reconnaissance enterprise as the Collection Requirements Division Chief at the Joint Functional Component Command for Intelligence, Surveillance and Reconnaissance. This would be her final assignment as both she and her husband have chosen to retire from active duty.

I am proud to represent Colonel Sievers in the U.S. Congress. She has forged many new paths within both the intelligence career field and the Air Force, and has led thousands of men and women in both peace and war. Our nation is safer because of her dedication. Colonel Sievers is a unique leader, inspiring those around her to perform at the very highest levels in pursuit of mission accomplishment, yet at the same time possessing the compassion to ensure that those in her charge—and their families—are cared for properly. Madam Speaker, I ask that my colleagues join me in recognizing and thanking Colonel Sievers for her exemplary service, leadership, dedication, and sacrifice to our nation.

INTRODUCTION OF THE RECIPROCAL MARKET ACCESS ACT OF 2009

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Ms. SLAUGHTER. Madam Speaker, I rise today to introduce the Reciprocal Market Access Act. In the wake of the biggest economic crisis since the Great Depression, our country faces a difficult road towards recovery. As part of this effort, it is critical that we ensure that our trade policy is working as it should: to generate new opportunities for our businesses, strengthen American manufacturing capabilities, and reduce the unemployment rate that has risen to the highest level in decades.

American manufacturers of products ranging from optical fiber to autos and agriculture face continual problems with access to overseas markets. Our own trade negotiators do little to prevent this from happening, as it is often standard for trade agreements to open our markets fully to foreign competitors, yet we gain little market access in return.

We must provide our negotiators with unequivocal guidelines so that they do not relinquish our domestic trade protections without

gaining meaningful market access for American manufacturers in exchange. Unless other governments play by the rules and remove barriers to our exports, the U.S. should not acquiesce to their demands by further opening our market—which is already the most open market in the global economy. Unilateral disarmament in the face of foreign protectionist practices is unacceptable, and we must ensure that our trade negotiators do not undermine our industries and our workers.

The Reciprocal Market Access Act would instruct our trade negotiators to eliminate foreign market barriers before reducing U.S. tariffs. This bill would also provide enforcement authority to reinstate the tariff if the foreign government does not honor its commitment to remove its barriers.

This legislation also addresses a serious problem in the current trade negotiating process. Tariff and non-tariff sectoral barriers are compartmentalized, meaning that a tariff item can be reduced or eliminated by our negotiators without securing elimination of the non-tariff barriers that deny U.S. industry access to a foreign market. This legislation would give our government the right to revoke concessions to cut tariffs if our trading partners fail to implement negotiated commitments to eliminate barriers that had initially been identified by U.S. domestic producers for our negotiators.

The principle of reciprocity—the principle on which this legislation is built—is not new. In fact it is a principle that should be essential to any effective trade relationship. Cordell Hull, Democrat from Tennessee and Roosevelt's Secretary of State in 1933, was responsible for bringing this concept into the U.S. and global trade systems with the Reciprocal Trade Agreement Act of 1934. It was this act which formed the basis for the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO). Mr. Hull developed the Act to move away from the negative consequences of the Smoot-Hawley Tariff Act, which raised U.S. tariffs on thousands of imports to record levels. Smoot-Hawley established the United States as protectionist, and provoked a rash of retaliatory measures from our trading partners.

It is no longer the United States that is shutting its markets to foreign competitors. We have the most open market in the world, and continue to find ways to lower tariffs and eliminate market barriers. Yet this policy is often not reciprocated, as American manufacturers find significant barriers to foreign markets while they watch their own domestic market share dwindle. The result is quality American companies are forced to downsize or close their doors for good, and American workers are left jobless.

That is not free trade. Free trade involves a system where American companies are able to compete in markets uninhibited by barriers. It involves a level playing field for American companies and our trading partners. And I have no doubt that if given a level playing field, American companies and American workers can compete in any market.

The Reciprocal Market Access Act will mandate that at the very least any trade agreement does not put American companies and workers at a competitive disadvantage. It establishes what should be the standard for all trade agreements: a mutually beneficial trade relationship in which goods can be freely exchanged and that promotes economic growth.

IN RECOGNITION OF THE PASSING OF CYRUS BLACKMAN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Cyrus Blackman, a World War II hero and a Northwest Florida community leader who passed away on October 7, 2009. Mr. Blackman spent his life serving his country and his family, and I am proud to honor his lifetime of dedication and service.

Cy Blackman was a native and lifelong resident of Milton, Florida. He joined the United States Army at a young age during World War II, and went on to serve with the 563rd Anti-Aircraft Automatic Weapons Battalion operating trucks to move personnel, equipment, and supplies under extremely hazardous combat conditions. A veteran of combat in much of Central Europe, Cy fought honorably in the Battle of the Bulge and the Battle of the Rhine, receiving the World War II Victory Medal, the American Service Medal, and the European African Middle Eastern Service Medal with three Bronze Stars.

After demobilization at the end of the war, Cy returned to Northwest Florida. He worked at International Paper, where he retired. Despite his service in World War II, for 60 years Cy never spoke of his time in the Army and never requested Veterans Administration benefits. However in 2008, Cy participated in the Emerald Coast Honor Flight, an experience that changed his life. After visiting the National World War II Memorial, he began to open up about his experiences in the war, and later even served as a spokesman for the Honor Flight organization, connecting the community with our veterans.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Cy Blackman as an American hero reflective of the spirit of Northwest Florida. Cy will be remembered as a loving husband and father and as an important part of our community. My wife Vicki and I offer our prayers for his wife, Polly, children, Christopher and Lecia, grandchildren, and great-grandchildren as we remember and honor the life of Cy Blackman.

HONORING DONNA P. JERNIGAN, BSN, RN, CRRN, MS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. ETHERIDGE. Madam Speaker, I rise today to honor Donna P. Jernigan of Carolina Case Management and president of the Association of Rehabilitation Nurses (ARN) and a resident of Sanford, North Carolina in my district. Ms. Jernigan will soon complete her year as the 2008–2009 national president of the ARN, a professional organization representing professional nurses who work to enhance the quality of life for those who are affected by physical disabilities or chronic illnesses. During her tenure as president at ARN, Ms. Jernigan has been a strong leader and advocate for rehabilitation nurses, as well as the patients ARN serves every day.

Since 1974, ARN has been the leading source for the latest rehabilitation information, resources, and professional development and career opportunities for rehabilitation nursing professionals. ARN members are nurses, with a broad range of clinical experience, dedicated to helping individuals affected by chronic illness or a physical disability adapt to their disabilities, achieve their greatest potential, and work toward productive, independent lives. Presently, ARN comprises a nationwide network of more than 5,500 rehabilitation nurses who practice in many settings, including hospitals, rehabilitation facilities, home health agencies, sub-acute and long-term care facilities, and private companies.

Ms. Jernigan earned her Bachelor of Science degree in Nursing from the California State University and her Master of Science degree in Management, with a concentration in Healthcare Planning, from Troy University. In addition to Ms. Jernigan's academic achievements, she is the author of "Bureaucrats at the Gate," and article published in ARN Network in 2003. She has also given presentations numerous times on topics relating to electronic medical records, surviving the nursing shortage, uniform data systems, and using algorithms in rehabilitation.

Madam Speaker, I urge my colleagues to join me today in recognizing the outgoing president of the Association of Rehabilitation Nurses, Donna P. Jernigan, for her dedication and exemplary work in the field of rehabilitation nursing.

A TRIBUTE TO LIEUTENANT GENERAL TERRY L. GABRESKI

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. TURNER. Madam Speaker, United States Air Force Lieutenant General Terry Gabreski, the highest-ranking female officer in the Air Force, is retiring after 35 years of distinguished and honorable service to our nation.

General Gabreski distinguished herself as Vice Commander of the U.S. Air Force Material Command at Wright-Patterson Air Force Base, located in my congressional district, from August, 2005 through January, 2010. During her leadership, she catapulted the Air Force Material Command into one of the most highly efficient and productive organizations within the Department of Defense.

General Gabreski executed over 40 percent of the entire U.S. Air Force budget during her tenure and oversaw the full operational capability of the F–22A.

General Gabreski supported the warfighter, ensuring our forward-deployed operations have the resources they need. She also oversaw the development and deployment of AngelFire persistent surveillance and the reconnaissance program, which was lauded by the U.S. Marine Corps as "war-winning technology." She is also responsible for the Aeronautical System Center's Large Aircraft Infrared Countermeasures (LAIRCM) program, which was established in response to the portable anti-aircraft missile threat to intra-theater airlift.

General Gabreski worked to effectively make sure the Air Force lived within its budget. She radically simplified and streamlined the

Air Force sustainment funding system through the development and implementation of Centralized Asset Management (CAM). These efforts allowed the Air Force to make decisions within constrained funding, enabling warfighters to focus on their primary missions, and established a new level of credibility in warfighter support overall.

General Gabreski was a leader and inspiration to the Dayton community. During her time at WPAFB, she participated in many events, offering advice to women in leadership roles. She is a credit to the Air Force and a source of support and inspiration to many throughout the military and the Dayton community.

As General Gabreski culminates a distinguished career of more than three decades of Air Force service, I appreciate her dedication to her country, her outstanding performance as the highest ranking female officer in the Air Force, and her significant contributions toward strengthening our military.

INTRODUCTION OF THE CIVIL ACCESS TO JUSTICE ACT OF 2009

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. SCOTT of Virginia. Madam Speaker, today I rise to introduce the Civil Access to Justice Act of 2009. The purpose of this legislation is to reauthorize the Legal Services Corporation, which has not been reauthorized by Congress since 1977. Legal Services Corporation was established by Congress in 1974 to provide legal assistance to low-income people in civil matters. LSC directs and supervises the federal grants to local legal service providers who give legal assistance to low-income clients.

I am particularly pleased that we are introducing this bill, not only because it helps those in need, but because of my personal experiences with the program. Over 30 years ago, I was the founding Chairman of the Board of Peninsula Legal Aid Center, Inc., so I am aware of the need for resources to make a legal services program fully operational. In this bill, we are seeking to ensure that the Corporation has the resources required to help those in need.

The bill accomplishes several goals. It increases the authorized funding level for LSC to $750 million. This is approximately the amount, adjusted for inflation, appropriated in 1981, which was the high watermark for LSC funding. LSC is currently funded at $390 million—which, in current dollars, is well below the amount needed to fully fund the program. Currently, more than 80 percent of individuals who need civil legal representation do not have the means to obtain it. Families who need this assistance the most make less than 125 percent of the poverty line or about $27,500 for a family of four. Nationally, 50 percent of these eligible applicants for legal assistance from federally funded programs are turned away mainly because these programs lack ample funding. Moreover, as the economy continues to decline, the number of individuals who will need legal representation will increase. We need to ensure that resources are available to provide legal services to those who cannot afford adequate representation. The $750 million authorized in the bill should be enough to ensure a minimum level of access to legal aid in every county in the country.

Although the program has not been reauthorized in over 30 years, appropriations bills over that time have placed restrictions on the activities that attorneys in LSC programs can provide. The bill lifts most of these restrictions, including collecting attorneys' fees, permitting legal aid attorneys to bringing class-action suits, and allowing lobbying with non-federal funds. In the spirit of compromise, the bill does maintain the prohibition on abortion related litigation and incorporates some limits on whom LSC-funded programs can represent, including prisoners challenging prison conditions and people convicted of illegal drug possession in public housing eviction proceedings. The bill also provides for more effective administration of LSC.

The Government Accountability Office wrote reports highlighting issues with the governance of LSC. In an August 2007 report, GAO found ". . . LSC has not kept up with evolving reforms aimed at strengthening internal control over an organization's financial reporting process and systems." That same report stated that "The current board has four committees, but none are specifically targeted at providing critical audit, ethics, or compensation functions, which are important governance mechanisms commonly used in corporate governance structures. Because it has not taken advantage of opportunities to incorporate such practices, LSC's Board of Directors is at risk of not being able to fulfill its role of effective governance and oversight."

Overall, the Civil Access to Justice Act of 2009 will provide relief to those who need civil legal representation. I would like to thank Judiciary Committee Chairman CONYERS and Representatives COHEN, WATT, DELAHUNT, LINDA SÁNCHEZ and HANK JOHNSON for their hard work and dedication to this cause. I urge my colleagues to cosponsor and support this important legislation to ensure that those who need civil legal representation are able to obtain it.

ARMY STRYKER FORCE IN AFGHANISTAN

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. TIBERI. Madam Speaker, I rise today to submit to the RECORD the attached information concerning a constituent and a mother of a soldier that served in Afghanistan.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 8, 2009.

Hon. ROBERT M. GATES,
Secretary of Defense,
Washington, DC.

DEAR MR. SECRETARY: Last month I received a letter from a constituent and mother of a soldier that served in Afghanistan. She was concerned after learning that the 5th Brigade, 2nd Infantry Division (Stryker Brigade Combat Team) had not been authorized the necessary Improvised Explosive Device Detection Dogs (IEDDDs) for its mission.

After forwarding her concerns to the U.S. Department of the Army, I received a response from U.S. Army Central Command dated September 30, 2009 from Chief of Staff Colonel Stephen M. Twitty. The response stated "On August 14, 2009, the command submitted an urgent universal needs statement to their higher headquarters, United States Forces—Afghanistan for 75 IEDDDs with handlers for immediate fielding" and that the request was still pending at that time.

It is my understanding that after fifty-six days of operations since the urgent request was made by commanders in the field, the 5th Brigade has yet to receive the necessary IEDDDs. I am concerned that commanders on the ground are not receiving resources they are requesting. Please provide an explanation of the plan that is in place to ensure that our troops on the ground have the assets needed to keep Americans safe and detect IEDs.

If you have any questions, please contact my district director, Mark Bell. Thank you for your time and attention to this matter, and I look forward to your reply.

Sincerely,

PATRICK J. TIBERI,
Representative to Congress.

Enclosures.

DEPARTMENT OF THE ARMY, THIRD ARMY, UNITED STATES ARMY CENTRAL, OFFICE OF THE ASSISTANT CHIEF OF STAFF, G1.
Fort McPherson, GA, September 30, 2009.

Hon. PATRICK J. TIBERI,
Representative in Congress,
Columbus, OH.

DEAR MR. TIBERI: Thank you for your recent letter to the Department of Defense on behalf of concerns.

The 5th Brigade, 2nd Infantry Division (Stryker Brigade Combat Team) arrived in Afghanistan in July 2009 and deployed into sector in August 2009 with all assigned mine detection equipment. The brigade is not authorized Improvised Explosive Device Detection Dogs (IEDDDs) or K9 handlers in accordance with their Headquarters, Department of the Army approved Modified Table of Organization and Equipment, dated April 16. 2009. On August 14, 2009, the command submitted an urgent universal needs statement to their higher headquarters, United States Forces—Afghanistan for 75 IEDDDs with handlers for immediate fielding. That request is still pending at this time.

This command stands ready to provide any further assistance required by your office.

Sincerely,

STEPHEN M. TWITTY,
Colonel (P), U.S. Army, Chief of Staff.

SEPTEMBER 14, 2009.

Re Army Stryker Force In Afghanistan.

SGT MARK BELL AND JASON DOMINGUEZ IN PAT TIBERI'S OFFICE.

This last week, Army Stryker Force in Afghanistan was on the news. Their job is to sweep Afghan villages for IED's. They've lost 9 people in the last month. The point made was that they do not have bomb sniffing dogs or metal detectors. I actually watched a soldier trying to visually inspect a mud wall for an IED. This isn't the first time that I've seen such reports on the news or shows about the military.

If my information is correct, then those 9 lives lost cost the military 9 million dollars. This is outrageous. 9 families lost loved ones because their unit didn't have the proper equipment. Do you think that for 9 million, the Army could send dogs for every unit ? Do I need to say Da.

I wrote you about the units needing dogs quite some time ago. Apparently, no one paid attention. If you're going to send the military, then you MUST equip them with

what they need. That includes dogs. I will be happy to raise the money to pay for them but I can't ship them to any unit. You can believe me when I say that I've tried. My son completed one year in Afghanistan and two in Iraq. I thank God every day for his return. Parents can purchase and ship lots of things. I can buy a bomb sniffing dog. I just can't ship the dog. And the dog needs a handler. It's not something that a unit soldier can learn on the job.

I want Stryker Force and every other unit to have two dogs with handlers. And I want it now, The military can do it. They just need the proper motivation. What will it take?

IN RECOGNITION OF THE CITY OF SIMI VALLEY'S 40TH BIRTHDAY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. GALLEGLY. Madam Speaker, I rise in recognition of the City of Simi Valley's 40th birthday.

On September 20, 1969, the people who lived in the unincorporated Ventura County, California, communities of Simi Valley and Santa Susana voted 6,454 to 3,685 to incorporate. On October 10, 1969, the combined communities officially incorporated into the city of Simi Valley.

Simi Valley lies on the far eastern end of Ventura County. Ventura, the county seat, lies on the far western end. It is a long drive to obtain governmental approval, and the quest for local control is what drove incorporation.

Since incorporation, the people of the city have worked tirelessly to structure a safe, balanced, family-friendly and business-friendly community. It was done by embracing citizen involvement. Neighborhood Councils, the Youth Council and the Council On Aging were established as part of the government infrastructure, ensuring that residents of all ages have an opportunity to be heard and to be involved in government decisions at a grassroots level.

Today, Simi Valley maintains more than 20 citizen advisory boards and commissions that advise the City Council on a variety of community issues.

Obviously, in any city differences of opinion arise. But unlike in some cities, Simi Valley's elected leaders have a well-earned reputation for discussing issues vigorously and then, once a vote is taken and the decision is made, having all sides come together behind that decision. I believe that is very much the result of empowering the community to shape the issues before they come to the City Council.

Madam Speaker, I am proud of my role in helping to shape Simi Valley. I served on the City Council as a member and appointed mayor, and as the city's first elected mayor, from 1979 to 1986. During that time, we began bringing jobs into what was then primarily a bedroom community, and there was much debate on how to accomplish that.

One of the issues that came from that debate was the creation of the city's first hillside ordinances, which we passed while I was mayor. The issue was framed by many as preservation vs. development. I was seen as being on the side of development. Then-Councilwoman Ann Rock was seen as being on the side of preservation.

Either side could have dug in their heels and accomplished nothing. Instead, working together, and with the help of many other conscientious people, Ann and I crafted an ordinance that worked for both sides. In the process, Ann and I also became dear friends. Ann has since passed away, but her handiwork can still be seen in much of Simi Valley.

Simi Valley shows the handiwork of many, many others, too. From the burgeoning farming community that incorporated in 1969, Simi Valley has grown into a balanced city of about 120,000 people with homes, schools and churches alongside upscale retail centers and clean industry. Since 1993, it has been among the top 10 safest cities in America, and topped the list several times. It is the home of the Ronald Reagan Presidential Library and Museum and the gateway to Ventura County. I am proud of the city I have called home since before it was a city.

Madam Speaker, I know my colleagues will join me wishing Simi Valley, California, a happy 40th birthday and congratulate its citizens on a job well done.

WATER TRANSFER FACILITATION ACT OF 2009

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. CARDOZA. Madam Speaker, due to overwhelming response from water users in the Central Valley, I am compelled today to introduce additional letters of support for the Water Transfer Facilitation Act of 2009. The bill would grant authority to the Bureau of Reclamation to approve voluntary water transfers between sellers and buyers in the San Joaquin Valley and streamline environmental reviews for Central Valley water transfers.

The bill is supported by a great number of water users across the Central Valley, including the following: Friant Water Users Authority; San Joaquin River Exchange Contractors Authority; Delta-Mendota Canal Authority; Westlands Water District; Metropolitan Water District; Glen Colusa Irrigation District; Northern California Water Association; Banta-Carbona Irrigation District; Tehama-Colusa Canal Authority; Association of California Water Agencies; Placer County Water Agency; Conaway Preservation Group; and Reclamation District 2035.

Thank you.

PCWA,
October 6, 2009.

Hon. JIM COSTA,
1314 Longworth House Office Building, House of Representatives, Washington, DC.

Re Support of Central Valley Project Water Transfer Legislation.

DEAR CONGRESSMAN COSTA: On behalf of Placer County Water Agency (PCWA), we thank you for introducing legislation authorizing and establishing a programmatic approach to promote and manage water transfers in California. We support your efforts and this legislation as a means of providing greater regulatory certainty for the management of Central Valley Project (CVP) water supplies for water users.

As you may be aware, PCWA has participated in water transfers in the past to help meet the needs of water users within the CVP and is intimately aware of the impacts diminished water deliveries cause to farmers and communities. Because of PCWA's experience with previous water transfers, we also would like an opportunity to meet you and your staff to discuss additional regulatory improvements to Reclamation law that would streamline future transfers.

Because of below average precipitation and regulatory requirements placed upon the CVP and its water users through the requirements established by the recent National Marine Fisheries Service biological opinions for endangered smelt and salmon, the impact to water users is severe. Your legislation will provide much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the State of California.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation and addressing California water issues so important to our collective future.

Sincerely,
PLACER COUNTY WATER AGENCY,
GRAHAM L. ALLEN,
Chairman, Board of Directors.

CONAWAY PRESERVATION GROUP,
Woodland, CA, Oct. 2, 2009.

Re Support for water transfer legislation:

Hon. JIM COSTA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of the Conaway Preservation Group, LLC (CPG), thank you for introducing legislation authorizing and establishing a permanent long-term program to promote and manage water transfers in the Central Valley of California. We support your efforts and this legislation as a means of providing greater flexibility in the management of Central Valley Project (CVP) and other water supplies to help meet unmet needs critical to the future of the State of California.

As you are aware, the devastating impacts of diminished water deliveries to the CVP as a result of three years of below average precipitation have been made even greater by the various regulatory restrictions, including the requirements established by the recent federal biological opinions for endangered fish under the ESA. Your legislation will provide immediate, much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the CVP. Further, the language in your legislation directing the Bureau of Reclamation to work with other federal agencies to develop the necessary long-term environmental documentation addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake is a critical and necessary near-term next step.

CPG owns the Conaway Ranch in Yolo County. The Conaway Ranch property covers more than 17,000 acres on the west side of the Sacramento River between the cities of Davis and Woodland. Conaway Ranch has been operated for many years to meet goals of agricultural production and waterfowl/wildlife habitat. Approximately 40 percent of the Ranch is located within the Yolo Bypass and the remainder lies west of the bypass. Conaway Ranch's water rights and Bureau of Reclamation Settlement Contract are held by CPG. CPG's Settlement Contract water is a major contributor to the Conaway Ranch water supply during its annual summer operational term of April 1 through October 31.

We look forward to working with you and your staff in the coming months in this important legislative effort, and appreciate your leadership in advancing this legislation

and addressing California water issues so important to our collective future.

Sincerely,

TOVEY GIEZENTANNER,
President and CEO,
Conaway Preservation Group, LLC.

RECLAMATION DISTRICT 2035,
Woodland, CA, October 6, 2009.

Re Support for water transfer legislation.

Hon. JIM COSTA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COSTA: On behalf of Reclamation District 2035, thank you for introducing legislation authorizing and establishing a permanent long-term program to promote and manage water transfers in the Central Valley of California. Reclamation District 2035 (RD 2035) was formed in 1919 to provide flood control and water delivery for approximately 22,000 acres in Yolo County, California. While RD2035 does not own water rights, it is responsible for the delivery of CVP water to its agricultural customers whose crops represent the top three agricultural commodities in Yolo County.

As you are aware, the devastating impacts of diminished water deliveries to the CVP as a result of three years of below average precipitation have been made even greater by the various regulatory restrictions, including the requirements established by the recent federal biological opinions for endangered fish under the ESA. Your legislation will provide immediate, much needed relief in the form of a flexible and useful tool that will allow water to be transferred from willing parties to those in need within the CVP. Further, the language in your legislation directing the Bureau of Reclamation to work with other federal agencies to develop the necessary long-term environmental documentation addressing impacts of a water transfer program on the ESA-listed Giant Garter Snake is a critical and necessary near-term next step.

We look forward to working with you and your staff on this important legislative effort.

Sincerely,

REGINA J. CHEROVSKY,
Chairperson.

CONGRATULATING DANIEL J. SANTORO UPON RECEIVING THE 2008 CHENEY AWARD

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Ms. CASTOR of Florida. Madam Speaker, I rise today to honor CPT Daniel J. Santoro, a member of the Tampa Bay community for receiving the 2008 Cheney award for distinguished service in the United States Air Force.

Captain Santoro is a C–130E instructor pilot, assigned to the 37th Airlift Squadron, 86th Operations Group, 86th Airlift Wing, at Ramstein Air Base in Germany. Captain Santoro was born in Las Vegas, Nevada, October 1977; he attended the United States Air Force Academy in Colorado Springs, Colorado, graduating in 2000 with a Bachelor's of Science in Human Factors Engineering.

After graduation, Captain Santoro continued his pilot training at Whiting Field Naval Air Station, in my home State for Florida. His service to our country has taken him to numerous States: Oklahoma, Arkansas, and North Carolina where he constantly worked to improve his skills to keep our country safe. Often recognized for his leadership and tireless dedication, Captain Santoro was assigned to Ramstein Air Base in Germany, where he would serve bravely in Operation Enduring Freedom and Operation Iraqi Freedom, among others.

In 2008, as the Chief Tactics and Instructor Pilot, his squadron completed 29 missions and delivered 211 tons of humanitarian cargo, including food and hygiene kits, to the country of Georgia. It is because of these heroic actions that Captain Santoro is receiving the 2008 Cheney Award; which is given for an "act of valor, extreme fortitude, or self-sacrifice in a humanitarian interest, performed in connection with aircraft, but not necessarily of a military nature, by an Air Force officer or enlisted member." The award is named after Lt. William H. Cheney, who was killed in an air collision in Italy in 1918.

Madam Speaker, Captain Santoro is a true testament to the bravery and the sacrifices made by the men and women in the Armed Forces. His accomplishments are significant and an inspiration.

CONGRATULATING ALICIA SEIDEL

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. REICHERT. Madam Speaker, today I rise in recognition of a brave young girl in my district, Alicia Seidel, and congratulate her for being named an honoree at the 2009 Arthritis Walk happening this Saturday in Bellevue, Washington, and for living her life so bravely while battling her disease.

Alicia, a ten-year-old fifth grader from Sammamish, Washington, was diagnosed in 2007 with juvenile rheumatoid arthritis. Immediately before and for some time following the diagnosis, Alicia struggled to do something as simple as holding a pencil. Thankfully, the wonderful doctors, specialists and staff at Swedish Medical Center and Children's Hospital in Seattle worked to alleviate the pain Alicia was under, which allowed her to act like the vivacious girl she is. My office had the opportunity to meet Alicia and her mom, Cynthia, more than a year ago to discuss Alicia's ailment and a photo from that meeting is proudly displayed in our office; her infectious nature and sweet disposition made a lasting impact.

The Arthritis Prevention Control and Cure Act, H.R. 1210, of 2009 is legislation I'm proud to have co-sponsored. At this time, the legislation is in the House Committee on Energy and Commerce and I encourage the entire House to act on it as quickly as possible because it is an important bill. The bill would, among many other things, focus attention on juvenile arthritis research by creating a juvenile arthritis database and provide financial incentives to encourage more health professionals to enter the field of pediatric rheumatology. Additionally, I will continue to work on behalf of young people like Alicia to urge Congress to make a long-term, sustained investment in medical research through the National Institutes of Health because it represents our greatest hope for finding cures and treatments for debilitating conditions like arthritis and freeing Alicia and her family from the constraints of arthritis.

On behalf of the House of Representatives, I extend our sincerest congratulations to Alicia, for her courageous spirit and the inspiration provided to 300,000 other young people struggling with this disease today, and our best wishes in the 2009 Arthritis Walk.

INTRODUCTION OF THE CIVIL ACCESS TO JUSTICE ACT OF 2009

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. COHEN. Madam Speaker, today I am pleased to join Representative BOBBY SCOTT and Chairman JOHN CONYERS in introducing the Civil Access to Justice Act of 2009. This important legislation will expand civil legal services to low-income families and individuals.

In 1974, Congress established the Legal Services Corporation ("LSC") to operate as a private, non-profit corporation to promote equal access to justice under the law and to provide grants for high-quality civil legal assistance to low-income persons. LSC distributes more than 95 percent of its total funding to 137 independent nonprofit legal aid programs to represent low-income individuals and families in every congressional district. Programs receiving LSC grants help the most vulnerable, such as families facing unlawful evictions or foreclosures, displaced persons attempting to obtain federal emergency assistance, and women seeking protection from abuse. In fact, many programs have been besieged recently with requests for foreclosure assistance because of the subprime mortgage crisis.

The current economic downturn will likely lead to more families and individuals needing legal assistance. According to a recently released study commissioned by LSC's Board of Directors, Documenting the Justice Gap in America, many recipient programs of LSC funds must turn away half of all individuals who qualify and seek their assistance because of the lack of resources. Unfortunately, state, local, and private funding and pro bono support have been unable to help close the access to justice gap. The underfunding may result in a potential catastrophe for millions of low-income families and individuals throughout the country who need, but are unable to obtain, legal assistance in matters relating to their housing, employment, and access to health care. Currently, LSC is funded at $390,000,000, which is insufficient to provide legal representation to all of the impoverished in need of legal assistance. This legislation authorizes an increase in funding for LSC of $750,000,000, which represents an inflation-adjusted funding level from fiscal year 1981. This funding will help close the justice gap and provide civil legal assistance to all potential eligible clients.

Additionally, the Civil Access to Justice Act eliminates certain restrictions that have significantly limited the ability of legal aid attorneys to represent all low-income families and individuals. First, the bill would remove many restrictions on the use of state, local, and private money by LSC-funded programs. Second, it would eliminate restrictions on the ability of LSC-funded attorneys to represent clients in class action cases. Also, the bill would provide

programs the opportunity to seek court-ordered attorneys' fees, which they are currently prohibited from seeking.

Finally, this legislation codifies recent recommendations from the Government Accountability Office to improve LSC governance and accountability. These recommendations should lead to better management and oversight of LSC-funded programs.

I urge my colleagues to join me, Mr. SCOTT, Chairman CONYERS, and others, and cosponsor this important and timely legislation. I am optimistic that Congress can send a bill to the President for his signature so that the doors of justice will always remain open to those in need.

RECOGNIZING LIEUTENANT DANIEL CHOI FOR HIS SERVICE TO THE UNITED STATES OF AMERICA AND OUTSTANDING CONTRIBUTIONS TO THE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER EQUALITY MOVEMENT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize LT Daniel Choi for his service to the United States of America and outstanding contributions to the Lesbian, Gay, Bisexual, and Transgender, LGBT, equality movement as an Army officer, Iraq War veteran, and now civil rights activist. In clear defiance of ''Don't Ask, Don't Tell,'' the unjust law that prohibits LGBT service members from serving openly and honestly in the military, Lieutenant Choi courageously spoke three words on national television—''I am gay.'' In doing so, he knew that he was risking his military career, but was firm in the belief that he had chosen the harder right over the easier wrong. Lieutenant Choi was ultimately discharged, but has since devoted his life to activism in the hope that, one day soon, Don't Ask, Don't Tell will be repealed.

Lieutenant Choi's story is one of excellence and leadership. He was born in February 1981 in Orange County, California and attended Tustin High School, where he was student body president, participated in the American Legion Boys State program, and was involved in various extracurricular activities ranging from Christian Club and Model United Nations to varsity swimming and marching band. It comes as no surprise that Lieutenant Choi was admitted to the prestigious U.S. Military Academy at West Point, where he continued to excel and learn the values that gave him purpose as an officer in the Army and activist for LGBT rights. It was at West Point that Lieutenant Choi first recited the Cadet Honor Code: ''A cadet will not lie, cheat, steal, or tolerate those who do.''

In 2003, Lieutenant Choi became one of only eight graduates in his class to earn a degree in Arabic Language, in addition to Environmental Engineering. During his 10 years of honorable service to this nation, Lieutenant Choi served as an Infantry Officer. Specifically, he was a Platoon Leader, Company Executive Officer, Battalion and Brigade Staff Officer, Iraqi Arabic language instructor, and civil-military and reconstruction engineer in the 10th Mountain Division at Fort Drum, New York. For 15 months from 2006 to 2007, Lieutenant Choi saw duty as an Infantry Platoon Leader and Arabic linguist in South Baghdad, Iraq, providing an invaluable service to his fellow soldiers and the United States' mission by communicating quickly and clearly with the Iraqi people. In 2008, Lieutenant Choi became an Infantry Platoon Leader in the Army National Guard's 1st Battalion, 69th Infantry in Manhattan, New York.

While an officer with the Army National Guard, Lieutenant Choi co-founded KNIGHTS OUT: Lesbian, Gay, Bisexual, and Transgender West Point Graduates, an organization of West Point alumni, staff, and faculty who are united in supporting the rights of LGBT soldiers to openly serve their country. On March 19, 2009, Lieutenant Choi appeared on MSNBC's The Rachel Maddow Show to discuss the military's Don't Ask, Don't Tell policy. In a surprising announcement, Lieutenant Choi revealed that he was gay. Fully aware of the consequences, he refused to lie about who he is and accept a policy that compromises the integrity of the U.S. military and its service members. Despite testimony from his commanding officer, members of his unit, and fellow soldiers who served in Iraq, as well as 260,000 letters and signatures of support, a panel of New York National Guard officers recommended that Lieutenant Choi be discharged on June 30, 2009.

Guided by the same values he learned at West Point and in the Army, Lieutenant Choi now advocates for the repeal of Don't Ask, Don't Tell and the reversal of Proposition 8 in California, an amendment to the state constitution that recognizes marriage as between only one man and one woman. He continues to raise public and political awareness of issues that affect LGBT service members and the LGBT community as a whole.

Madam Speaker, the West Point Cadet Prayer teaches cadets ''. . . never to be content with a half-truth when the whole can be won.'' Don't Ask, Don't Tell is a no-truth policy and must be repealed. I am honored and humbled by Lieutenant Choi's selfless example and, although he is no longer in uniform, he continues to fight for the freedom of all Americans to be the best they can be, gay or straight.

PROVIDING FOR A TRANSITION PERIOD FOR THE GUAM-CNMI VISA WAIVER PROGRAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Ms. BORDALLO. Madam Speaker, today I introduced legislation to amend the Consolidated Natural Resources Act of 2008 (CNRA), Public Law 110–229, for the purpose of providing for a transition period for the implementation of the new Guam-CNMI Visa Waiver Program. Section 702 of the CNRA extends the immigration laws of the United States to the Commonwealth of the Northern Mariana Islands (CNMI). It also provides for a visa waiver program for travel to Guam and the CNMI consistent with the new arrangements for control of immigration in the CNMI and that would be based on and succeed the highly successful Guam-only visa waiver program, which was authorized by the Omnibus Territories Act of 1986.

The Department of Homeland Security will commence control of six ports of entry in the CNMI on November 28, 2009, in accordance with the CNRA. The bill I have introduced today would make a technical correction to the CNRA, by delaying for one year the start of the authorized joint Guam-CNMI Visa Waiver Program. Its effect would be to allow for federal control of immigration to commence in the CNMI on November 28, 2009, but also for the existing CNMI visitor entry program under CNMI law to continue but be controlled and administered by U.S. Customs and Border Protection (CBP) under the Department of Homeland Security. The current approved countries under the Guam-only visa waiver program and the CNMI visitor entry program would be maintained, respectively for each territory, for an additional year. Such a continuation of the visitor entry rules for both of these territories would afford the Department of Homeland Security additional time to devise rules and allocate the resources necessary in both the CNMI and Guam for the successful operation and administration of the new Guam-CNMI Visa Waiver Program consistent with Congressional intent. The additional time will also provide for an orderly transition to occur in both territories.

Most importantly, this bill would allow the Department of Homeland Security to focus its resources initially on the standing-up and control of six ports of entry in the CNMI and also protect the economic interests of the CNMI with the continuation of its visitor entry program. The CNMI economy is heavily reliant on tourism and its visitor sector is accustomed to operating under the territory's visitor entry program.

The bill also authorizes a study to be conducted by the Secretary of the Interior, analyzing the economic situation and forecast for the CNMI. This report will be provided to the committees with jurisdiction, the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, within 30 days of enactment. This report will help the Committees exercise oversight of the implementation of the CNRA and the transition by the Department of Homeland Security to the new joint, Guam-CNMI Visa Waiver Program.

I look forward to working with my colleagues as this bill moves forward in the legislative process.

IN HONOR OF DR. DANIEL SIMMONS AND THE MOUNT ZION BAPTIST CHURCH

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. BISHOP of Georgia. Madam Speaker, I rise today to pay tribute to Dr. Daniel Simmons and the Mount Zion Baptist Church of Albany, Ga. On Sunday, October 11, the Mount Zion Baptist Church will jointly celebrate Dr. Simmons' 18th year as the Senior Pastor and the church's 144th anniversary. I have known Pastor Simmons for many years

and feel honored to call him my pastor, a friend, a teacher, and an inspiration. Likewise, I have been a member of Mount Zion Baptist Church for 13 years and have found it to be a Christian fellowship of love in action through service to mankind.

Dr. Simmons is a great many things to a great many people. Since I joined Mount Zion in 1996, I have come to know him as a man of character, an humanitarian, a bridge builder, a shepherd, and a leader. Above all, ''Pastor Simmons,'' as he is known, through his own humble and morally strong existence, helps us, as followers of the Word, to strive toward the Spiritual fulfillment graciously offered to us by our Lord and Savior Jesus Christ.

As the Word says in Proverbs 3:5, ''Trust in the Lord with all your heart and lean not on your own understanding.'' Pastor Simmons has truly lived by this principle. Since his arrival at Mount Zion in 1991, he has sought to implement the church's mission to be a ''vibrant church that reaches the world for Christ through evangelism, discipleship, fellowship, and missions.''

Under his leadership, the church has grown to 2,700 members and counting. Financial stewardship has increased substantially. In July of 2008, the church broke ground on a new 67,000 square foot facility to provide the space necessary to continue building upon Pastor Simmons' vision and the church's mission. With all this growth and expansion, it is abundantly clear that God is doing great work at Mount Zion Baptist Church through the ministry of Pastor Simmons.

With ordained leadership and divine grace, Pastor Simmons has built a church that delivers God's message and works daily to implement God's vision. Pastor Simmons personifies the love of God through his teaching and his way of life. I thank him for his years of service to his parishioners, the Albany community, Georgia's Second Congressional District, and the Nation. Moreover, I wish him many more fruitful years to come.

I also recognize and celebrate the body of Christ which is the Mount Zion Baptist Church on the occasion of its 144th anniversary. May it forever utilize the blessings of great leadership and bountiful resources with which it has been provided to the Glory of Almighty God.

A TRIBUTE TO THE HONORABLE PAUL BURGESS FAY, JR.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Ms. ESHOO. Madam Speaker, I rise today to honor the extraordinary life and work of a distinguished American, a friend and an American hero, Paul Burgess ''Red'' Fay Jr., who passed away on September 23, 2009, at the age of 91. He leaves his beloved wife, Anita, to whom he was married for 62 years; his children Paul Fay III, Katherine Fay and Sally Fay Cottingham; and seven grandchildren.

Mr. Fay, a fourth-generation San Franciscan, was born in San Francisco in 1918 to a distinguished family. His father, Paul B. Fay Sr., was President of the Fay Improvement Company, a paving contracting firm founded in 1875, and gave young Paul the nickname ''Red'' as a child, which his friends called him for the rest of his life. He graduated from Stanford University in 1941 with a Bachelor's Degree in Economics and he enlisted in the Navy shortly after the Japanese attack on Pearl Harbor brought the United States into World War II.

It was during his service in the Navy that Mr. Fay met and became friends with President John F. Kennedy. In 1942, after attending Officer Training School, Mr. Fay was assigned to PT boat training in Melville, Rhode Island, where the future President was his instructor. They met during a touch football game. They were later assigned to the same base in the South Pacific and became friends after both of their boats were damaged. President Kennedy's PT–109 was attacked in an event that made him a war hero, and Mr. Fay's boat was struck by a torpedo, after which he was awarded a Bronze Star. While their ships were temporarily out of action, they roomed together in a small Quonset hut and became fast and lasting friends.

After the war, Mr. Fay returned to San Francisco and joined the family business. In 1947, he married the love of his life, Anita Marquez of Mill Valley. He remained close with John F. Kennedy and became a political supporter and a trusted adviser in his inner circle, working on his election campaigns for the House of Representatives, Senate, and the Presidency. When John Kennedy was elected President in 1960, he appointed Mr. Fay Under Secretary of the Navy, an office he held until January 1965.

After leaving Washington, Mr. Fay returned to the Bay Area and the family business, which he sold and later resurrected as a financial consulting and business ventures firm. He wrote a best-selling book, ''The Pleasure of His Company,'' a memoir of his close friendship with the late President Kennedy. He became a founding partner of William Hutchinson & Co., an investment research and brokerage firm, and he was for many years a director of First American Financial and Vestaur Securities. He retired from business in 2005.

Among Mr. Fay's many social and charitable activities was his work with Youth Tennis Advantage, a Bay Area organization that helps teach tennis to at-risk youth. He also contributed his time to such charitable causes as the Robert Odell Foundation, the Robert F. Kennedy Foundation, and the American Ireland Fund, whose San Francisco Chapter named him ''Man of the Year'' in 1995. He was a trustee of the Naval War College Foundation and of Mount St. Joseph-St. Elizabeth of San Francisco, and he was a member of the Pacific Union Club, Bohemian Club, Burlingame Country Club, Chevy Chase Club, California Tennis Club and the Vintage in Indian Wells, California.

Mr. Fay was an extraordinary host, an accomplished master of ceremonies and indefatigable organizer of everything from charities to family touch-football games. An accomplished athlete, he played baseball at Stanford and enjoyed tennis and golf well into his eighties. He was a central figure in Bay Area society whose warmth and charm never failed to draw others to him, and he had hundreds of friends from all walks of life. He was a man of great integrity and everyone who knew him came away a better person.

Madam Speaker, I ask the entire House of Representatives to join me in honoring a national treasure and an extraordinary American, Paul Burgess ''Red'' Fay, and in extending my deepest sympathy to his entire family during this difficult time. He represented the best of America and his decades of contributions to his family and friends, his community and his country stand as lasting legacies of a life lived exceedingly well. How privileged I am to have known him, to represent him and to have had him as my friend. He loved his community and his country and he served both with distinction, making our Nation a better place for generations to come.

HONORING THE DANVILLE-ALAMO BRANCH OF THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN ON ITS FORTIETH ANNIVERSARY

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. MCNERNEY. Madam Speaker, I am honored to congratulate the Danville-Alamo Branch of the American Association of University Women on its 40th Anniversary. The chapter has a proud history serving the community by supporting political, social, professional, and educational opportunities for women.

Through the chapter's work, Danville and Alamo benefit from stimulating speakers and programs, candidates' nights, and community service opportunities. The AAUW Danville-Alamo Branch has been active in local schools, enhancing educational opportunities in the arts, music, languages, science, and math. The branch also started a local Expanding Your Horizons in Science and Mathematics conference to expose middle school girls to careers in math and science. The Danville-Alamo Branch also helps girls achieve the dream of a college education through its scholarship programs.

Today, the Danville-Alamo Branch has more than 200 members. These members continue to serve the community and advance a wide range of issues that affect women and girls. I wish you a heartfelt congratulations on 40 years of changing lives and making a difference for women.

VETERANS HEALTH CARE BUDGET REFORM AND TRANSPARENCY ACT OF 2009

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 7, 2009

Ms. WATERS. Madam Speaker, I rise in support of H. R. 1016—To amend title 38, United States Code, to provide new discretionary budget authority for certain medical care accounts of the Department of Veterans Affairs. This bill would ensure sufficient, timely, and predictable veterans funding so that the Department of Veterans Affairs would have the Federal funding to better serve veterans' medical needs and improve health care services. This is a very timely and important measure as many of our troops today are returning

home in need of accessible and adequate health care services. Therefore, I strongly commend my colleague BOB FILNER for bringing this measure before the floor.

This bill provides for a new two-fiscal-year discretionary budget authority for three critical accounts of the Department of Veterans Affairs: medical services, medical support and compliance, and medical facilities. Accordingly, this measure will give the Department of Veterans Affairs sufficient time to effectively plan how it will deliver the best care to a growing number of veterans with increasingly complex medical conditions. And to ensure that the funds are being used appropriately, H.R. 1016 requires the United States Comptroller General to conduct a study to determine the adequacy and accuracy of the department's budget model projections.

My military constituents often turn to me for support in confronting the many challenges they face when working with the Department of Veterans Affairs. We have come to understand, that many of the challenges in efficient health care services are attributable to the Department of Veterans Affairs' inadequate funding. Over the last two decades, the appropriated funds for medical care have not been provided to the Department of Veterans Affairs in a timely manner. This has resulted in the department's problems in planning and managing care for enrolled veterans. Accordingly, this bill addresses this budgetary problem and allows for advance appropriations to ensure the department has the Federal backing to effectively address the medical needs of our Nation's veterans.

As a vocal advocate for veterans' rights, I am pleased to add my voice of support for H.R. 1016. I look forward to working with my colleagues to ensure that we continue to provide the necessary resources towards improving our Department of Veterans Affairs' health care programs and administrative services.

THE FEDERAL BUDGET DEFICIT

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. LANCE. Madam Speaker, the Federal budget deficit tripled to a record $1.4 trillion for the 2009 fiscal year that ended last week, congressional analysts announced late yesterday.

According to the Congressional Budget Office this year's budget deficit is a level not witnessed since World War Two.

The deficit amounted to almost 10 percent of the nation's economy, triple the size of the shortfall for 2008.

While tax revenue fell by $420 billion, or 17 percent, to the lowest level in more than 50 years, Federal spending rose by 18 percent.

Despite this sobering economic report, the White House and its allies in Congress continue to press ahead with health care overhaul legislation that could cost at least $900 billion over the next decade.

How many alarm bells must be set off before Washington gets serious about tackling our ever-growing budget deficits?

HONORING REAR ADMIRAL WAYNE E. MEYER

HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. MASSA. Madam Speaker, I rise today to laud the achievements, acumen, patriotism and long service to our country by RA Wayne E. Meyer, affectionately known as the ''Father of AEGIS.'' His service to our Navy and our Nation has been continuous since his enlistment as a midshipman recruit in 1943. He is best known as the founding project manager of the AEGIS Shipbuilding Project, which began building AEGIS cruisers in 1978. AEGIS destroyers are still being constructed today, and remain the world's most formidable multi-mission warships. The cruisers and destroyers in our fleet today are the direct result of Rear Admiral Meyer's leadership and dedication to his country.

Admiral Meyer's life began far from the sea, in Brunswick, Missouri, in 1926. His family plowed the black earth in the ''gumbo'' region near the Missouri River, and, like so many other American families of that era, survived the Depression only through their determination and their indomitable spirit.

When the Nation went to war in 1941, Wayne Meyer was only 15. He continued his schooling, but only days after his 17th birthday, with his parent's written permission, he enlisted in the U.S. Naval Reserve to serve his country. After graduating high school as his class president and valedictorian, the Navy called him to active duty as an apprentice seaman, and sent him to the University of Kansas' engineering school—part of President Roosevelt's ''V–12'' program. After an accelerated and exhausting 32 months, Wayne Meyer earned a B.S. in electrical engineering. Later that month, in February 1946, he was commissioned an ensign in the U.S. Naval Reserve, and sent to M.I.T. for further schooling in the nascent fields of radar and sonar. His schooling later included atomic weapons training, a further graduate degree in electrical engineering, a master's in aeronautics and astronautics from M.I.T., the Navy General Line School and certification as a Navy Ordnance Engineer.

His early years in the Navy were marked by extensive sea duty. He was ordered to Destroyer Radar Picket USS *Goodrich* (DDR 831), where he served as part of the occupation forces in the Mediterranean, service in the Greek civil war, and with part of the force supporting the creation of Israel in 1948. He was accepted for transfer to the regular Navy that year as well.

Meyer was next posted in Chinese waters, where his ship, the light gun cruiser *Springfield* (CL 66), was in the mouth of the Huangpu River when Chiang Kai-Shek's Nationalist forces fell to Mao's Red Army in March 1949. He returned home to serve on a number of ships on Fleet Staffs—twice deploying in the destroyer tender USS *Sierra* (AD 16). He patrolled the Distant Early Warning line (extended) off Newfoundland as Executive Officer in the Radar Picket *Strickland* (DER 333). After a return to shore for more schooling, he was ordered to the guided missile cruiser *Galveston* (CLG 3) as Fire Control Officer and subsequently Gunnery Officer for her conversion as the first Talos cruiser, where he fired more Talos missiles than any other person. By the time he finished his sea duty, he'd served on seven ships and sailed the Pacific, Atlantic, and Mediterranean.

The next phase of Admiral Meyer's career was leading critical programs and facilities in the Navy's material establishment. In 1963 Secretary of the Navy Fred Korth chose then Commander Meyer to serve in the special Navy Task Force for the Surface Guided Missile Systems, under command of RADM Eli T. Reich, USN. His work at the Terrier missile system desk led to his appointment to lead the engineering effort to transition the entire Terrier fleet (30 ships) from analog to high speed digital systems. After turning down a destroyer command to continue this prelude to advanced weapons system design, he was appointed an Ordnance Engineering Duty Officer the same year he was selected for captain, 1966. He then served as the Chief Engineer at the Naval Ship Missile Systems Engineering Station, Port Hueneme, California. From this post he led the in-service engineering of the Navy's surface missile systems.

Ordered back to Washington in 1969, he became the AEGIS Weapons System Manager in the Bureau of Ordnance, the most important phase of his career. It was here that Meyer's lifetime operational and engineering experience was put to the test. It would also require him to exercise what many know to be his unparalleled genius—organization and communication.

Meyer's first major challenge was to make AEGIS work. That is—develop and test a new area air defense system to protect the fleet from aircraft and cruise missile attack. By virtue of his ''double-hat'' as the Director of Surface Missile Systems in NAVSEA, he was also charged with keeping the existing fleet of Terrier and Tartar ships capable against ever more sophisticated Soviet threats. Those who worked for Meyer in those early days knew him as untiring, relentless, and driven towards success. They also knew him to be the consummate engineer—demanding back-ups for risky technologies and redundancy to ensure his system would work under even the most demanding conditions. After a number of land-based tests, the AEGIS Weapon System prototype was installed in the USS *Norton Sound* in 1974 for at-sea testing. Two more years of development and testing, following Meyer's mantra, ''build-a-little, test-a-little, learn a lot'' led to ''Super Sunday'' in 1977, when AEGIS detected, tracked and engaged two targets simultaneously.

With such a powerful new weapon system in development, the Navy understood that it could be used for more than just air engagements, and in 1976 charged Meyer with developing the AEGIS Combat System. The combat system, which included the AEGIS Weapon System, would allow simultaneous multi-mission engagements against surface, air, and submarine targets, as well as strike capability. With his naval engineer's eye toward cautioned, prudent design, Meyer again demanded a stepwise approach to development, and thorough land-based testing before sending the system to sea.

With these combat and weapon systems under controlled development, Meyer's next major challenge was to ''get AEGIS to Sea.'' Since the project began in 1969, the ship to carry AEGIS had been a hotly debated issue in the Navy, the Department of Defense, and

Congress. Meyer knew that he couldn't have his engineers constantly focus as the targeted ships changed each year, and thus instituted "Superset." The "Superset" combat system would be the largest aggregation of capability under consideration for a single ship. If a less capable version were eventually authorized by Congress, "down-designing" would be easier than inserting new combat system features. When our democracy finished its great debate on the first ship to carry AEGIS, a highly modified version of the USS *Spruance* hull was the result. Christened by Nancy Reagan in 1981, and commissioned in 1983, the cruiser USS *Ticonderoga* was built on time, and slightly under budget. It was on the battle line in Lebanon only 9 months after its commission.

Today, when our country seems to have difficulties building ships, we should remember that we have had great patriots like Admiral Meyer, who could lead the most complex of endeavors—and bring them in on cost and on schedule.

But one ship does not a fleet make. Promoted to rear admiral in 1975, Meyer's third major challenge was to "rebuild the Surface Navy"—transitioning from a Terrier and Tartar cruiser and destroyer fleet to an AEGIS cruiser and destroyer fleet. Meyer knew it would be a long process, and would require schoolhouses, shore-based logistics, facilities for computer program maintenance, training, in-service engineering, and a host of other facilities and people to keep the new fleet ready. With his partner in the Chief of Naval Operations' Office, Vice Admiral James H. Doyle, Jr., he set out to build this supporting infrastructure, which keeps the fleet ready today. With 27 cruisers and 62 destroyers built or under construction, and more in planning, Admiral Meyer's vision of rebuilding the surface Navy is now complete.

After retiring in 1985, Admiral Meyer's restless zeal has kept him thoroughly involved in our Nation's defense. He has chaired numerous Navy Advisory Boards, the Ballistic Missile Defense Advisory Committee, and remains a valuable counselor to those in our Navy as the "Father of AEGIS."

He has watched with special pride as his AEGIS fleet has been transformed into a critical arm of our Nation's ballistic missile defense system. With his guidance and mentorship, the process has again been, "build-a-little, test-a-little, learn a lot," with a record of success unparalleled among the missile defense programs.

His accomplishments and contributions to the defense of our Nation have been so numerous and far-reaching that the Secretary of the Navy named an AEGIS destroyer, DDG 108, the USS *Wayne E. Meyer*. She is to commission this October, an event that will no doubt be attended by thousands who have taken part in the "AEGIS movement." In advance of that monumental event, I would like to thank Admiral Meyer for his more than 65 years of service to our Nation. I stand in awe of his achievements, his systems, his fleet, and his commitment to the excellence of our Navy.

H. CON. RES. 51, RECOGNIZING THE 50TH ANNIVERSARY OF THE ANTARCTIC TREATY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. TIBERI. Madam Speaker, I rise today to express my support for H. Con. Res. 51, Recognizing the 50th Anniversary of the Antarctic Treaty.

This resolution recognizes that the Antarctic Treaty has ensured Antarctica's peaceful use and the continuance of international harmony for the past half century. Also, it encourages international and interdisciplinary collaboration in the Antarctic Treaty Summit.

The Antarctic Treaty was signed by the United States and eleven other nations in Washington, D.C. on December 1, 1959. Over the past five decades, the Antarctic Treaty has succeeded as a firm foundation for ongoing international cooperation. It has grown to include 47 nations, representing nearly two-thirds of the world's population.

The Antarctic Treaty was established to continue and develop international "cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year."

November 30th through December 3, 2009, on the 50th anniversary of its signing, the Antarctic Treaty Summit will convene in Washington, D.C. at the Smithsonian Institution. The summit will be an international and interdisciplinary meeting that will offer a unique venue for scientists, legislators, administrators, lawyers, historians, educators, executives and others to explore the scientific and policy achievements of the Antarctic Treaty System and its global precedents in international governance.

This resolution also encourages international and interdisciplinary collaboration in the Antarctic Treaty Summit to identify lessons from 50 years of international cooperation under the Antarctic Treaty that have legacy value for humankind.

I would especially like to recognize my constituent, Dr. Paul A. Berkman. Professor Berkman was awarded a Fulbright Distinguished Scholarship at the University of Cambridge to plan the Antarctic Treaty Summit: Science-Policy Inter-actions in International Governance. Dr. Berkman now serves as Chair of the international board for this interdisciplinary project. I am thankful for his dedication, passion, and enthusiasm for the Antarctic Treaty and the Antarctic Treaty Summit.

I hope that my colleagues will join me in recognizing the important contributions, and peaceful international cooperation the Antarctic Treaty has encouraged for the past half century by passing H. Con. Res. 51. A truly bipartisan measure will both capture and accurately honor the spirit of the Antarctic Treaty.

SUPPORTING NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK

SPEECH OF

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 2009

Mr. MAFFEI. Madam Speaker, today I rise in support of House Resolution 707, expressing support for the week of September 13, 2009, as Adult Education and Family Literacy Week. Syracuse, NY, in my district, is considered the "home" of the adult literacy movement. It was in Syracuse that Dr. Frank Laubach established Laubach Literacy International to combat this ever growing problem. In my district, ProLiteracy continues the fight to encourage adult literacy in order to improve the lives of adults, their families and communities. ProLiteracy, the world's largest organization of adult literacy and basic education programs, provides advocacy, professional development, training, technical assistance, and materials to the programs that help adults learn to read, write, perform basic math, use technology, and communicate in English.

Fourteen percent of adults nationwide cannot read at an 8th grade level, that number rises to twenty two percent of adults in the state of New York. The ability to read is a key component for overcoming poverty, maintaining good health, finding a job that pays a living wage and preventing crime. Almost 63 percent of all inmates in state and federal prisons are almost totally illiterate.

For example, Carl Sodeberg from Minneapolis, Minnesota had a learning disability that made it difficult for him to read. When Carl was in high school, he was called to the front of the classroom to read something from the blackboard. When students and the teacher mocked him, Carl lashed out at the teacher verbally and was suspended from school. He never went back. Over the next 20 years Carl found himself in and out of work. He developed a drug problem and ended up in jail. When he finally realized he needed to learn to read, Carl was in his mid–40's. Carl worked with an adult literacy program in his community—he learned to read, earned his high school diploma, and then went on to get a paraprofessional's license that enables him to work as a teacher's aide. He's now employed by the high school from which he was suspended, working with students who have fallen behind in their studies due to reading problems.

It is stories such as Carl Sodeberg's that remind us the importance of encouraging adult literacy and the mission of organizations like ProLiteracy. I encourage other Members to join me in supporting H. Res. 707 to designate the week of September 13 Adult Education and Family Literacy Week.

IN RECOGNITION OF THE PASSING OF W.L. SMITH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. W.L. Smith "Junior," a World War II veteran and a community

leader who passed away on October 5, 2009. Mr. Smith spent his life serving his country, his community, and his family, and I am proud to honor his dedication and service.

Junior Smith was born on November 7, 1921 in Weedowee, Alabama and was a lifelong resident of Jay, Florida. He served honorably in World War II before opening Smith Tractor Company in Jay. In addition, Junior was an active member of the community. He was a member of the Jay United Methodist Church, as well as the Masonic Lodge. Junior will be sorely missed by his wife of 59 years, Louise, his children, Connie, Donna, Ricky, and Scotty, his 10 grandchildren, his great-grandchild, and his entire extended family.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor W.L. Smith ''Junior'' as a World War II hero and Northwest Florida leader. Junior will be remembered as a loving husband and father and as an important part of our community. My wife Vicki and I offer our prayers for his family as we remember and honor the life of W.L. Smith.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report to accompany H.R. 2997, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

House agreed to the conference report to accompany H.R. 2647, National Defense Authorization Act for Fiscal Year 2010.

Senate

Chamber Action

Routine Proceedings, pages S10257–S10329

Measures Introduced: Ten bills and two resolutions were introduced, as follows: S. 1763–1772, and S. Res. 309–310. **Page S10318**

Measures Passed:

145th Anniversary of the Entry of Nevada into the Union: Senate agreed to S. Res. 309, recognizing and celebrating the 145th anniversary of the entry of Nevada into the Union as the 36th State. **Page S10326**

National Day on Writing: Senate agreed to S. Res. 310, expressing support for the designation of October 20, 2009, as the National Day on Writing. **Page S10327**

Measures Considered:

Commerce, Justice, Science, and Related Agencies

Appropriations Act—Agreement: Senate continued 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, taking action on the following amendments proposed thereto: **Pages S10265–80, S10284–S10307, S10328**

Rejected:

By 33 yeas to 64 nays (Vote No. 317), McCain Amendment No. 2626, to eliminate funding for Public Telecommunications Facilities, Planning and Construction. **Pages S10265–68, S10271–72**

By 33 yeas to 65 nays (Vote No. 319), Ensign motion to recommit the bill to the Committee on Appropriations, with instructions to report the same back to the Senate with changes that reduce the aggregate level of appropriations in the Act for fiscal year 2010, excluding amounts provided for the Bureau of the Census, by $3,411,000,000 from the level currently in the Act. **Pages S10272–73, S10284**

Pending:

Vitter/Bennett Amendment No. 2644, to provide that none of the funds made available in this Act may be used for collection of census data that does not include a question regarding status of United States citizenship. **Page S10265**

Johanns Amendment No. 2393, prohibiting the use of funds to fund the Association of Community Organizations for Reform Now (ACORN). **Page S10265**

Levin/Coburn Amendment No. 2627, to ensure adequate resources for resolving thousands of offshore tax cases involving hidden accounts at offshore financial institutions. **Page S10265**

Durbin Modified Amendment No. 2647, to require the Comptroller General to review and audit Federal funds received by ACORN. **Page S10265**

Begich/Murkowski Amendment No. 2646, to allow tribes located inside certain boroughs in Alaska to receive Federal funds for their activities. **Page S10271**

Ensign Modified Amendment No. 2648, to provide additional funds for the State Criminal Alien Assistance Program by reducing corporate welfare programs. **Page S10272**

Shelby/Feinstein Amendment No. 2625, to provide danger pay to Federal agents stationed in dangerous foreign field offices. **Page S10280**

Leahy Amendment No. 2642, to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

Page S10285

Graham Amendment No. 2669, to prohibit the use of funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks.

Pages S10285–86

During consideration of this measure today, Senate also took the following action:

Chair sustained a point of order against Bunning Amendment No. 2653, to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate, as being in violation of Rule XVI, paragraph 4, of the Standing Rules of the Senate, which prohibits legislation on an appropriation bill, and the amendment thus fell. **Pages S10265, S10272**

A motion was entered to close further debate on the committee-reported amendment in the nature of a substitute, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Thursday, October 8, 2009, a vote on cloture will occur at 5:30 p.m., on Tuesday, October 13, 2009.

Page S10328

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, October 13, 2009. **Page S10328**

A unanimous-consent-time agreement was reached providing that Senate resume consideration of the bill at approximately 3 p.m., on Tuesday, October 13, 2009, with the hour prior to the vote on the motion to invoke cloture on the committee-reported amendment in the nature of a substitute, be for debate with the time equally divided and controlled between Senators Mikulski and Shelby, or their designees; provided further, that the filing deadline for first-degree amendments be 3 p.m. on Tuesday, October 13, 2009. **Page S10328**

Conference Reports:

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act Conference Report: By 76 yeas to 22 nays (Vote No. 318), Senate agreed to the conference report to accompany 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. **Pages S10280–84**

Energy and Water Development and Related Agencies Appropriations Act Conference Report–Cloture: Senate began consideration of the conference report to accompany H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010. **Page S10328**

A motion was entered to close further debate on the conference report, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, October 13, 2009. **Page S10328**

A unanimous-consent agreement was reached providing that the cloture vote on the conference report occur upon disposition of H.R. 2847, provided that if cloture is not invoked on the substitute amendment to H.R. 2847, then a motion to reconsider the vote by which cloture was not invoked on the substitute be considered entered; that the cloture vote on the bill be delayed to occur upon reconsideration, and that upon reconsideration and cloture is not invoked on the substitute, then the cloture motion on the bill be withdrawn; provided further, that if cloture has not been invoked as specified above, then the vote on the motion to invoke cloture on the conference report to accompany H.R. 3183, occur one hour after the Senate convenes on Wednesday, October 14, 2009. **Page S10328**

Appointments:

United States-China Interparliamentary Group: The Chair, on behalf of the President pro tempore, pursuant to 22 U.S.C. 276n, as amended, appointed the following Senator as Chairman of the United States-China Interparliamentary Group conference during the 111th Congress: Senator Murray.

Page S10327

President's Export Council: The Chair, pursuant to Executive Order 12131, renewed by Executive Order 13446, reappointed and appointed the following Members to the President's Export Council:

Reappointment:

Senator Cornyn.

Appointment:

Senators Crapo and Enzi. **Page S10327**

Senators Kennedy and Martinez Tributes—Agreement: A unanimous-consent agreement was reached providing that the deadline for the tributes to Senators Kennedy and Martinez to be submitted to the Congressional Record be extended until Wednesday, October 14, 2009. **Page S10327**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a message relative to the World Trade Organization waiver required by The Clean Diamond Trade Act; which was referred to the Committee on Finance. (PM–32) **Page S10316**

Nominations Confirmed: Senate confirmed the following nominations:

Bartholomew Chilton, of Maryland, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2013. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Edward M. Avalos, of New Mexico, to be Under Secretary of Agriculture for Marketing and Regulatory Programs. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Jill Sommers, of Kansas, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2014. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for the remainder of the term expiring May 21, 2010. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring May 21, 2016.

Edward M. Avalos, of New Mexico, to be a Member of the Board of Directors of the Commodity Credit Corporation. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Scott D. O'Malia, of Michigan, to be a Commissioner of the Commodity Futures Trading Commission for the remainder of the term expiring April 13, 2010 vice Walter Lukken, resigned. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Scott D. O'Malia, of Michigan, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2015. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Harris D. Sherman, of Colorado, to be Under Secretary of Agriculture for Natural Resources and Environment. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Harris D. Sherman, of Colorado, to be a Member of the Board of Directors of the Commodity Credit Corporation. (Prior to this action, Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration.)

Army nomination in the rank of general.

Pages S10313, S10326–27, S10329

Nominations Received: Senate received the following nominations:

Neil G. McBride, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2013.

David Huebner, of California, to be Ambassador to New Zealand, and to serve concurrently and without additional compensation as Ambassador to Samoa.

David Daniel Nelson, of Minnesota, to be Ambassador to the Oriental Republic of Uruguay.

2 Army nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Pages S10328–29

Messages from the House: **Pages S10316–17**

Measures Referred: **Page S10317**

Measures Read the First Time: **Pages S10317, S10327**

Executive Communications: **Page S10317**

Executive Reports of Committees: **Pages S10317–18**

Additional Cosponsors: **Pages S10318–19**

Statements on Introduced Bills/Resolutions: **Pages S10320–22**

Additional Statements: **Pages S10315–16**

Amendments Submitted: **Pages S10322–25**

Authorities for Committees to Meet: **Pages S10325–26**

Record Votes: Three record votes were taken today. (Total—319) **Pages S10271–72, S10284**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:18 p.m., until 10 a.m. on Friday, October 9, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10328.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nomination of Lieutenant General David M. Rodriguez, USA, for reappointment to the grade of lieutenant general and to be Commander, International Security Assistance Force Joint Command.

MORTGAGE MARKET AND HOUSING ENTERPRISES

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the future of the mortgage market and the housing enterprises, focusing on the current financial crisis and weaknesses in the United States financial regulatory system, after receiving testimony from Edward J. DeMarco, Acting Director, Federal Housing Finance Agency; William B. Shear, Director, Financial Markets and Community Investment, Government Accountability Office; Peter J. Wallison, American Enterprise Institute, and Andrew Jakabovics, Center for American Progress Action Fund, both of Washington, D.C.; and Susan M. Wachter, University of Pennsylvania Wharton School, Philadelphia.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: On September 24, 2009, committee announced the following subcommittee assignments:

Subcommittee on Aviation Operations, Safety and Security: Senators Dorgan (Chair), Inouye, Kerry, Boxer, Nelson (FL), Cantwell, Lautenberg, Pryor, McCaskill, Klobuchar, Warner, Begich, Snowe, Ensign, DeMint, Thune, Wicker, LeMieux, Isakson, Vitter, Brownback, and Johanns.

Subcommittee on Communications, Technology and the Internet: Senators Kerry (Chair), Inouye, Dorgan, Nelson (FL), Cantwell, Lautenberg, Pryor, McCaskill, Klobuchar, Udall (NM), Warner, Begich, Ensign, Snowe, DeMint, Thune, Wicker, LeMieux, Isakson, Vitter, Brownback, and Johanns.

Subcommittee on Competitiveness, Innovation and Export Promotion: Senators Klobuchar (Chair), Kerry, Dorgan, McCaskill, Udall (NM), Warner, Begich, LeMieux, Ensign, DeMint, Thune, Brownback, and Johanns.

Subcommittee on Consumer Protection, Product Safety, and Insurance: Senators Pryor (Chair), Dorgan, Boxer, Nelson (FL), McCaskill, Klobuchar, Udall (NM), Wicker, Snowe, DeMint, Thune, Isakson, and Vitter.

Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard: Senators Cantwell (Chair), Inouye, Kerry, Boxer, Lautenberg, Begich, Snowe, Wicker, LeMieux, Isakson, and Vitter.

Subcommittee on Science and Space: Senators Nelson (FL), Inouye, Kerry, Boxer, Pryor, Udall (NM), Warner, Vitter, Snowe, Ensign, Thune, Isakson, and Johanns.

Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security: Senators Lautenberg (Chair), Inouye, Kerry, Dorgan, Boxer, Cantwell, Pryor, Udall (NM), Warner, Begich, Thune, Snowe, Ensign, DeMint, Wicker, Isakson, Vitter, Brownback, and Johanns.

Senators Rockefeller and Hutchison are ex-officio members of the subcommittees.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of Joseph G. Pizarchik, of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Jose Antonio Garcia, of Florida, to be Director of the Office of Minority Economic Impact, Department of Energy, and John R. Norris, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2012.

NOMINATIONS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine the nominations of Marcia K. McNutt, of California, to be Director of the United States Geological Survey, Department of the Interior, who was introduced by Representative Farr, and Arun Majumdar, of California, to be Director of the Advanced Research Projects Agency-Energy, Department of Energy, after the nominees testified and answered questions in their own behalf.

PUBLIC LANDS AND FOREST LEGISLATION

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine S. 522, to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act, S. 865 and H.R. 1442, bills to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909, S. 881, to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, S. 940, to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, S. 1272, to provide for the designation of the Devil's Staircase Wilderness Area in the State of Oregon, to designate segments of Wasson and Franklin Creeks in the State of Oregon as wild or recreation rivers, and S. 1689, to designate certain land as components of the National Wilderness Preservation System and

the National Landscape Conservation System in the State of New Mexico, after receiving testimony from Senators Udall (NM) and Begich; Marcilynn A. Burke, Deputy Director, Bureau of Land Management, Department of the Interior; Jay Jensen, Deputy Under Secretary of Agriculture for Forestry, Natural Resources and Environment; Oscar Vasquez Butler, Dona Ana County Board of Commissioners, and Jerry G. Schickedanz, People for Preserving our Western Heritage, both of Las Cruces, New Mexico; and Byron Mallott, Sealaska Corporation, and Bob Claus, Southeast Alaska Conservation Council, both of Juneau, Alaska.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of William E. Kennard, of the District of Columbia, to be Representative to the European Union, with the rank and status of Ambassador, Cynthia Stroum, of Washington, to be Ambassador to Luxembourg, who was introduced by Senator Cantwell, John F. Tefft, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to Ukraine, and Michael C. Polt, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of Estonia, all of the Department of State, and James Legarde Hudson, of the District of Columbia, to be United States Director of the European Bank for Reconstruction and Development, who was introduced by Senator Kaufman, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 1692, to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, with an amendment in the nature of a substitute; and

The nominations of Brendan V. Johnson, to be United States Attorney for the District of South Dakota, Karen Louise Loeffler, to be United States Attorney for the District of Alaska, and Steven Gerard O'Donnell, to be United States Marshal for the District of Rhode Island, all of the Department of Justice.

RESPONSE TO CERTAIN MILITARY EXPOSURES

Committee on Veterans' Affairs: Committee concluded a hearing to examine the Department of Defense and Veterans' Affairs response to certain military exposures, after receiving testimony from Senators Wyden and Hagan; Michael R. Peterson, Chief Consultant, Environmental Health Strategic Healthcare Group, Office of Public Health & Environmental Hazards, and Stephen C. Hunt, National Director, Post-Deployment Integrated Care Initiative, both of the Veterans Health Administration, and Bradley G. Mayes, Director, Compensation and Pension Service, Veterans Benefits Administration, all of the Department of Veterans Affairs; and R. Craig Postlewaite, Acting Director, Force Health Protection and Readiness Programs, Office of the Assistant Secretary for Health Affairs, Captain Paul Gillooly, Medical Services Corps, United States Navy (Ret.), Navy/Marine Corps Public Health Center, Major General Eugene G. Payne, Jr., Assistant Deputy Commandant for Installations and Logistics (Facilities), and John J. Resta, Scientific Adviser, U.S. Army Center for Health Promotion & Preventive Medicine, all of the Department of Defense; John R. Nuckols, Colorado State University, Fort Collins; Robert F. Miller, Vanderbilt University Medical Center, Nashville, Tennessee; Charles E. Feigley, University of South Carolina Arnold School of Public Health, Washington, D.C.; Michael Sean Partain, Tallahassee, Florida; Stacy Pennington, Pleasant View, Tennessee; Laurie Paganelli, California, Maryland; Herman Gibb, Arlington, Virginia; and Russell Powell, Moundsville, West Virginia.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 30 public bills, H.R. 3758–3787; and 10 resolutions, H. Con. Res. 196–197; and H. Res. 814–821 were introduced. **Pages H11165–67**

Additional Cosponsors: **Pages H11167–68**

Reports Filed: Reports were filed today as follows:

H.R. 481, to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, with an amendment (H. Rept. 111–290);

H.R. 1593, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, with an amendment (H. Rept. 111–291);

H.R. 1641, to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail, with an amendment (H. Rept. 111–292);

H.R. 2806, to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness (H. Rept. 111–293); and

H.R. 2499, to provide for a federally sanctioned self-determination process for the people of Puerto Rico, with an amendment (H. Rept. 111–294).

Page H11165

Speaker: Read a letter from the Speaker wherein she appointed Representative Serrano to act as Speaker Pro Tempore for today. **Page H11113**

Chaplain: The prayer was offered by the Guest Chaplain, Rev. Todd Jones, First Presbyterian Church, Nashville, Tennessee. **Page H11113**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, October 6th:

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, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 766. **Page H11125**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, October 7th:

Proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously: H.J. Res. 26, to proclaim Casimir Pulaski to be an honorary citizen of the United States posthumously, by a ⅔ yea-and-nay vote of 422 yeas with none voting "nay", Roll No. 767; **Pages H11125–26**

Service Members Home Ownership Tax Act of 2009: H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, by a ⅔ yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 768; and **Pages H11126–27**

Providing for the concurrence by the House in the Senate amendment to H.R. 1016, with amendment: H. Res. 804, to provide for the concurrence by the House in the Senate amendment to H.R. 1016, with amendment, by a ⅔ yea-and-nay vote of 419 yeas to 1 "nay", Roll No. 771. **Page H11142**

Recess: The House recessed at 1:31 p.m. and reconvened at 2:47 p.m. **Page H11140**

National Defense Authorization Act for Fiscal Year 2010—Conference Report: The House agreed to the conference report to accompany 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, by a recorded vote of 281 ayes to 146 noes, Roll No. 770.

Pages H11115–25, H11127–42

Rejected the McKeon motion to recommit the conference report on the bill H.R. 2647 to the committee of conference with instructions to the managers on the part of the House by a yea-and-nay vote of 208 yeas to 216 nays with 2 voting "present", Roll No. 769. **Pages H11140–41**

H. Res. 808, the rule providing for consideration of the conference report, was agreed to by a recorded vote of 234 ayes to 188 noes, Roll No. 765.

Pages H11124–25

Agreed to the Slaughter amendment to the rule by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 237 yeas to 187 nays, Roll No. 764. **Pages H11123–24**

Pursuant to the provisions of H. Res. 808, as amended, H. Con. Res. 196, making corrections in the enrollment of the bill H.R. 2647, is adopted.

Pages H11123–24

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, October 13th for morning hour debate. **Page H11144**

Presidential Message: Read a message from the President wherein he certified that an applicable

waiver, within the meaning of the Clean Diamond Trade Act (Public Law 108–19), granted by the World Trade Organization has been in effect since January 1, 2003, and will remain in effect through December 31, 2012—referred to the Committees on Ways and Means and Foreign Affairs and ordered to be printed (H. Doc. 111–67). **Pages H11143–44**

Senate Messages: Messages received from the Senate today appear on pages H11113 and H11156.

Senate Referrals: S. 942 was referred to the Committee on Oversight and Government Reform and the Committee on Armed Services.

Pages H11113, H11163

Quorum Calls—Votes: Six yea-and-nay votes and two recorded votes developed during the proceedings of today and appear on pages H11124, H11124–25, H11125, H11126, H11126–27, H11140–41, H11141–42 and H11142. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:35 p.m.

Committee Meetings

DEFENSE RAPID ACQUISITION PROCESS

Committee on Armed Services: Defense Acquisition Reform Panel held a hearing on the Department of Defense's Rapid Acquisition Process: Is It a Model for Improving Acquisition? Testimony was heard from the following officials of the Department of Defense: BG Michael Brogan, USMC, Commander, Marine Corps Systems Command; and Tom Dee, Director, Joint Rapid Acquisition Cell, Office of the Under Secretary, Acquisition, Technology and Logistics; Mike Sullivan, Director, Acquisition and Sourcing Management, GAO; and Dov Zakheim, former Under Secretary (Comptroller), Department of Defense.

IMPROVING CHILD NUTRITION

Committee on Education and Labor: Subcommittee on Healthy Families and Communities held a hearing to Examining Innovative Practices to Improve Child Nutrition. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Communications, Technology, and the Internet approved for full Committee action the following bills: H.R. 1147, amended, Local Community Radio Act of 2009; H.R. 1084, amended, Commercial Advertisement Loudness Mitigation Act; H.R. 1258, as amended, Truth in Caller ID Act of 2009; and H.R. 3633, To allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

CREDIT CARD REFORM

Committee on Financial Services: Held a hearing on the following bills: H.R. 2382, Credit Card Interchange Fees Act of 2009; and H.R. 3639, Expedited CARD Reform for Consumers Act of 2009. Testimony was heard from Representatives Welch and Shuster; and public witnesses.

FEDERAL HOUSING ADMINISTRATION CAPITAL RESERVES

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "The Future of the Federal Housing Administration's Capital Reserves: Assumptions, Predictions and Implications for Homebuyers." Testimony was heard from David Stevens, Assistant Secretary, Housing and Federal Housing Administration Commissioner, Department of Housing and Urban Development; and public witnesses.

SUPREME COURT CIVIL RIGHTS DECISIONS

Committee on the Judiciary: Subcommittee on Constitution, Civil Rights and Civil Liberties held a hearing on Civil Rights Under Fire: Recent Supreme Court Decisions. Testimony was heard from public witnesses.

HEALTH INSURANCE ANTITRUST ENFORCEMENT ACT OF 2009

Committee on the Judiciary: Subcommittee on Courts and Competition Policy held a hearing on H.R. 3596, Health Insurance Industry Antitrust Enforcement Act of 2009. Testimony was heard from public witnesses.

HIGH-RISK, HIGH-REWARD RESEARCH

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on Investing in High-Risk, High-Reward Research. Testimony was heard from James Collins, Assistant Director, Biological Sciences, NSF; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Small Business: Subcommittee on Finance and Tax held a hearing on the following bills: H.R. 3723, Small Business Credit Expansion and Loan Markets Stabilization Act; H.R. 3739, Job Creation and Economic Development Through CDC Modernization Act of 2009; H.R. 3737, Small Business Microlending Expansion Act of 2009; H.R. 3740,

Small Business Investment Company Modernization and Improvement Act of 2009; H.R. 3722, Enhanced New Markets and Expanded Investment in Renewable Energy for Small Manufacturers Act of 2009; H.R. 3014, Small Business Health Information Technology Financing Act; H.R. 3738, Small Business Early Stage Investment Act of 2009; and H.R. 3743, Small Business Disaster Readiness and Reform Act of 2009.

VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on the following bills: H.R. 761, to amend title 38, United States Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries; H.R. 3485, Veterans Pensions Protection Act; H.R. 2243, Surviving Spouses' Benefit Improvement Act of 2009; H.R. 3544, National Cemeteries Expansion Act of 2009; and draft legislation. Testimony was heard from Representative Frank of Massachusetts; the following officials of the Department of Veterans Affairs: Steve L. Muro, Acting Under Secretary, Memorial Affairs, National Cemetery Administration; James P. Terry, Chairman, Board of Veterans' Appeals; and Thomas Pamperin, Deputy Director, Policy and Procedures, Compensation and Pension Service, Veterans Benefit Administration; representatives of veterans organizations; and public witnesses.

VETERANS MEASURES

Committee on Veterans' affairs: Subcommittee on Economic Opportunity approved for full Committee action the following bills: H.R. 2696, amended, Servicemembers' Rights Protection Act; H.R. 1182, Military Spouses Residence Relief Act; H.R. 2416, To require the Department of Veterans Affairs to use purchases of goods or services through the Federal supply schedules for the purpose of meeting certain contracting goals for participation by small business concerns owned and controlled by veterans, including veterans with service-connected disabilities; H.R. 2461, Veterans Small Business Verification Act; H.R. 2614, Veterans' Advisory Committee on Education Reauthorization Act of 2009; H.R. 2874, amended, Helping Active Duty Deployed Act of 2009; and H.R. 1168, amended, Veterans Retraining Act of 2009.

SAFETY NET PROGRAMS RESPONSE DURING RECESSION

Committee on Ways and Means: Subcommittee on Income Security and Family Support held a hearing to evaluate the response of "safety net" programs during the recession. Testimony was heard from Chip Rogers, Senate Majority Leader, Legislature, State of Georgia; Ismael Ahmed, Director, Department of Human Services, State of Michigan; Virginia T. Lodge, Commissioner, Department of Human Services, State of Tennessee; and public witnesses.

BRIEFING—AFGHANISTAN CENTER OF EXCELLENCE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Afghanistan Center of Excellence. The Committee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 9, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy, to hold hearings to examine restoring credit to manufacturers, 9:30 a.m., SD–538.

House

No Committee meetings are scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of October 12 through October 17, 2009

Senate Chamber

On *Tuesday*, at approximately 3 p.m., Senate will resume consideration of H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, and vote on the motion to invoke cloture on the committee-reported amendment in the nature of a substitute at 5:30 p.m.

Upon completion of H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, Senate will resume consideration of the conference report to accompany H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: October 14, Subcommittee on Financial Institutions, to hold hearings to examine the state of the banking industry, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: October 14, to hold hearings to examine combating distracted

driving, focusing on managing behavioral and technological risks, 2:30 p.m., SR–253.

October 15, Full Committee, to hold hearings to examine the nominations of Erroll G. Southers, of California, to be Assistant Secretary of Homeland Security, Patrick Gallagher, of Maryland, to be Director of the National Institute of Standards and Technology, Department of Commerce, and Elizabeth M. Robinson, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: October 14, to hold hearings to examine energy and related economic effects of global climate change legislation, 10 a.m., SD–366.

Committee on Finance: October 13, business meeting to resume consideration of an original bill entitled ''America's Healthy Future Act of 2009'', 10 a.m., SH–216.

Committee on Foreign Relations: October 15, Subcommittee on International Operations and Organizations, Human Rights, Democracy and Global Women's Issues, to hold hearings to examine, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: October 14, business meeting to consider any pending nominations, 10 a.m., SD–430.

October 15, Full Committee, to hold hearings to examine equal health care for equal premiums, focusing on women, 10:30 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: October 14, to hold hearings to examine the past, present, and future of policy czars, 10 a.m., SD–342.

October 14, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, with the Special Committee on Aging, to hold joint hearings to examine the cost of federal long-term care insurance, 2:30 p.m., SD–342.

Committee on the Judiciary: October 14, to hold hearings to examine prohibiting price fixing and other anti-competitive conduct in the health insurance industry, 10 a.m., SD–226.

October 15, Full Committee, business meeting to consider S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and S. 379, to provide fair compensation to artists for use of their sound recordings, and the nominations of Jacqueline H. Nguyen and Dolly M. Gee, both to be a United States District Judge for the Central District of California, and Edward Milton Chen and Richard Seeborg, both to be a United States District Judge for the Northern District of California, 10 a.m., SD–226.

Committee on Small Business and Entrepreneurship: October 15, to hold hearings to examine health care solutions for America's small businesses, 10 a.m., SD–628.

Select Committee on Intelligence: October 13, to hold hearings to examine the nomination of David C. Gompert, of Virginia, to be Principal Deputy Director of National Intelligence, Office of the Director of National Intelligence, 2:30 p.m., SD–106.

October 15, Full Committee, to hold closed hearings to consider certain intelligence matters, 2:30 p.m., S–407, Capitol.

Special Committee on Aging: October 14, with the Committee on Homeland Security and Governmental Affairs, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold joint hearings to examine the cost of federal long-term care insurance, 2:30 p.m., SD–342.

House Committees

Committee on Armed Services, October 14, hearing on Afghanistan: Getting the Strategy Right, 10 a.m., 210 HVC.

October 15, Defense Acquisition Reform Panel, hearing on Can the Department of Defense Protect Taxpayers: When It Pays Its Contractors? 8 a.m., 1310 Longworth.

Committee on the Budget, October 14, hearing on the Cost of Current Defense Plans: An Analysis of Budget Issues, 10 a.m., 210 Cannon.

Committee on Education and Labor, October 14, Subcommittee on Higher Education, Lifelong Learning, and Competitiveness, hearing on Ensuring Student Eligibility Requirements for Federal Aid, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, October 15, Subcommittee on Commerce, Trade and Consumer Protection, hearing on The Minority Business Development Agency: Enhancing the Prospects for Success, 1 p.m., 2322 Rayburn.

October 15, Subcommittee on Oversight and Investigations, hearing entitled ''Insured But Not Covered: The Problem of Underinsurance,'' 1:30 p.m., 2322 Rayburn.

October 16, Subcommittee on Energy and Environment, hearing on H.R. 515, Radioactive Import Deterrence Act, 9:30 a.m., 2123 Rayburn.

Committee on Financial Assistance, October 14, to consider the following measures: October 2, Discussion Draft of the Over-the-Counter Derivatives Markets Act of 2009; September 25, Discussion Draft of the Consumer Financial Protection Agency Act of 2009 (to be reported as H.R. 3126, Consumer Financial Protection Agency Act of 2009); H.R. 3763, To amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses; and H.R. 3606, Credit CARD Technical Corrections Act of 2009, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, October 14, Subcommittee on Asia, The Pacific and The Global Environment, to mark up H. Con. Res. 153, Honoring the 111th anniversary of the independence of the Philippines; followed by a hearing on the Future of APEC (Asian-Pacific Economic Cooperation), 2 p.m., 2172 Rayburn.

October 15, full Committee, hearing on Afghanistan Policy at the Crossroads, 10 a.m., 2172 Rayburn.

October 15, Subcommittee on the Western Hemisphere, to mark up H.R. 2134, Western Hemisphere Drug Policy Commission Act of 2009; followed by a hearing on Assessing U.S. Drug Policy in the Americas, 2 p.m., 2172 Rayburn.

Committee on Homeland Security, October 14, hearing entitled ''Diversity at the Department of Homeland Security: Continuing Challenges and New Opportunities,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, October 15, hearing on Ramifications of Auto Industry Bankruptcies, Part IV, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, October 15, Subcommittee on Insular Affairs, Oceans and Wildlife, hearing on H.R. 3644, Bay-Watershed Education and Training (B-WET) Regional Program and National Environment Literacy Grant Program Act, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, October 14, hearing at which the Special Inspector General for the Troubled Asset Relief Program will report the results of his audit of bonus payments made to AIG executives, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, October 14, Subcommittee on Technology and Innovation, to consider pending business, 10 a.m., 2318 Rayburn.

Committee on Small Business, October 14, hearing entitled ''Increasing Access to Capital for Small Businesses, 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, October 14, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on High-Speed Rail in the United States: Opportunities and Challenges, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, October 14, hearing on the Update on the State of the U.S. Department of Veterans Affairs, 10 a.m., 334 Cannon.

October 15, Subcommittee on Economic Opportunity, hearing on VA Status Report on Post-9/11 G.I. Bill, 2 p.m., 334 Cannon.

October 15, Subcommittee on Health, hearing on Identifying the Causes of Inappropriate Billing Practices by the VA, 10 a.m., 334 Cannon.

Select Committee on Energy Independence and Global Warming, October 15, hearing entitled ''Fraudulent Letters Opposing Clean Energy Legislation,'' 9:30 a.m., room to be announced.

Joint Meetings

Commission on Security and Cooperation in Europe: October 14, to hold hearings to examine promoting tolerance and understanding in the Organization for Security and Cooperation in Europe (OSCE) region, focusing on the role of the personal representatives, 10 a.m., SVC–208/209.

Next Meeting of the SENATE

10 a.m., Friday, October 9

Senate Chamber

Program for Friday: Senate will meet in a pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, October 9

House Chamber

Program for Friday: The House will meet in pro forma session at 10 a.m.

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