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

PRAYER

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

Lord God, why is global security so difficult to achieve or sustain? Why is global security so needed and so desired? What do we mean when we say these words? How do we pray or even imagine what global security would look like?

So far, beyond our day-to-day world, the round of an agriculture cycle, the ordinary manufacturing routine, the busy swirl of business, economic free fall, or the data of any computer, is the unimaginable picture of global security so impossible to communicate?

No wonder we are not sure what steps to take if we do not have a picture in mind. How do we pray, except to lay the words themselves before You, O Lord, as if it were Your problem or of Your making and, so now, in need of Your healing power. To which part of the world’s prayer for global security is any of us willing to say amen, Lord?

Yet deep down we know You know. We need global security. Help us, Lord, in word, in deed, in heart—at least in prayer, be united as we pray for global security and together say: amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. Poe) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

OUR PRESENCE IN AFGHANISTAN NOT WANTED

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

Mr. KUCINICH. Why are we still in Afghanistan? Al Qaeda’s been routed. Our occupation fuels a Taliban insurgency. The more troops we send, the more resistance we meet. If we want to be truly secure, we need to redefine national security to include financial security, because America has record debt, skyrocketing unemployment, huge trade deficits, record business failures, and foreclosures.

The people of Afghanistan don’t want to be saved by us. They want to be saved from us. Our presence and our Predator drones kill countless innocents, create more U.S. enemies, and destabilize Pakistan. The U.S.-created Karzai government is hopelessly corrupt, despised by Afghans. Our solution: provide them with a high-level U.S. minder, making him less legitimate. Another strategy: buy or rent friends among would-be insurgents. Give them cash and guns. When the money runs out, they shoot at U.S. soldiers.

We played all sides in Afghanistan—and all sides want us out. They don’t want our presence, our control, our troops, our drones, our way of life. We’re fighting the wrong war in the wrong place at the wrong time. What part of “get out” do we not understand?

CONDITIONAL COMMITMENT

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

Mr. POE of Texas. Madam Speaker, a war cannot be won from a podium, but it can be lost. Laying out our entire military strategy in Afghanistan for our enemies is not only unwise, but poses a significant threat to national security. Our enemies have proven to be patient and steadfast in their determination to wage war on democracy and freedom. The President will send more troops, but has shown his entire hand to the world.

Last night’s premature announcement by the President of an arbitrary end date for withdrawal contradicts our commitment to winning the war on terror—no matter how long it takes. It reaffirms our enemy’s belief that America will lose its will to win. It seems our policy in fighting the war in Afghanistan is the surge-and-retreat plan. Success should be the mission, not “get out of Dodge” on a certain date.

Nowhere in history has a nation told its enemy that commitment would be for a set period of time and then the struggle would be abandoned. The President has said he wants to avoid another Vietnam, yet he has reintroduced the Vietnam syndrome of conditional commitment to America’s cause.

And that’s just the way it is.

JOBS AND THE ECONOMY

Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, I rise today to address the issue of key importance for my constituents:
jobs and the economy. I’m proud of the work that Congress has done to bolster the economy and create new jobs across our country. In Ohio, we continue to see new funds awarded and released every week. Communities across the country and our district have been positively impacted by these funds. To date, over $225 million of recovery funds have been announced to counties I represent along the Ohio River, ranging from improvements in technology investments to education funding, substantial things for our future.

Just last week, $75 million in recovery money was announced in Ohio. These funds include $8.6 million for water projects in 10 of my 12 counties. That investment represents jobs for our workers and clean water for our residents. I’m proud to work for the results that these investments have accomplished. With more than half the money to be spent, I look forward to more of these improvements throughout the State of Ohio as we put America back to work.

HONORING MIAMI-DADE POLICE DIRECTOR ROBERT PARKER

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

Ms. ROS-LEHTINEN. I rise today to extend my sincere thanks to a distinguished south Floridian and a faithful public servant, Miami-Dade Police Director Robert “Bobby” Parker. After 33 years of service to our community, it is truly with great sadness that we see the many accomplishments of his outstanding career. Bobby’s long and successful career with the Miami-Dade Police Department culminated in the directorship of the department. Under his leadership, the department saw the implementation of unique and cutting-edge programs such as the Mortgage Fraud Task Force and the Gun Bounty Program. His foresight and hard work have consistently had a profound and positive impact on all of south Florida. He has always made his greatest efforts for the benefit of others and will be greatly missed by both the department and our community.

It is with pleasure that I join Bobby’s family, friends, and peers as they honor the many accomplishments of his outstanding career. Bobby’s lasting legacy will certainly be inspiring to countless officers to match his selflessness and performance.

I thank my good friend, Miami-Dade Police Director Bobby Parker, for all that he has done for our community in south Florida, and I truly wish him all the best in his years to come.

BRINGING A STRONG JOBS BILL

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

Mr. ALTMIRED. Madam Speaker, since our economy bottomed out in late winter and Democrats took bold and decisive action, the stock market has risen 4,000 points and America experienced its first positive GDP growth in 15 months. But more can be done and more must be done.

So as we recovery from one of the most severe recessions in our Nation’s history, Democrats will focus on helping Americans on Main Street, not Wall Street. We will build upon the momentum we have created for positive growth in our economy and bring to the American Dream instead of finger pointing and calling names, this is a time when we all need to be working together to find real solutions in creating jobs for the American people right here in the United States and not outsourcing those jobs outside of here.

For my part, I will host a jobs summit to hear from the private industry, nonprofit organizations, and labor organization and educators.

HONORING KEVIN LEE MITCHEM OF MATHEWS COUNTY, VIRGINIA

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

Mr. WITTMAN. I rise today to pay tribute to Kevin Lee Mitchem. Kevin Mitchem was a proud Mathews County resident and a fervent supporter of public education, and he was committed to lending his time and knowledge to youth in the community. Kevin was a devoted husband to his beloved wife, Sara, and a dedicated father to their two children, Rachel and Daniel. As the owner of Mitchem Seafood, Kevin was a staunch supporter of watermen and the seafood industry.

At the time of his passing, Kevin Mitchem was the chairman of the Mathews County Board of Supervisors, and prior to the chairmanship he served for 12 years as a board member. Additionally, he serves on the Middle Peninsula Planning District Commission.

Kevin was deeply involved in his community and dedicated much of his time and effort to serve the residents of Mathews County. Kevin Lee Mitchem was a true friend to all who knew him and will be greatly missed. He touched many people’s lives and the work that he did for his community will never be forgotten. My thoughts and prayers are with his family and friends.

DISPELLING HEALTH CARE MISINFORMATION

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

Mr. GOHMERT. I need to dispel some of the misinformation that’s been put out about the health care bill that we passed in this House. For one thing, some have said, Well, States require you to have insurance on your car, so of course we can mandate that people buy health insurance. The bill we passed is not going to provide health insurance. It’s going to mandate—that you buy it, and if you don’t, if you’re above the poverty line, it won’t be provided. In fact, you have an extra income tax if you don’t buy the Cadillac insurance the government mandates.

If you want to know about the comparison, first of all, to States requiring car insurance, not one State in the country requires that a car—your own car—be insured. They require that you buy insurance to ensure against hurting another car or damaging another car. This is a whole different thing. We’re mandating that you buy insurance on your own car, your own vehicle, your own body. And that’s not constitutional.

WIDER WAR NOT A PATH TO PEACE AND SECURITY

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

Mr. DOGGETT. Madam Speaker, I agree with so much of what President Obama said last night, but not so much what he would do. The path to peace and security will not be found through a wider war. Troop escalation by 40 percent, then de-escalation, all within 18 months, is totally unrealistic. We need a new approach to the war on terrorism, one that puts pressure on the installment plan: a few more troops, a few more months, and many more billions. 2011 will not mark the
end of this war. It will just mark the beginning of the next installment in what is a deteriorating 8-year war whose elusive end is always just over the horizon.

The better exit strategy is to have fewer troops. With some allies already preparing to pull out all their forces, a great step forward in this effort propels a corrupt Karzai government that just stole over a million votes. Afghanistan can consume as many lives and as many dollars as we’re willing to expend there, and leave our families no safer.

CREATE JOBS BY CUTTING TAXES

(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. I get a big kick out of my Democrat colleagues, for whom I have the highest respect. They’re talking about how they’re going to come up with a jobs bill. They’ve increased the debt this year by $1 trillion. They’re pushing through a health care bill, trying to ram it through, that’s going to cost $1 trillion to $3 trillion. They’re trying to push through a cap-and-trade bill that’s going to cost millions of jobs. And now, because they’re worried about whether they’re going to get reelected or not, they’re saying that they’re going to come up with another jobs bill. What that means is another stimulus bill. The first stimulus bill did not work. It cost over $1 trillion when you include interest, and now they’re going to do it again. The way to create jobs is to take the heavy weight off the back of the American people by cutting their taxes and cutting business taxes back of the American people by cutting their taxes and cutting business taxes like John F. Kennedy did and like Ronald Reagan did. If you do that, you’ll start seeing economic recovery—but not by blowing more money.

THE STIMULUS PLAN IS WORKING

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

Mr. YARMUTH. Madam Speaker, despite mountains of evidence to the contrary, our Republican friends persist in saying “Bah, humbug” whenever you talk about the stimulus effect. In fact, my constituent, Senator MITCH MCCONNELL, yesterday on the Senate floor called the Recovery Act a failure. Well, obviously he has been too busy obstructing the work of the Congress to go home and see what’s happening in his own community, because he ought to tell the people at GE’s Appliance Park that it’s a failure when 400 new jobs are coming back from China because of stimulus money; or the hundreds of people who are now working on renovating our interstate system, $30 million worth of work, courtesy of the American Recovery Act; or the 80 people who will be employed at the new maintenance center; or the 150 teachers who are still in the classrooms in Jefferson County Public Schools because of Recovery Act dollars.

Yes, we have plenty of work to do. There are too many people that are out of work, and we are committed to doing that, instead of saying, Bah, humbug, no, no, we won’t do anything. That’s the message we’re getting from the other side, but we will continue to work for the American people.

NATIONAL EPILEPSY AWARENESS

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

Mr. CARNAHAN. Madam Speaker, there is a condition in this country that affects more than 3 million people and sees 200,000 new cases every year; the percentage are children. It’s epilepsy. It’s the third most common neurological disorder after Alzheimer’s and stroke. The cause is unknown in two-thirds of epilepsy cases. It can develop at any age. It can be a result of genetics, strokes, head injury, and other factors.

Earlier this year, I met a spirited 9-year-old from my district. Since the age of 7, Chad has been living with epilepsy and faces daunting challenges in school because of various misconceptions. Despite medical diagnosis and treatment, epilepsy is often misunderstood and overlooked. Contrary to belief, it is not contagious. Some believe epilepsy is curable with medication or treatment when, in fact, over 30 percent of patients suffer uncontrollable seizures despite treatment.

This is why raising awareness is so important. It will dispel myths and empower millions affected by this condition. I urge my colleagues to support further research, awareness, and education as we work together to find a cure for epilepsy.

A NATIONAL HOME RETROFIT PROGRAM WILL CREATE JOBS NOW

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

Mr. WELCH. Madam Speaker, America faces two very serious challenges today. The first is an economy that continues to struggle. Too many Americans who want to work are out of work. The second is an energy policy that is failing. It’s not clean, it’s not sustainable, and it’s not affordable. We can address the jobs issue by taking on the challenge of a clean energy economy. We can create jobs. We can save homeowners money on their energy bills, and we can reduce our contribution to climate change. We can do that by investing in a national energy efficiency retrofit program.
Recently, 44 of my House colleagues and I wrote to President Obama, urging him to act now, to use his existing authority, to use already appropriated stimulus funds to build a national home retrofit program that will create jobs. Some call it Recovery Through Retrofits. Some call it Cash for Clunkers. I call it a sure-fire way to create jobs, and to create them now.

JOBS AND THE ECONOMY
(Ms. WATSON asked and was given permission to address the House for 1 minute.)
Ms. WATSON. Madam Speaker, Democrats have been focused on helping Main Street, not Wall Street, and momentum continues to build for additional job creation legislation. The Republicans created one of the worst recessions in history and did very little to help a recovery. The Republicans exacerbated the recession with tax cuts that worked for the wealthy and did very little to help working people. Democrats acted to save the economy from falling apart, to facilitate a recovery and to put people to work.

We will build on the work we have done so far and save jobs and get this economy moving. More than half of the Recovery Act still must be spent into our economy, boosting it in the short term and laying a new foundation for long-term prosperity. New extensions of unemployment benefits have been taking effect that will inject demand into the economy. The first-time home-buyer tax credit, which has been extended, will be renewed in less than 2 weeks.

TIME TO END THE WAR IN AFGHANISTAN
(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)
Ms. PINGREE of Maine. $2.5 billion—that's my State's share of the wars we've been fighting for the last 8 years, and now this country is being asked to spend another $30 billion a year to send more troops to Afghanistan. It's too much, Madam Speaker, for a war that just isn't working.

At a time when we are struggling to put Americans back to work, we just can't afford to escalate a war that we need to be winding down. At a time when we have asked our men and women in uniform to return to combat again and again, we cannot afford to send them back one more time to fight to protect a government that is now considered the second most corrupt on Earth. At a time when we are working to bring affordable health care to every family in this country, we just can't afford to spend $1 million per soldier to occupy a country that doesn't want us there.

Don't be mistaken, Madam Speaker. When we need to protect our vital national interests, there is no cost too great, and the greatest Armed Forces in the world will rise to meet any challenge. But this is not the time to pay that price. This is a time to end this war and bring the troops home.

SUPPORT FOR SENDING MORE TROOPS TO AFGHANISTAN
(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)
Mr. PENCE. After months of deliberation, the President announced yesterday his decision to endorse a request for reinforcements by our commanding officers in Afghanistan, and I support his decision. By calling for a surge of forces in Afghanistan, President Obama is embracing the counterinsurgency strategy that succeeded in Iraq and, if given a chance, will succeed again. The war in Afghanistan is a war of necessity. A decisive victory over the Taliban and al Qaeda must remain our unchanging objective.

Now while reinforcements are critical to achieving victory, the morale of our troops and the unequivocal support of those at home is also important. Our brave men and women in uniform need to know that those who send them into battle will stand by them until the battle is won. Congress should resist the temptation to impose artificial timelines for withdrawal or benchmarks, as they only demoralize our troops and embolden our enemies. Telling the enemy when your commitment to fight will run out is a prescription for defeat.

Congress should also reject any effort to pass a tax increase on the backs of our soldiers. Levying a war surtax at a time of runaway Federal spending is an insult to our men and women in uniform.

THE NEW CONGRESSIONAL TASK FORCE ON JOB CREATION
(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)
Ms. TITUS. Madam Speaker, with unemployment at a record high in southern Nevada, it’s critical that we focus our efforts on creating good jobs that will put Nevadans back to work. That’s why I’m proud to have recently joined the Congressional Task Force on Job Creation. This working group will collect innovative ideas and formulate legislation that will put people back to work across the country and get our economy moving again.

This effort is especially critical to strengthening our economy in southern Nevada. Creating jobs locally will require innovation in Nevada’s growing industries, such as renewable energy, and perhaps a high-speed train, as well as building a stronger national economy that puts us ahead in the pockets of potential visitors who will come to Nevada and boost our travel and tourism industry.

I look forward to joining my colleagues on this task force in the coming weeks to find real solutions that will create jobs for Nevada and the rest of the country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

RECOGNIZING THE EXEMPLARY SERVICE OF THE 30TH Infantry Division during World War II
WHEREAS the 30th Infantry Division of the United States Army was first activated in October 1917 and originally consisted of National Guard units from North Carolina, South Carolina, Georgia, and Tennessee;
WHEREAS, during World War II, the 30th Infantry Division landed at Normandy on June 14, 1944, participated in the advance across Northern France, joined the invasion of the German Rhinelands, defended the Ardennes-Alsace, and fought to the final defeat of Germany in May 1945;
WHEREAS the 823rd and the 73rd Tank Destroyer Battalions were periodically attached to the 30th Division throughout its campaign in Europe;
WHEREAS the 30th Infantry Division played a key role in the breakout of the Allied forces from Normandy at St. Lo and the subsequent advance across western Europe;
WHEREAS, when the 30th Infantry Division was reorganized at Fort Jackson in 1941 for service in World War II, the division included two North Carolina National Guard infantry regiments, one Tennessee National Guard infantry regiment, and other elements;
WHEREAS, during World War II, the 30th Infantry Division landed at Normandy on June 14, 1944, participated in the advance across Northern France, joined the invasion of the German Rhinelands, defended the Ardennes-Alsace, and fought to the final defeat of Germany in May 1945;
WHEREAS the 823rd and the 73rd Tank Destroyer Battalions were periodically attached to the 30th Division throughout its campaign in Europe;
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WHEREAS the 823rd and the 73rd Tank Destroyer Battalions were periodically attached to the 30th Division throughout its campaign in Europe;
WHEREAS the 30th Infantry Division played a key role in the breakout of the Allied forces from Normandy at St. Lo and the subsequent advance across western Europe;
WHEREAS, when the 30th Infantry Division was reorganized at Fort Jackson in 1941 for service in World War II, the division included two North Carolina National Guard infantry regiments, one Tennessee National Guard infantry regiment, and other elements;
WHEREAS, during World War II, the 30th Infantry Division landed at Normandy on June 14, 1944, participated in the advance across Northern France, joined the invasion of the German Rhinelands, defended the Ardennes-Alsace, and fought to the final defeat of Germany in May 1945;
This division was reactivated prior to World War II and served from the invasion of Normandy in which the 230th Field Artillery of the 30th Division came ashore on Omaha D-day-plus-1. The rest of the division came ashore D-day-plus-2. The units were reunited and fought as a division for the next five days and weeks that followed our invasion of France.

In August of 1944, the much-anticipated German counterattack developed, and the Germans attacked in or near a town named Mortain, a place where the 30th Division was at that point protecting our lines.

The generals from Eisenhower down, the Allied generals, had grown concerned that we were not moving quickly enough to secure the area of Normandy around our invasion beaches in a way that we could expand throughout France the way that we had anticipated and wanted. The German counterattack thus came with a particular sense that World War II could we be able to withhold and protect the land that we had already captured? But it also came with a certain amount of opportunity, because if we could hold off this counterattack, then it would present an opportunity for us to outflank the German Army, a maneuver that would eventually be called the St. Lo Breakout. It all depended upon if the 30th Division, the Old Hickory, could hold.

And the 30th Division, taking on the multiple panzer divisions of the German Army, did hold. They scattered into individual units and fought bravely for almost a week. They fought as our American soldiers have fought in the past. They fought bravely and were dedicated against great odds, but they held. And General Bradley was able to send General Patton on the flanking maneuver once again known as the St. Lo Breakout that once and for all secured our beachhead and launched us across France toward the end of World War II.

Eisenhower’s chief historian, S.L.A. Marshall, called the 30th the “most efficient fighting division in Europe.” The German Army paid the 30th a great compliment in referring to them as “Roosevelt’s S.S.”

It’s for these reasons that we want to honor the 30th and its history and especially to draw recognition to the battle of Mortain, France, a time in which the 30th held off counterattacks for a critical period for our invasion to be successful and secured.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, today I rise in strong support of House Resolution 494, which recognizes the service and sacrifices of the members of the 30th Infantry during World War II. And I want to commend Representative LARRY KISSELL of North Carolina for sponsoring this legislation, for his leadership, and for his deep passion concerning the members of the 30th Infantry.

The 30th Division was a National Guard division made up of men from several States, with many initially coming from North Carolina and Tennessee. These citizen soldiers established a remarkable record in Europe during the operations from 1944 through the end of the war in May of 1945.

So outstanding were their achievements that military historians of the day judged it to be the first among infantry divisions that had performed the most efficient and consistent battle service, achieving results without undue wastage of the lives of men who served in the 30th.

The commitment of the men of the 30th Division to make the sacrifices necessary to finish the mission to defeat an obvious threat to freedom and the security of the world should serve as an example and inspiration to us today. The Nation provided these men the resources necessary to win the war to which they were committed. And our leaders, sailors, soldiers, marines have made the same commitment to this Nation today. We must heed the lessons to be learned from the 30th Division and today fully support our troops and their families with the resources necessary for them to finish the job in the wars America is fighting today.

I urge every Member to support this resolution.

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

Mr. KISSELL. Madam Speaker, I thank my colleague from Virginia for his support and remarks.

The 30th Division, after its historic stand at the battle of Mortain, fought its way into Belgium in the heavy fighting that took place before the Battle of the Bulge. They fought in the Battle of the Bulge at the bridge at Remagen, and they shook hands with the Russians on the Elbe River at the end of the war.

The 30th Division has returned to its National Guard identification, centered mostly once again in North Carolina. The 30th, as I mentioned before, is currently in Iraq on its second tour of duty of service to this Nation. So the great tradition of the 30th, the Old Hickory Division, that began during World War II continues today as these troops, men and women, serve our Nation.

Madam Speaker, on a personal note, I would like to add that my father, Richard Henry Kissell, was a sergeant in the 30th Division, served in the Army in the early part of 1941, and he was with the 30th all the way through. As a member of the 230th Field Artillery, he stepped ashore on the beaches of the Omaha D-day-plus-1, and all of those things we talked about, my father was there.

But he was just one of many that served our Nation in the 30th and all
the other forces during World War II that we call the “Greatest Genera-
tion,” that came back and did so much to
make this Nation the great Nation that it continues to be today.
So it is with great pride and enthu-
siasm I write of the aspect of the 30th
Division and its relation to not only
my State, to my family, but to the Na-
tion that I encourage all my colleagues
in House Resolution 494 honoring the
30th Division.

Madam Speaker, I yield back the bal-
cane of my time.

The SPEAKER pro tempore. The ques-
tion is on the motion offered by
the gentleman from North Carolina
(Mr. Kissell) that the House suspend
the rules and agree to the resolution,
H. Res. 494, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursu-
ant to the rule, the gentleman from
Washington (Mr. Dicks) will control
20 minutes.

The Chair recognizes the gentleman
from Washington.

Mr. DICKS. Madam Speaker, I intro-
duce the Concurrent Resolution 129,
congratulating the crews of ballistic
submarines for their杰出 and dedication.

The text of the concurrent resolution
is as follows:

H. Con. Res. 129

Whereas the Sailors of the United States
Submarine Force upon the completion of 1,000
Ohio-class ballistic submarine (SSBN) deter-
rent patrols;
Whereas this milestone is significant for
the Submarine Force, its crews and their
families, the United States Navy, and the en-
tire country;
Whereas this milestone was reached
through the combined efforts and impressive
achievements of all of the submariners who have
participated in such patrols since the
first patrol of USS Ohio (SSBN 726) in 1982;
Whereas the dedication and commitment to excellence of the Sailors of the
United States Submarine Force, ballistic
submarines have always been ready and
vigilant, reassuring United States allies
and deterring anyone who might seek to
do harm to the United States or United States
ally;
Whereas the national maritime strategy of
the United States recognizes the critical
need for strategic deterrence in today’s un-
certain world;
Whereas the true strength of the ballistic
submarine lies in the extremely tal-
ented and motivated Sailors who have volun-
tarily chosen to serve in the submarine com-
munity and
Whereas the inherent stealth, unparalleled
firepower, and virtually limitless endurance of
the ballistic missile submarine provide a
credible deterrent for any enemies that
would seek to use force against the United States or United States allies: Now, there-
fore, be it
Resolved by the House of Representatives (the
Senate concurring), That Congress—
(1) congratulates the Sailors of the United States
Submarine Force upon the comple-
tion of 1,000 Ohio-class ballistic missile sub-
marine (SSBN) deterrent patrols; and
(2) honors and thanks the crews of ballistic missile sub-
marines for their continued dedication and sac-
ifice.

The SPEAKER pro tempore. Pursuant
to the rule, the gentleman from
Virginia (Mr. Wittman) will control
20 minutes.

The Chair recognizes the gentleman
from Virginia.

Mr. WITTMAN. Madam Speaker, I
request unanimous consent for Members
to be able to extend and revise their
remarks during the next 5 days.

The SPEAKER pro tempore. Is there
object to the request of the gentle-
man from Virginia?

There was no objection.

Mr. KISSELL. Madam Speaker, I yiel-
d myself such time as I may con-
sume.

Madam Speaker, it is with great en-
thusiasm that I rise in support of
House Concurrent Resolution 129, and I
want to thank Representative Dicks
for his work in bringing
this resolution to the floor. It is an
opportunity for us as a House of Rep-
resentatives to congratulate the Navy
and the sailors of our ballistic sub-
marine fleet upon the completion of
1,000 missions, that’s 1,000 missions of
deterrence and protecting our Nation.

This silent service, the Ohio-class bal-
listic submarine, the highest of tech-
nology to the most minute of details to
these are the highest qualified of indi-
viduals that you can find, because
They strive to preserve the submarines’ reli-
fability epitomised by the SSBN, the
true strength of the ballistic sub-
marine lies in the extraordinarily tal-
ented and motivated sailors who have
voluntarily chosen to serve in the sub-
marine community and are among the
most highly skilled, educated, and
trained war fighters in the U.S. mil-
itary.

Today we thank and honor the crews
of the ballistic missile submarines, the
civilian and industrial workforces that
strive to preserve the submarines’ reli-
ability and technical superiority,
and the devoted families of the Sub-
marine Force for their continued dedi-
cation and sacrifice.

Finally, I would like to thank all of
my colleagues who cosponsored this
resolution, especially Representative
Dicks of Washington for drafting this
resolution.

Madam Speaker, I reserve the bal-
cane of my time.

Mr. KISSELL. Madam Speaker, I yiel-
d such time as he may consume to
the gentleman from Washington (Mr. Dicks).

Mr. DICKS. Madam Speaker, I intro-
duced this resolution, H. Con. Res. 129,
to recognize the achievements of the
U.S. Submarine Force for the comple-
tion of the 1,000th Trident strategic de-
terrent patrol earlier this year. It is
fitting that we take a moment to recall
the sacrifices made by these subma-
riners and their families to defend our
freedoms and protect our way of life.
I want to thank my colleagues, Mr. KISSELL, Mr. WITTMAN, who have joined me in supporting this resolution; and I urge all of my colleagues to support it with their votes.

I would just add one thing: this is such an important program—and I have been a member of the Defense Appropriations Subcommittee for 31 years—that we are now starting a follow-on to the Trident submarine program. And I can remember when we had the Navy come to the House on whether we should do a missile and whether we should have an MX missile. The one thing that we always understood is that the most survivable element of our strategic triad were these Trident submarines, and I commend Admiral Rickover and all of those who followed him for the great work that they did in inspiring these concepts, and it has been of great value to our country.

So I appreciate the gentleman from North Carolina yielding to me, and I appreciate you yielding this resolution to the floor. And I urge my colleagues to vote in favor of it. Thank you.

Mr. KISSELL. I would like to, at this point in time, thank my colleagues from Virginia (Mr. WITTMAN) and from Washington (Mr. DICKS) for their words about this resolution, the importance of this resolution.

This branch of service in the Navy, to the crews of the 14, these Ohio-class submarines, we offer our appreciation and thanks to the people that make it work, all of the listings of people that were given but especially to the friends and the families of these crew members that, without them and their support for these crew, it would make this work extremely much harder than what it is already during the times of separation and trials that exist upon the families.

This branch of service remains strong. It is a clear deterrent to those who seek to do evil. We once again congratulate this branch of service on its 1,000th mission of deterrence and 1,000th successful mission. I reserve my time.

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

Madam Speaker, I would like to thank again Mr. DICKS from the State of Washington and his leadership and his vision especially as we progress from the Ohio-class of submarine to the next generation. Right now, the Ohio-class has been an integral part of the triad of the defense of this Nation. It is critically important that we plan now for the next generation of submarine that will eventually replace the Ohio-class.

And I applaud his vision, his leadership in recognizing the importance of the Ohio-class but also the efforts that make sure that we have that next class that provides for the defense of this Nation.

And I’d like to thank Mr. KISSELL, too, for his leadership and his recognition of the importance of the Ohio-class submarine and also the importance of the next class of the replacement for the Ohio-class for the future defense of this Nation.

With that, Madam Speaker, I have no other speakers, and I yield back my time.

Mr. KISSELL. Madam Speaker, at this point in time I would like to encourage all of my colleagues to join in voting “aye” on H. Con. Res. 129 to honor the Navy once again and the sailors in the Ohio-class submarines, their service, for its great work and successful 1,000 missions. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. KISSELL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 129.

The question was taken. The SPEAKER pro tempore. Pursuant to clause 8 of rule XIX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

MILITARY FAMILY MONTH

Mr. KISSELL. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 861) supporting the goals and ideals of National Military Family Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 861

Whereas military families, through their sacrifices and their dedication to the United States and its values, represent the bedrock upon which the United States was founded and upon which the country continues to rely in these perilous and challenging times; and

Whereas the month of November, which includes the Veterans Day holiday, was declared by the President on October 30, 2009, to be Military Family Month; Now, therefore, be it

Resolved, That the House of Representa-
tives—

(1) supports the goals and ideals of Mili-
tary Family Month;

(2) recognizes the sacrifices and dedication of military families and their contributions to the United States; and

(3) urges the Administration to the people of the United States who observed Military Family Month with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. KISSELL) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. KISSELL. Madam Speaker, I request unanimous consent for Members to have 5 legislative days in which to extend and modify their remarks.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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

I would first like to recognize Congressman ROONEY from Florida for bringing this resolution to the floor. It is a very timely resolution and one that, while we recognize the importance of our military families all the time, we certainly want to have the opportunity to make it official, so to speak, for this Congress, this House of Representatives, to join in that recognition. So I thank Representative ROONEY for his efforts.

I also want to commend and thank President Obama for declaring November to be National Military Family Month as we support this resolution that will join in the goals and ideals that are set forth in this proclamation.

Madam Speaker, we know that our military families are dedicated but also face great challenges and difficulties. As our troops have faced repeated deployments and have gone back into the field more often than perhaps we would have liked, we have to serve our country as we need for them to do, so much of the burden of this service falls back to the military family.

But the military families have responded in incredible ways. They unite around each other. They support each other. They help their single-parent families. They come together in a way not only to support themselves but to also support their family members that are deployed. It is not a surprise that this happens, because they are an extension of these men and women that serve our Nation so heroically.

So with this resolution, H. Res. 861, we simply want to recognize once again the work, the dedication, the sacrifice in honor of our military families come together and acknowledge this in a positive way from the U.S. House of Representatives.

I reserve my time. Mr. WITTMAN. Madam Speaker, I yield to the gentleman from Florida (Mr. ROONEY) for as much time as he may consume.

Mr. ROONEY. Thank you, Mr. WITTMAN and Mr. KISSELL, for managing this bill and for Chairman SKELOTON and Representative McKson for supporting the National Military Family Month resolution.

This resolution is about supporting our military families. We rightly give due credit and time and again in this Chamber to our service men and women who wear the uniform, especially now in a time of war. But this bill goes a step further in recognizing the spouses and the parents and the children of those men and women who serve.

As a former Army captain married to another Army captain, my wife and I met so many families at just two of our duty stations at Fort Hood, Texas, and West Point, New York. The people that we came to know in the military were truly the best people we've ever met. The sacrifice of seeing a loved one off to war and waiting the days and months for their return, sending letters, much night for a phone call or an email just to hear that they're okay; the sacrifice of moving time and time again and town to town and duty station to duty station when other families set down roots; the sacrifice of a single-parent family unit; the sacrifice of a mom and dad seeing their child putting on a uniform for the first time and marching at graduation and the pride that they feel, and sometimes even the sorrow of receiving a flag that draped their child's casket, this resolution honors them, moms and dads, the spouses, the children.

I urge Members to support this, and thank you for yielding, Mr. WITTMAN and Mr. KISSELL, and for supporting this bill.

Mr. KISSELL. Madam Speaker, I once again thank Representative ROONEY for bringing this resolution to the floor. And all of the ideals that he expressed, I think for all of us, I've had the opportunity to speak with many of our soldiers; and to a person, they tell me that if they just know their families are being taken care of, what a relief that is for them to concentrate on the duty that we're asking for them to perform in wherever the mission might be.

So once again, I ask for support for the resolution for a National Military Family Month, and I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of House Resolution 861, which recognizes the goals and ideals of National Military Family Month. And I want to commend Representative Tom ROONEY of Florida for sponsoring this legislation.

Twenty years ago, the week of Thanksgiving was deemed Military Family Week as part of the Great American Family Project. And in 1996, with the support of the Armed Services YMCA, Military Family Week was expanded into Military Family Month. And Military Family Month seeks to recognize the sacrifices of our military families and the things they do for our Nation each and every day.

As we celebrate Veterans Day and Thanksgiving during the month of November, it is important that we celebrate the critical role of the military family.

During a time of extended conflict, it is imperative not only that we stop and take time to acknowledge the dedications and sacrifices made by our military families every day, but also that we pause to recognize the strength, commitment, and courage of the military spouse and children of our men and women serving today.

Whether deployed overseas or training at home, the families of our servicemen and -women are the foundation of our military and proudly represent a keystone in a strong national defense. Even though this resolution commemorates a month of our military families, I believe our military families should be praised every day for their selfless service to America. I urge Members to vote in favor of this resolution and American military families.

I yield back the balance of my time. Mr. KISSELL. Madam Speaker, I join with my colleague from Virginia in recognizing that the service and dedication of our military families is not just a 1 month deal; it is something that occurs every day, and we should recognize that every day. I ask my colleagues to support the resolution, H. Res. 861.

Mr. GINGREY of Georgia. Madam Speaker, I rise today as a proud cosponsor of H. Res. 861, a resolution supporting the goals and ideals of National Military Family Month.

The families of those who serve our country on the front lines deserve our recognition and appreciation of each and every citizen. These family members often watch their loved ones travel to faraway lands in support of a cause and an ideal so much greater than any one individual. The support given to our service men and women by their loved ones is irreplaceable, as it is the foundation for the bravery inherent in those who labor steadfastly in the defense of liberty.

The men and women of the United States armed services rely on the support and encouragement of their families to protect the liberties and freedoms we enjoy every day at home. From the service organizations that provide holiday gifts to the letter that a parent or sibling writes to a loved one deployed or stationed abroad, the love and support of our military families is paramount. The sacrifices performed by these families should never be forgotten or diminished because they represent the very foundation of the American spirit.

Let's also make certain that we remember those individuals who are in harm's way today in Iraq and Afghanistan, as well as those who have paid the ultimate sacrifice—we are forever grateful for your heroic acts and for your service to our nation.

The brave men, women, and families who have and continue to sacrifice for our present freedoms deserve our fullest support. These individuals represent our nation's finest qualities, and they must be treated with the utmost respect and honor. Recognizing the month of November as National Military Family Month is just one small token of our appreciation for the families and their sons, daughters, brothers, and sisters who labor steadfastly for the United States and its undying values of freedom and liberty for all. It is my hope that we continue to do all we can and more for the members of our Armed Forces and their families.

Madam Speaker, I urge all of my colleagues to support this resolution.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the burden which military families bear, and honoring the importance of the sacrifices they
make. I strongly support H. Res. 861, designating the month of November, which includes the Veterans Day holiday, as an appropriate time to observe National Military Family Month. As a Member of the House Committee on Armed Services, I find this resolution to be of great significance, and I urge my colleagues to support it.

Military families in my home State of Georgia have suffered the loss of 158 soldiers, 6 of whom were constituents in my district, as a result of military operations in Iraq and Afghanistan. Nationwide, military families have endured the loss of thousands of soldiers. We owe them our gratitude and recognition for their service. The men and women who serve in the Armed Forces are responsible for carrying out the invaluable task of keeping our country safe, and as they fulfill their duties at home and abroad, they rely, not only on the political support of fellow citizens, but also on the emotional support of their families. As we move forward with important military objectives in Iraq and Afghanistan, we should not forget this unseen, but crucial, support. Indeed, the dedication of military families represents what is finest about our country. And, with increasing military challenges, this resolution, honoring their commitment, will reaffirm the solidarity and unity that provides our country with strength and resolve as we pass through this time of test.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. KISSELL) that the House suspend the rules and agree to the resolution, H. Res. 861, amended.

The question was taken.

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

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

The yeas and nays were ordered recorded.

The SPEAKER pro tempore. The House suspends the rules and agrees to H. Res. 861, as amended.

Whereas veterans have made innumerable sacrifices for the freedom and welfare of the United States and people worldwide; veteran's families have suffered the loss of many family members.

Whereas elementary and secondary school students are not aware of the efforts veterans have made to protect our freedoms;

Whereas elementary and secondary schools have a basic knowledge of American history and the contributions veterans have made to the Nation's safety and security;

Whereas it is important for elementary and secondary school students to learn about the history of the Nation and the wars and missions veterans have participated in and sacrificed for;

Whereas elementary and secondary schools across the Nation host Veterans Day programs to honor and educate students about the sacrifices veterans have made: Now, therefore, be it

Resolved, That the House of Representatives:

(1) recognizes the importance of teaching elementary and secondary school students about the sacrifices that veterans have made throughout the history of the Nation; and

(2) encourages elementary and secondary schools to engage students in learning about, and honoring, veterans and the sacrifices they have made.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BISHOP) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

Mr. BISHOP of New York. Madam Speaker, I rise today in support of H. Res. 897 recognizing the importance of teaching elementary and secondary school students about the sacrifices that veterans have made throughout the history of the Nation. Over the recent Veterans Day holiday, I was privileged to attend many ceremonies and parades held across my district to honor our veterans. Through these events and many others, students learn the important role past generations played in our Nation's history. We watch with admiration the accomplishments of our servicemen and -women, both past and present. And as we come upon another holiday season, we are thankful for their perseverance and dedication, and are again reminded how important our military, their families, and veterans are to our Nation's history and future.

I want to share one experience just a few weeks ago. We finished voting early, and I went for a walk around the Capitol on a beautiful fall day. As I was walking down the Mall, I walked past the World War II Memorial. I stood there, and there were older people looking at the Pacific side and the Atlantic side, and I was trying to think in my mind what they were thinking. Were they remembering a friend or colleague who didn't come home? A lot of them were sharing that experience with grandchildren or great-grandchildren. You could just see at the memorial the pride and the tears in our veterans.

As I continued to walk, I went down to the Korean War memorial, and that is one that my family has personal experience with. My uncle, 12 years before I was born, in 1952 was killed. And so my grandfather and grandmother always talked about the sacrifice of veterans, particularly losing their oldest son in the Korean War.

Then further along the Mall there is the memorial to Abraham Lincoln with...
the Gettysburg Address dedicating a cemetery to our veterans.

And then the one that is so moving, as I was walking back, the Vietnam Wall. As you see families at the Vietnam Wall, a lot of them will take a piece of paper and pencil and will sketch out the name of someone. As I was watching them doing that, I was standing there wondering, is that a husband that didn't come home? Is that a father for a child they never met?

And then I turned back to get back for an evening meeting. As you head to the Capitol, you understand what it is all about. The thing that you see most and for the dome. You see the dome and you wonder what is going on inside the building in which we are standing. I remember walking back after having these moments with veterans and remembering veterans and looking at the dome all of the way walking back and saying, that dome is opportunity, it is freedom, it is hope. But not just for us; it is hope for the world. People look to that dome throughout the world.

It hit me that the Mall is the story of veterans. And the reason the Mall is the story of veterans and memorial for veterans, this country, this Nation and this dome and this symbol is about freedom, and we wouldn't have one without the other. It was an emotional day for me as I was walking back.

I have been talking to schools as I mentioned earlier during Veterans Day, and one of the things I talked to them about was about Francis Scott Key and ‘The Star-Spangled Banner’ and the history and the actual meaning of those words in that song. I always end it with—I will never pretend that I can improve on Francis Scott Key, but the last line, It is the land of the free and the home of the brave, I would say we need to think about the land of the free because of the brave.

I think it is important that our students are taught, and in our home State of Kentucky, Veterans Day is a school day, but it is mandated that each school teaches about veterans, this country, this Nation and this dome and this symbol is about freedom, and we wouldn't have one without the other. It was an emotional day for me as I was walking back.

Mr. MILLS of Kentucky. I yield back the balance of my time.

Madam Speaker, I ask unanimous consent for 5 additional minutes.

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Mr. MILLS of Kentucky. Madam Speaker, I ask unanimous consent for 5 additional minutes.
The Family Medical Leave Act has been a great program for working families in this country since it was passed in 1993. No one can question the benefit as provided for working women and men by being able to take time off from work to care for themselves or family members.

The intent of the law was to provide for 12 weeks of unpaid leave if an employee has worked 60 percent of a full-time schedule over the past year, which is about 1,250 hours. In order to qualify for coverage, therefore, an employee has to have logged in 1,250 hours over 12 months to be eligible. While 1,250 hours adequately reflects 60 percent of a full-time schedule for the vast majority of employees in this country, that equation does not work for flight attendants and pilots.

Flight attendants and pilots work under the Railway Labor Act rather than the Fair Labor Standards Act, which covers most 9 to 5 workers. Time between flights, whether during the day or on overnight layovers, is based on company scheduling requirements and needs but does not count towards crewmember time at work. Flight attendants and pilots can spend up to 4 to 5 days a week away from home and family due to the nature of their job. However, all those hours will not count towards qualification.

The courts have strictly interpreted the law and insisted that crewmembers must abide by the 1,250 hours for qualification even though the intention of the law was 60 percent of a full-time schedule.

Airline flight crews have been left out of what was intended to cover them. Therefore, a technical correction is needed to ensure that FMLA benefits are extended to these employees. This legislation seeks to clarify the intent of the law.

This legislation simply states that an airline crewmember will be eligible for FMLA benefits if they have worked or been paid at least 60 percent of the applicable total monthly guarantee or the equivalent for the previous 12-month period and a minimum of 504 hours.

In keeping with current law, any sick, vacation, or commuting time does not count towards the required number of hours. This brings these transportation workers in line with the intent of the original legislation, and as promised, when the law was first passed.

Last Congress, during an Education and Labor Committee hearing, we heard from Jennifer Hunt, a flight attendant for U.S. Airways. Jennifer was denied FMLA coverage when she applied to take time off to care for her ill husband, an Iraq war vet. Jennifer, unfortunately, like many other flight attendants and pilots as well, did not meet the hourly requirement.

I urge my colleagues to support this legislation so that flight attendants like Jennifer can qualify for the FMLA.

I reserve the balance of my time.

Mr. GUTHRIE. Madam Speaker, I yield myself as much time as I might consume.

Mr. BISHOP of New York. Madam Speaker, I rise in support of S. 1422, the Airline Flight Crew Technical Corrections Act. This bill is a companion to H.R. 912, which this House approved in February on a voice vote. The bill we consider today contains significant changes to the House-passed legislation made in the other body and is equally deserving of support.

As we have heard, this legislation is needed to address a very narrow, very specific concern. At issue is the fact that some airline personnel are subject to a unique scheduling process in which they are paid for being on-call, but in some cases are not credited with those hours in the calculation used for Family and Medical Leave Act eligibility. The practical technicality is that some flight crew personnel may work a full-time schedule but fail to qualify for family and medical leave. This is a real concern for those grappling with health conditions or family obligations.

Many Members have been uneasy about efforts to open up the Family and Medical Leave Act for small changes when it is clear that broader reforms are necessary. The FMLA has worked well for 16 years, offering workers the flexibility to tend to their own health or care for a loved one in their time of need without fear of losing their job. But despite the law's many successes, it also becomes clear that changes are needed. The realities of today's workplaces are different from those of a decade and a half ago. Courts have offered evolving interpretations, and, as is often the case with such sweeping change and interpretation, there have been unintended consequences for both employers and employees.

I know the majority has worked with Members on our side of the aisle to craft legislation carefully and avoid some of the pitfalls that could come with piecemeal reform of FMLA. I want to thank them for ensuring this bill does exactly what it intends, no more and no less. The bill before us today, in fact, clarifies several narrow points contained in the House-passed bill that are truly technical corrections.

I hope Members will join me in supporting this bill and sending it to the President for his signature. With that, I reserve the balance of my time.

Mr. BISHOP of New York. Madam Speaker, may I ask if the gentleman from Kentucky has any further speakers?

Mr. GUTHRIE. Madam Speaker, we have no further speakers, and with that, I yield back.

Mr. BISHOP of New York. Madam Speaker, let me just observe that we have been working on this bill now for approximately 2 years. I am delighted that we are now at the point where we are on the verge of passage and moving this bill to the President for his signature.

I urge my colleagues to support this legislation, and with that, I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. Bishop) that the House suspend the rules and pass the bill, S. 1422.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.
Act of 1974 (42 U.S.C. 5403) is amended by adding at the end the following new subsection:

"(1) WEATHER RADIOS.—

"(A) CONSTRUCTION AND SAFETY STANDARDS.—The Federal manufactured home construction and safety standards established by the Secretary under this section shall require that each manufactured home delivered for sale shall be supplied with a weather radio inside the manufactured home that—

"(i) is capable of broadcasting emergency information relating to local weather conditions;

"(ii) is equipped with a tone alarm;

"(iii) is equipped with Specific Alert Messaging Encoding, or CAE technology; and

"(iv) is compatible with Consumer Electronics Association (CEA) Standard 2009-A (or current revision thereof) Performance Specification for Public Alert Receivers.

"(B) LIABILITY PROTECTIONS.—No aspect of the function, operation, performance, capabilities, or utilization of the weather radio required under this subsection, or any instructions related thereto, shall be subject to the requirements of section 613 or 615 or any regulations promulgated by the Secretary pursuant to the authority under such sections."

SEC. 4. ESTABLISHMENT.

Not later than the expiration of the 90-day period beginning upon receipt by the Secretary of the proposed standard developed and submitted by the consensus committee established pursuant to section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5404(a)(3)) and shall develop and submit to the Secretary of Housing and Urban Development a proposed Federal manufactured home construction and safety standard required under section 604(i) of such Act (as added by the amendment made by section 3 of this Act) that will be consistent with the standards established by the National Institute of Standards and Technology.

SEC. 5. STUDY.

The Secretary of Housing and Urban Development shall conduct a study regarding conditions in the States to determine the applicability of the requirement under the amendment made by section 3 of this Act (relating to supplying weather radios in manufactured homes) to the geographic location at which a manufactured home is placed, but only to the extent that such requirement applies to new manufactured homes and new site-built homes.

In conducting such study and making determinations under the study, the Secretary shall take into consideration severe weather conditions, such as high winds and flooding, and wind zones and other severe weather data available from the National Weather Service, 6 months later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Secretary shall complete the study and submit a report regarding the results of the study to the Committee on Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Virginia (Mr. WITTMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

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

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California, Ms. WATERS?

There was no objection.

Ms. WATERS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, before I begin my remarks, I would like to thank the gentleman from Indiana (Mr. ELLSWORTH) for his continued leadership on this issue, and for authoring the legislation that is before us today.

H.R. 320, the CJ’s Home Protection Act of 2009, is named after CJ Martin, a 2-year old boy who was killed when an F3 tornado struck his manufactured home in 2006. Over 8 million families rely on manufactured housing to fulfill their housing needs. However, many manufactured homes, particularly those built before 1994, are incapable of withstanding the winds of a tornado, which can reach up to 200 miles. In 2008, 16 percent of tornado-related deaths occurred in manufactured homes.

H.R. 320 would provide a much-needed safety component to manufactured homes by requiring that they be equipped with weather radios that can inform families ahead of time that potentially dangerous weather is on the way. This information, families can take appropriate action to protect themselves in the event of dangerous weather. These radios can be provided at a minimal cost—less than $50 in most cases—and are a small price to pay for saving even one life.

In addition, given the government’s reliance on manufactured housing to meet the temporary housing needs of families displaced by natural disasters such as Hurricane Katrina, this kind of housing is becoming more and more critical to the lives of many Americans. We have been told by our colleagues that these radios will get warnings out, sometimes as much as half an hour or more before a storm, which is critical to the ability to build shelters. Now we are going to give residents an opportunity to hear these warnings earlier so they can take shelter from these storms.

The cost of installing these radios is minimal, and this is going to save lives. It is going to save families.

We will never go back and know whether CJ could have survived had this legislation been passed. We do know, though, by talking to people throughout this country, that these radios have in many, many cases already saved lives and will save lives if we install them in manufactured housing. We have a shot at significantly reducing over half of the deaths from tornadoes simply by taking the step together and passing this legislation. I again want to commend the chairman and ranking member for expeditiously moving this legislation, and I commend the Member from Indiana (Mr. ELLSWORTH) for his thoughtfulness and his care and passion and dedication to this issue.

With that, Madam Speaker, I reserve the balance of my time.
Ms. WATERS. I yield such time as he may consume to the gentleman from Indiana, the author of this bill, Representative ELLSWORTH.

Mr. ELLSWORTH. Madam Speaker, I rise today in support of CJ’s Home Protection Act, H.R. 320. The House’s consideration of the public safety legislation today—legislation which would require a NOAA weather radio be installed in all manufactured homes built and sold in this country—is a continuation of an effort we started 2 years ago. In 2007, the House passed this bill by voice vote, and I hope it will receive broad support again today.

At 2 a.m. on the morning of November 6, 2005, an F3 tornado touched down in my district in southwest Indiana. The tornado hit a manufactured housing community after most people had gone to sleep, and it tragically took 25 lives, Hoosier lives in Vanderburgh and Warrick County. These lives might have been saved if the victims knew of the dangerous storm that was approaching.

CJ, a loving and playful 2-year-old boy, was one of the victims that night. CJ and 24 other victims, including his grandparents and great-grandparents, are the reason why I’m here today. His picture is a reminder of the heartbreaking loss that severe weather can bring to families and communities throughout this country. All too frequently this loss comes with little or no warning.

Madam Speaker, I was the sheriff of the county back in 2005, and my department oversaw the recovery effort in the aftermath of this horrendous storm. The horror and devastation the storm left behind is something I will remember the rest of my life. That is why this bill is so important to me and many others.

While CJ’s is the inspiration for this important public safety legislation, Kathryn Martin, CJ’s mother, is the leader in the effort. In the months after the storm, Kathryn channeled her pain and suffering toward an effort to pass similar legislation in the State of Indiana. Kathryn would not be denied. She was successful in getting the bill passed, and because of the awareness she raised about weather radios, the people in my hometown of Evansville, Indiana, have the most weather radios in households per capita in the United States.

When I first met Kathryn, I promised her that if I ever came to Congress I would introduce Federal legislation to do the same thing that she was trying to push in our State. The bill before us today is a fulfillment of that promise. CJ’s Home Protection Act amends the Federal Manufactured Home Construction and Safety Standard to require that each manufactured home delivered for sale shall be supplied with a weather radio inside the manufactured home.

One might question that when not every area of the country endures the same dangerous tornado season, why should this be a national standard? While it’s true that some regions encounter more tornadoes than others, extreme weather exists everywhere. A tornado took CJ’s life. But for another child living in California, it could be a wildfire. A child living in Texas, it could be a flash flood. Also, it should be added that NOAA weather radios are used to put out AMBER alerts. The radio must be capable of broadcasting emergency information in all weather conditions, equipped with a tone alarm and specific alert message encoding, and comply with Consumer Electronics Association standards for public receivers.

Like a smoke detector, these inexpensive devices can provide families with the warning they need to take action and protect themselves when severe weather strikes. This bill is about improving public safety, plain and simple. It’s not about demonizing the manufactured housing industry. Kathryn and John Martin and the other residents of this community love their homes, and the manufactured houses provide affordable, high-quality homes for grandparents, great-grandparents, and grandchildren. I’m a strong supporter of manufactured housing. I see this legislation as adding one more feature to enhance the safety features of these structures.

Before I conclude my remarks, Madam Speaker, I’d like to thank Chairman BARNEY FRANK and his staff at the Financial Services Committee for their efforts to move this legislation forward. This bill would not be where it is today without the strong support of Ranking Member SPENCER BACHUS. He has been a vocal advocate for this cause from the very beginning. Thank you very much. I would also like to thank Congressman DENNIS MOORE and Congresswoman KAY GRANGER for their support as original cosponsors. I’d like to thank my good friend from Indiana, Congressman JOE DONELLY, who was helpful throughout the entire process. I urge my colleagues to support this important public safety legislation. The cost of a NOAA weather radio is a mere $30 to $80, and for that price we can improve the safety of so many people from the sudden threat of extreme weather.

Mr. WITTMAN. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, in closing, I do want to thank Ranking Member BACHUS. He has done a tremendous job in pushing forth this bill, along with the chairman. And I also want to thank again Mr. ELLSWORTH for his passion and his leadership on this issue. We all know that we dread times of storm. We’ve just gone through one in Virginia where, luckily, we didn’t lose any lives. But when there are ways to prevent death and destruction, we ought to act in that way. Mr. ELLSWORTH and his leadership, seeing the need, seeing where we can save lives, stood up, assumed that leadership role and has really done, I think, a great thing for folks that have manufactured homes throughout the United States. Again, thank you for your leadership. And thank you again to Mr. BACHUS, the ranking member, for his leadership on this and to the chairman for pushing this important legislation through.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today to applaud the actions of the House of Representatives in addressing the need to install weather radios in all manufactured homes manufactured or sold in the United States to ensure the safety of all Americans. This bill, named after a 2-year-old boy whose life was taken away when a tornado struck his community in 2005, will allow residents to receive more timely warnings about imminent severe weather. Accordingly, the bill ensures that each manufactured home delivered for sale in the United States be supplied with a weather radio.

Nearly 20,000,000 Americans live in manufactured homes. Because manufactured homes are more affordable than traditional homes, they are a viable housing option for low and moderate-income families. With the state of the economy, manufactured homes have become a more affordable and affordable way for many families to purchase their own homes. Thus, weather radios are essential as they provide immediate broadcast warnings of severe weather, such as floods, tornadoes, and high winds.

In March of 2009 a surprise tornado struck the City of Atlanta and caused millions of dollars worth of damage. Tornadoes can strike in many parts of the country, including places where they are rare, such as Atlanta. This is why this bill is so important. Act of 2009 is an important piece of legislation that will save lives. I support this legislation and urge my colleagues to do the same.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 320.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TEMPORARY FORBEARANCE FOR FAMILIES AFFECTED BY CONTAMINATED DRYWALL

Ms. WATERS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 197) 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, as amended.

The question is on the title of the concurrent resolution.

The text of the concurrent resolution is as follows:
In October, I toured the homes of several homeowners affected by toxic drywall in the Hollymeade subdivision in Newport News and saw firsthand how toxic drywall has put the health and financial well-being of numerous families at risk. I met with these folks again last week to be updated on their current predicament. These homeowners, many of whom served or who are serving our country in the Armed Forces, cannot afford to carry a mortgage on a home that is uninhabitable and make arrangements to pay rent or pay a mortgage on a second home to keep their families safe. Many of these families are juggling the burdens of having a deployed spouse or a spouse preparing for deployment and an additional financial burden such as a move and the financial cost of insurance or loss of insurance coverage. All of these would be devastating to these families.

This resolution encourages banks to allow for a temporary forbearance of their mortgage payments on a home that is uninhabitable due to toxic drywall. This would give homeowners the time they need to work out a more permanent solution. My office is currently working with seven homeowners who are seeking assistance from their lenders. Again, I would like to thank my colleague from Virginia (Mr. NYE) for introducing this legislation, and I strongly urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. NYE. I yield my time to the gentleman from Virginia (Mr. NYE).

Ms. WATERS. Madam Speaker, I yield my time to the gentleman from California (Mr. NYE).

Mr. NYE. I thank my colleague very much for yielding.

Madam Speaker, I stand here today to raise awareness about a problem affecting hundreds of families in Hampton Roads, Virginia, and thousands across the United States: the problem of toxic Chinese drywall. Chinese drywall has induced serious health problems, created severe financial hardships, and driven thousands of American families from their homes.

Since January 2009, over 1,300 cases have been reported from now over 26 States and the District of Columbia. I have seen firsthand the physical, emotional, and financial burden toxic Chinese drywall creates. Just the other month I visited homes in my district that had the drywall installed. The toxins released by the drywall wreaked all kinds of havoc and had corroded the electrical wiring of the homes. In fact, there are homes that have had to replace expensive air conditioning units, televisions, microwaves, and other valuable appliances several times because of the harmful chemicals contained in the drywall.

Toxic Chinese drywall can also cause deep coughs, bloody noses, and severe headaches, sinus infections, nose bleeds, and asthma attacks; and blackened and corroded metal components in electrical systems and air conditioning units.
eye irritation. And those are just the short-term health effects that we know about. I wouldn’t be surprised if even more serious health effects are soon found. Affected families have been left with an impossible choice: live in a home and put their family at risk, or shell out tens or hundreds of thousands of dollars, to replace the drywall. While some more fortunate families have been able to get help from friends, relatives and neighbors, many others have moved into rental housing, forcing them to lose their mortgage on the contaminated home. At a time when the economy is already struggling, this hardship is more than families can sustain.

Today, I urge my colleagues to support this resolution encouraging banks and mortgage servicers to work with their customers by allowing a grace period on their mortgage payments until they get back on their feet. Many banking institutions have already voluntarily provided mortgage forbearances for many of their customers, and I applaud the benevolence of these institutions. This can be a lifesaver for affected families.

Madam Speaker, as we work to create solutions, we must also find a way to give these families some relief now. I want to thank my friends Mr. WEXLER and Mrs. MCCARTHY; my colleague from Virginia (Mr. WITTMAN); Mr. BUCHANAN; as well as Ms. WATERS and Chairman FRANK for working with me on this important legislation, and I hope the rest of my colleagues will join me in its support.

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

Mr. WITTMAN. I yield myself the balance of my time.

I want to echo the comments of Mr. NYE from Virginia. Having visited a number of these homes, the health effects of this toxic drywall are very apparent. The sulfur there is pungent. Just in the time that I spent there, I experienced some of the same systems, runny nose, itchy eyes, irritation of the lungs, a cough; and that was just in the very short period of time of about 2 hours. I can only imagine what those families have to endure under those conditions and living in those homes. So our hearts and minds and concerns go out to them.

Last week, the Consumer Product Safety Commission released the results of their most recent study of 51 homes. There was a lot of effort to try to get the Consumer Product Safety Commission to do a study on this toxic drywall. Their study did not find anything now that is conclusive about the health effects of drywall, but the Consumer Product Safety Commission did commit to continue the study because we all believe that just looking at 51 homes doesn’t look at the full scope of this problem. Their problem is that they have 2,100 instances, and we know there are more across 32 States. So they’ve committed to work continually to identify which compounds could be causing these health problems.

Their study found a strong association between the problem drywall, the hydrogen sulfide level in homes with that drywall, and corrosion in these homes. These two preliminary studies of corrosion of metal components taken from homes containing the problem drywall found copper sulfide corrosion in the initial samples tested, which supports the finding of an association between hydrogen sulfide and the corrosion.

Ongoing laboratory tests continue to investigate the nexus between safety and the short- and long-term effects of such corrosion on the homes, but it should also be looking at the effects on individuals that inhabit these homes. Based on these studies completed to date, the interagency task force can begin a new phase by developing a protocol to identify homes with corrosive drywall and a process to address the corrosive drywall and its effects.

I urge the task force to work expeditiously to complete the study phase and to release its protocols for identifying impacted homes and for remediation. This resolution will give homeowners the time they need to make decisions based on the Consumer Product Safety Commission studies and protocols for a more permanent solution to their situation.

Mr. FORBES. Madam Speaker, I rise today in strong support of H. Con. Res. 197, to encourage banks and mortgage servicers to work with families in contaminated homes to remediate temporary forbearance without penalty on payment on their home mortgages. I am a proud cosponsor of this Resolution.

Along with thousands of affected homeowners across the country, my constituents are waiting for answers on the potential health and safety hazards posed by toxic drywall imported from China between 2004 and 2007. The corrosion of electrical wiring, home appliance failure, the emission of strong odorous gases, headaches, nausea, and throat irritation are just some of the commonly reported problems associated with Chinese drywall.

Although a federal Interagency Task Force has been investigating this problem for nearly one year, suffering homeowners have still not been provided federal guidelines for inspection or remediation of their homes containing Chinese drywall. Basic questions remain unanswered, such as whether these homes are safe for people to reside in; whether Chinese drywall may enter other common home fixtures or chemicals to cause additional harms. Homeowners continue to wait for answers from their government. Despite nearly 2,000 reported cases of Chinese drywall to the Consumer Product Safety Commission, and despite thousands of homeowners reported, committees in the House of Representatives have yet to hold one investigative hearing on the matter. Members deserve the opportunity to hear from expert witnesses across the spectrum of this growing crisis. Health, financial, safety and legal ramifications need to be explored in depth so that appropriate action may be taken on behalf of so many American homeowners and affected businesses.

Madam Speaker, H. Con. Res. 197 is a step in the right direction. At this juncture, it is important that all those impacted by this drywall, from homeowners and builders to developers and banks and mortgage companies, work together with understanding until more answers are provided on the effects of this toxic drywall. I urge them to demonstrate their support in bringing relief to thousands of Americans whose homes have been so severely affected by Chinese drywall.

Mr. WITTMAN. Madam Speaker, I am proud to stand in support of this resolution as a cosponsor.

Contaminated drywall mostly manufactured in China and used in new home construction in the last decade, primarily between 2006 and 2007, has had a devastating impact on the housing industry in Florida and more importantly on the lives of thousands of homeowners and their families.

So far the Consumer Product Safety Commission has received more than 2,000 complaints from affected homes in at least 32 states and the District of Columbia. More than three-quarters of these complaints come from Florida. While we do not yet know the full extent of this problem, it appears that this concern is likely to grow considerably larger.

Homeowners with contaminated Chinese drywall have experienced a number of household and health problems. The drywall emits sulfur compounds which cause corrosion in copper fittings commonly used in plumbing and air conditioning as well as electrical components. Many homeowners have had to replace hardware such as air conditioning coils, carbon monoxide detectors, and smoke alarms multiple times in as little as a year. In addition to the corrosive effects of the sulfuric gases, homeowners have experienced a variety of related health issues, which have forced many to move out of their homes. Common symptoms include eye irritation and breathing problems.

As you can imagine, this is financially and emotionally devastating for homeowners. As a result, many affected homeowners have had to return to rental properties, where they remain unable to live due to the health problems they suffer from this toxic drywall. They can’t remain in their homes, and they can’t sell their homes.

I recently toured some of these homes in the Antilles community in my district and I met with affected homeowners. Just a few minutes in one of these houses is enough time to start feeling the symptoms that have caused so many homes to become uninhabitable. Affected homeowners need help and they need help quickly.

I was pleased that the Federal Inter-Agency Drywall Task Force, headed by the CPSC, released the results of their 51-home study this month. I was encouraged to see signs of progress from the task force. I was particularly encouraged that the task force officially established a scientific link between the contaminated drywall and the resulting corrosion.
More importantly, the task force has established an identification and remediation protocol team made up of scientists and engineers. While additional scientific studies continue, the most important next steps for the CPSC are to release the identification and remediation protocols. This will hopefully help homeowners who are already getting the problems fixed so their homes are once again livable and up to par with market value.

I call on the CPSC and the task force to move quickly to identify and release these protocols in the most expedient manner possible. I urge the task force to work closely with homeowners and private industry to establish the most efficient and effective methods of identifying and fixing problem drywall.

On the finance side, I encourage lenders to work closely with homeowners to modify loans and extend credit for remediation once a protocol is established. The mortgage crisis of the past year would only be made worse by a new wave of people walking away from their mortgages over this issue. Any help lenders can provide in modifying loans, offering a period of forbearance, extending credit, will help more people to stay in their homes and prevent the banks from having to assume possession of homes which they will not be able to sell.

Mr. WEXLER. Madam Speaker, I rise today in support of House Concurrent Resolution 197, 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. As a founding co-chair of the Congressional Contaminated Drywall Caucus, I am proud to sponsor this resolution and support its passage, which sheds further light on the plight of thousands of homeowners in south Florida and around the Nation dealing with the “silent hurricane” of contaminated drywall in their homes.

The Congressional Contaminated Drywall Caucus, which now has 20 members from seven States, has been working diligently over the past year to ensure that the Federal agencies and relevant organizations in the private sector who have a stake in this issue are engaged in a dialogue that produces a swift and complete response that provides relief to homeowners affected by this contaminated product. While I believe the response has not been nearly as swift as needed, I have been encouraged by recent efforts on the part of the Inter-Agency Task Force, led by Chairman Inez Tenenbaum of the Consumer Product Safety Commission, to come to a full determination of the science behind this problem, and from there determine the appropriate response to the many issues that victims are facing on a daily basis.

One of these issues, and often one of the most critical for those affected, is maintaining their mortgage. As our economy begins to recover from the worst recession since the Great Depression and our housing market begins to show signs of life following record numbers of foreclosures, victims living in homes with contaminated drywall face the continued threat of foreclosure. These innocent victims are being forced to make the choice of remaining in their homes and paying their mortgage at the risk of their own health and that of their family, or leaving their homes to find alternative housing. Should they choose to seek alternative housing, they are then responsible for both the mortgage on their contaminated home and the rent on their alternative housing.

House Concurrent Resolution 197 sends a strong statement on behalf of the entire House of Representatives that banks and mortgage lenders should work with families affected by this contaminated drywall on temporary forbearances on their mortgage, without penalties, to ensure victims have the ability to move their families out of harm’s way without risking their financial futures or losing their homes. Providing this relief is not only the right thing to do, but is essential in ensuring affected families do not continue to put their health at risk from this defective product.

Madam Speaker, I am proud to support this resolution and encourage all of my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Ms. WATERS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 197, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

ENHANCED S.E.C. ENFORCEMENT AUTHORITY ACT

Mr. KANJORSKI. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2873) to provide enhanced enforcement authority to the Securities and Exchange Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2873

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Enhanced S.E.C. Enforcement Authority Act”.

SEC. 2. NATIONWIDE SERVICE OF PROCESS.

(a) SECURITIES ACT OF 1933.—Section 22(a) of the Securities Act of 1933 (15 U.S.C. 77ii(a)) is amended by inserting after the second sentence the following: “In any civil action instituted by the Commission under this title in a United States district court for any judicial district, process may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.”.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 27 of the Securities Exchange Act of 1934 (15 U.S.C. 78aa) is amended by inserting after the third sentence the following: “In any civil action instituted by the Commission under this title in a United States district court for any judicial district, process may be served at any place within the United States. Rule 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure does not apply to a subpoena so issued.”.
The SPEAKER pro tempore (Mr. CAMPBELL). I will yield back the balance of my time as well.

Mr. CAMPBELL. I move that the bill be passed without amendment.

The SPEAKER pro tempore (Mr. CAMPBELL). The question is on the passage of the bill.

Mr. CAMPBELL. I call the question.

Mr. CAMPBELL. The motion is agreed to.

Mrs. MALONEY. Mr. Speaker, I move to reconsider the康熙二年三月，朝廷宣布废除罪犯和奴隶的刑罚。康熙帝认为，这是一种进步，能够使人们更加重视法律和道德规范，从而促进社会的稳定和进步。康熙帝还强调，法律应该根据实际情况进行调整，以适应社会的变化和发展。
(3) PUBLIC ACCESS TO DATABASE.—The Secretary shall, subject to paragraph (4), adopt rules and procedures for public access to the database created by this subsection.

(4) PROHIBITION AGAINST DISCLOSURE OF CERTAIN INFORMATION.—

(A) PROHIBITION.—A person or entity shall not disclose to the public information collected under this subsection that is prohibited from disclosure by any Federal or State law or regulation or by private contract or that is considered to be proprietary.

(B) PROTECTION OF INFORMATION.—The Secretary shall implement reasonable measures to prevent the disclosure of information in violation of subparagraph (A).

(C) CIVIL PENALTIES.—A Federal officer or employee, or a contractor of any Federal agency or employee of such contractor, who intentionally discloses to the public or intentionally causes to be disclosed to the public information prohibited from disclosure by subparagraph (A), knowing that such information is prohibited from disclosure, shall be fined not more than $100,000, shall be imprisoned not more than 3 years, and shall be subject to civil penalties not to exceed $10,000 for each violation.

(5) REGULATIONS AND PROCEDURES.—The Secretary shall, in consultation with the appropriate Federal agencies, promulgate regulations and establish any other procedures necessary to carry out this subsection.

(6) IMPLEMENTATION DEADLINES.—

(A) CONTRACT SERVICES.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall issue a request for proposal and award contract services as required by this subsection.

(B) OPERATION OF DATABASE.—The Secretary shall ensure that the database described in paragraph (A) is operational not later than 180 days after the date of the enactment of this subsection.

SEC. 2. REDUCING TARP FUNDS TO OFFSET COSTS OF PROGRAM CHANGES.

Section 115a(a)(3) of the Economic Stabilization Act of 2008 (12 U.S.C. 3225(a)(3)) is amended by striking "$700,000,000,000" and inserting "$1,259,000,000,000", as such amount is reduced by $1,259,000,000, as such amount is reduced by $1,293,000,000, as such amount is reduced by $1,244,000,000, outstanding at any one time and inserting "$700,000,000,000" as such amount is reduced by $1,293,000,000, outstanding at any one time.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentleman from California (Mr. CAMPBELL) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remark, this legislation and to insert additional material.

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

There was no objection.

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

I rise in strong support of H.R. 1242, the TARP Accountability and Disclosure Act of 2009. This bill would require the Department of the Treasury to establish a database for tracking all TARP funds. The bill would create a database available to the public on the Internet that will track in real time the spending of funds in the Federal Government's Troubled Asset Relief Program called TARP. If UPS can track millions of packages clear across the world on any continent at any time, we can certainly track where $700 billion in taxpayers' dollars is being spent. In fact, we have a duty to do so.

When TARP began, the Treasury Department never required the financial institutions it funded to explain what they did with the money. And over a year later, we still do not know. It is past time for us to have a system so that the American people can tell in real time, enhancing its value as a regulatory tool and also as a preventative oversight tool. Taxpayers have a right to know how their tax dollars are being used. I believe that in order to ensure transparency, we should require the use of the technological tools that are available today.

Currently, TARP data are presented in filings in over 25 different agencies, including filings with the Securities and Exchange Commission, Web sites, Federal Reserve registration data, the FDIC data, data over-the-counter trades, and Commodities Futures Trading Commission data that are not not housed in different agencies but are in incompatible systems and formats, making the material unusable. These agencies are unable to share the data with each other and to learn from it.

The bill, which I have coauthored with Representative Peter King and 42 of my colleagues, requires all relevant TARP data, including regulatory filings and public records, to be collected by the Department of the Treasury and put in a consistent standardized format so that TARP funds will be transparent and traceable. This bill would also provide the ability to monitor inconsistencies that may indicate waste, fraud, and abuse at the fund level and at the individual officer levels. By using tools that currently exist, individual filings and transactions can be pulled together to create a single view of an institution and provide better management and regulatory oversight.

The basic data elements would include but not be limited to the following: the capture and standardization of every transaction the institution is involved with, wherever possible, including press releases and other sources of public data; counterparty filings; securities transactions; UCC filings in certain cases; and transaction data, including mortgage, debt issuance, and fund participation.

In the simplest terms, my bill allows the question to be answered, Where has the money gone? And this is a question that pundits and taxpayers ask every single day. Recently, Elizabeth Warren, who is one of the oversight regulators, stated in testimony that she had no idea where the TARP money is. This bill would change this. This would put safeguards in to ensure that proprietary information about financial services companies is not disclosed, and this bill does not put any additional burden on industry. It merely puts in a usable form information that is already required by regulators.

There is broad support for this bill from close to 40 groups from across the political field, including the Center for Democracy and Technology, the U.S. Chamber of Commerce, the NAACP, and the Heritage Foundation.

There is broad support for this bill. I ask into the RECORD the list of supporters from respective organizations. Groups that have publicly endorsed the bill (or if a 501(c)(3) support the “idea or policy goals” of the legislation since they cannot directly support a specific bill):

United States Chamber of Commerce; Center for Democracy and Technology; OMB Watch; Project On Government Oversight; Taxpayers for Common Sense; OpenTheGovernment.org; Institute for Policy Innovation; Competitive Enterprise Institute; NAACP; Mexican American Legal Defense and Education Fund (MALDEF); National Puerto Rican Coalition (NPRCO); The Hispanic Federation; Information Technology Industry Council; Americans for Tax Reform; Center for Fiscal Accountability; 60 Plus Association; Alabama Policy Institute; American Shareholders Association; Americans for Limited Government.

Americans for Prosperity; Caesar Rodney Institute; Center for Individual Freedom; Center-Right Coalition of Florida; Coalition Opposed to Additional Spending & Taxes; Council for Citizens Against Government Waste; Grassroost Institute of Hawaii; Illinois Alliance for Growth; Michigan Policy Institute; Institute for Liberty.

Maine Heritage Policy Center; Mississippi Center for Public Policy; National Taxpayers Union; Oklahoma Council of Public Affairs, Inc.; Pelican Institute for Public Policy; Pioneer Institute for Public Policy Research; Rhode Island Tea Party; Small Business Hawaii; The Aarons Company; Kentucky Progress; Citizens' Voice for Property Owners.

As we have seen from this time last year, the lack of transparency in terms of what the TARP money is doing is making this bill necessary. The American people, Members of Congress, and regulators are demanding transparency. It is time that we gave it to them. They are entitled to it.

I would like to thank Members on the other side of the aisle, Mr. KING and others, who have been supportive, and particularly Chairman FRANK for his leadership and STENY HOYER for his support. I urge my colleagues to support this bill. It’s past time to have a system so that the American people can tell in real time how their tax dollars are being used. I would add that I also believe that it would build confidence in the system, hopefully a confidence that will be managed in an appropriate way.

I reserve the balance of my time.

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

Mr. Speaker, I rise to support this bipartisan bill authored by the lady from New York and the gentleman from New York (Mr. KING). You know, this bill is really pretty simple, and it’s really...
just about transparency, disclosure and sunshine. Last year, $700 billion of taxpayer money was made available in order to provide a rescue plan for the financial system, which was troubled at that time. We all know that much of this money has gone out, but that you don’t really know what it has been used for, what it is actually being used for, where it is being employed.

Now there are those who will say that, well, because there are dollars, if you put dollars into a given financial institution, you can create anything, you don’t really know which dollar went to what, and I understand that that argument has some legitimacy. But the point of this bill is, let’s disclose and let’s make available what we do know. There is a lot of information out there, but there are still serious criticisms of whether this money has, and is, and will be used in a manner consistent with its original objective which was to stabilize the financial system.

So, the bill, what it really does is, it says, to make available, ongoing, continuous and close to real-time updates of the status of funds distributed through a standardized electronic database. That’s something which technology today enables us to do, and it’s something that taxpayers and the Members of Congress have the right to see in order to better evaluate the use of these funds. So I stand in support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I have no further speakers. I would just like to say that the program’s effectiveness was testified in support of by economist Mark Zandi, who said, While TARP has not been a universal success, it has been instrumental to the stabilization of the financial system and bringing an end to the credit recession, but there are still serious criticisms of the program that should give us concern about its effectiveness, its cost, and how it can be improved. This bill that brings online transparency would move us in that right direction.

I am strongly in support of it, as well as many of my colleagues.

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

Mr. KING of New York. Mr. Speaker, today I rise in support of H.R. 1242, the TARP Accountability and Disclosure Act. As the lead Republican sponsor of this legislation, I have worked closely with Representatives Maloney and Carrow as well as Financial Services Committee Chairman Frank and Ranking Member Bachus to bring this important bill to the House floor.

The Emergency Economic Stabilization Act, EESA, created the Troubled Asset Relief Program, TARP, which authorized the Treasury Department to buy $700 billion worth of troubled assets from financial institutions. This money has also been used by Treasury to purchase preferred stock from banks and other financially troubled companies, such as AIG, General Motors, and Chrysler, and in support of programs such as the Targeted Investment Program, Asset Guarantee Program, and Consumer and Business Lending Initiative. Investors were not disappointed. While Congress did subsequently place additional conditions on how it could be spent, it has been rather difficult to follow and account for this vast amount of money.

It is also important that not only our government but also the American People know exactly where their taxpayer dollars are going for programs such as TARP. The TARP Accountability and Disclosure Act requires the creation of a database system within the Department of Treasury and provides for additional monitoring and accountability that will provide true transparency of how the TARP funds are used. This system would serve as an efficient mechanism for oversight, audits, and investigations. H.R. 1242 will also require that this database be made publicly available, allow for the daily collection of information and for the filtering of data content. Finally, it will prohibit the disclosure of information that would already be prohibited by any federal or state law or regulation including proprietary information.

So, why is this necessary? Well, not only is this information reported to over 25 different federal agencies, including the SEC, Federal Reserve, FDIC, and Commodities Futures Trading Commission, but the data is located in various systems and formats that are incomparable with one another. The TARP Accountability and Disclosure Act would require all relevant TARP data collected be put in a single standardized format so these funds will be transparent and traceable.

I am pleased to report that this legislation is supported by many organizations including the Chamber of Commerce, the Center for Democracy and Technology, OMB Watch, Taxpayers for Common Sense, Heritage Foundation, Americans for Tax Reform, and the NACP. Mr. Speaker, I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here today in support of H.R. 1242, which amends the Emergency Economic Stabilization Act of 2008 to authorize the Secretary of the Treasury to require the Treasury Department to adjust, and when necessary, increase the oversight and accountability of Troubled Asset Relief Program, TARP. I support this legislation because I believe that increased accountability will enhance the effectiveness of the TARP funds.

I would like to first thank my colleague, Congresswoman CAROLYN MALONEY, for introducing this valuable piece of legislation. The TARP funds are designated for financial institutions that have complex internal systems and multiple places, and it’s just simple to determine whether this money has, and is, and will be used in a manner consistent with its original objective which was to stabilize the financial system. That’s something which technology today enables us to do, and it’s something that taxpayers and the Members of Congress have the right to see in order to better evaluate the use of these funds. So I stand in support of this bill.

I reserve the balance of my time.
The question was taken. The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair’s prior announcement, following this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 494, by the yeas and nays; and

H. Res. 897, by the yeas and nays; and

H. Res. 3634, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING THE EXEMPLARY SERVICE OF THE 30TH INFANTRY DIVISION DURING WORLD WAR II

H. Res. 494 had I been present, I would have voted in favor of the current resolution.

So (two-thirds being in the affirmative) the rules were suspended and the concurrent 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 129, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The question is on the motion offered by the gentleman from North Carolina (Mr. KISSELL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 129, as amended.

This will be a 5-minute vote.
The Speaker. The House has the floor.

Mr. Gohmert. Mr. Speaker, this week, we honor our armed forces and their families who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and of all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (Mr. Gohmert of Texas) in the Chair.

The Speaker pro tempore announced the following:

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore announced that the House had reconvened at 2:00 p.m. on December 2, 2009, pursuant to the resolution (H.Res. 861, as amended).

The motion to suspend the rules and agree to the resolution, as agreed to by the gentleman from North Carolina (Mr. KISSELL), that the House suspend the rules and agree to the resolution, H. Res. 861, as amended, will be put on the table.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOUMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and of all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

MILITARY FAMILY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 861, as amended, on which the yeas and nays were ordered, to be taken up at 2:15 p.m., December 2, 2009, pursuant to the resolution (H.Res. 861, as amended).

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. Bishop) that the House suspend the rules and agree to the resolution, H. Res. 897.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll of NAY]

YEAS—419

NEVER VOTING—17

Not voting—45

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution supporting the goals and ideals of Military Family Month".

A motion to reconsider was laid on the table.

RECOGNIZING IMPORTANCE OF TEACHING STUDENTS ABOUT VETERANS

The SPEAKER pro tempore. The unfinished business is the question on the motion to suspend the rules and agree to the resolution, H. Res. 897, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.
The question was taken. The SPEAKER pro tempore, in the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HARE. 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 415, noes 0, not voting 19, as follows:

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AYES—415

... (continued)
December 2, 2009

H13412

CONGRESSIONAL RECORD—HOUSE

“(1) shall be developed in coordination with State, local, tribal, and territorial governments; and
“(2) shall include a proposed timeline for actions to implement the plan;
“(c) Program Assessment Requirements.—Each program assessment under subsection (a)(3) shall include:
“(1) a summary of the purpose, objectives, and performance goals, and of the key findings of the assessment;
“(2) an assessment of the quality of the program’s performance metrics, and the extent to which necessary performance data are collected;
“(3) a summary of how the program’s strengths and weaknesses are impacting or contributing to its failures or successes, including reasons for any substantial variation from the targeted level of performance of the program;
“(4) a description of the extent to which any trends, developments, or emerging conditions affect the need to change the mission of the program or the way that the program is being carried out;
“(5) an identification of the best practices used in the program for allocating resources in an efficient and effective manner that resulted in positive outcomes and the key reasons why such practices resulted in positive outcomes;
“(6) recommendations for program modifications to improve the results that the program achieves;
“(7) a summary of key results of the program assessment that support maximizing the amount of funds appropriated for the program; and
“(8) an assessment of the quality of customer service offered to recipients of funds under the program and a strategy for improving such service.

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title XX the following new item:
“Sec. 2023. Identification of reporting redundancies and development of performance metrics.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Alabama (Mr. ROGERS) each yielded their time.

The Chair recognizes the gentleman from Texas.

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to re-read and send their remarks and insert extraneous materials on the bill under consideration.

The SPEAKER pro tempore. There was no objection.

Mr. CUELLAR. Mr. Speaker, I rise in support of this bill and yield myself such time as I may consume.

Mr. Speaker, Congress instructed FEMA in the Post-Katrina Emergency Management Reform Act of 2006 and in the Implementing Recommendations of the 9/11 Commission Act of 2007 to develop performance metrics for its homeland security grants programs. As the House Committee on Homeland Security did in our October 27 subcommittee hearing I held with my ranking member hearing on emergency communications, these requirements remain poorly implemented and difficult to comprehend. What is most disconcerting is that FEMA still cannot determine our Nation’s overall preparedness or how homeland security grants have helped to protect our Nation from acts of terrorism.

It is for these reasons that I come to you today to ask for your support of H.R. 3980, the Redundancy Elimination and Enhanced Performance for Preparedness Grants Act. This legislation would require FEMA to work in conjunction with State, local, tribal and territorial stakeholders to develop a plan to do the following things:

Streamline homeland security grant reporting requirements, rules and regulations to eliminate redundant reporting;

Create a strategy including a timetable for establishing the much-needed performance metrics for grant programs to ensure that the funds are being directed to the areas where they will be best spent.

Require FEMA to take an inventory of each of the homeland security grant programs to include the purpose, objectives and performance goals for each.

The plan will be submitted to the appropriate congressional committees no later than 120 days after the bill’s enactment.

It will be updated biannually to ensure that the committee is able to maintain a watchful eye and the oversight on redundancies in the law that might confuse the grant recipients at the local level.

This bill will help identify inefficiencies with the DHS grants programs and this bill will increase the quality of service received by DHS grant recipients.

I urge all of my colleagues to support this important legislation.

Mr. Speaker, I rise in support of this important legislation.


Hon. BENNIE G. THOMPSON, Chairman, Committee on Homeland Security, Washington, DC.

Dear Chairman Thompson: I write to you regarding H.R. 3980, the “Redundancy Elimination and Enhanced Performance for Preparedness Grants Act.”

H.R. 3980 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision on sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure.

Further, I recognize that your Committee has the right to seek appointment of conferees on the bill for the portions of the bill over which your Committee has a jurisdictional interest and I agree to support such a request. If the Committee on Transportation and Infrastructure has a jurisdictional interest in certain provisions of H.R. 3980, I appreciate your agreement to not seek a sequential referral of this legislation and I acknowledge that your decision to forgo a sequential referral does not waive, alter, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure.

Since 2006, Congress has mandated FEMA to measure the Nation’s level of preparedness, as well as the effectiveness of State and local homeland security grant programs administered by FEMA. Both the Post-Katrina Reform Act of 2006 and the 9/11 Act of 2007 require FEMA to develop metrics that can be used to identify and close gaps in preparedness with homeland security resources. These include the Comprehensive Assessment System, the Target Capabilities List, and the State Preparedness Report.

Unfortunately, the various preparedness metrics developed since 2006 have not been properly integrated by FEMA, resulting in duplicative reporting requirements that put an undue burden

Sincerely,

BENNIE G. THOMPSON,
Chairman.
Mr. CUELLAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as you heard, this is commonsense legislation that will streamline FEMA’s efforts to enhance our Nation’s preparedness and response capabilities. We’re trying to do is to make sure that we get rid of any unnecessary rules and regulations that cause our local folks problems. Number two, we’re also trying to make sure that we measure the results. If we’re going to have billions of dollars on grants, we’ve just got to make sure that we measure those particular results.

The bottom line is, Mr. Speaker, we’re trying to focus on the customers, and the customers are the recipients of these grants. I certainly want to thank our ranking member, Mr. ROGERS. He’s done an outstanding job there in the committee. I look forward to working with him not only on this legislation to make it law but certainly on other pieces of legislation. I urge all my colleagues to vote “aye.”

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 3980, the “Redundancy Elimination and Enhanced Performance for Preparedness Grants Act.”

This legislation, introduced by Mr. CUELLAR, the Chairman of the Subcommittee on Emergency Communications, Preparedness and Response, requires FEMA to assess the performance of its homeland security grant program and work towards addressing any identified deficiencies.

The legislation was developed based on finding from an October subcommittee hearing where FEMA testified as to the status of the agency’s efforts to establish performance measures and preparedness grants.

At the hearing, we learned that FEMA’s efforts to implement statutory performance metrics-related requirements are fragmented and poorly integrated. As a result, FEMA is unable to measure how the $29 billion in homeland security grants appropriated since 2002 were spent and whether these grants were improving preparedness.

The legislation directs FEMA to streamline its grants reporting process to make it more efficient and informative, and it eliminates redundant requests for information.

I would like to acknowledge Speaker PELOSI and Chairman THOMPSON for their leadership in bringing this important bill to the floor. I would also like to thank my colleague Congressman CUELLAR, who worked so hard authoring this important legislation holding FEMA accountable for our taxpayer dollars.

Mr. Speaker, on October 27, as a member of the Subcommittee on Emergency Communication, Preparingness, and Response, I heard testimony from both FEMA officials and state and local government officials about the successful implementation of the grant program.

State and local officials, including the mayor of Los Angeles in my home state of California, urged the federal government to reconsider their use of this program. In the words of the mayor, “all the reports that it generates provide no guidance or value for assessing homeland security investments.”

H.R. 3980 directs FEMA to identify and address the problems it is experiencing with grants reporting and tracking. This legislation responds, almost in response to the concerns raised to Congresswoman CUELLAR and me by the mayor of Los Angeles about the FEMA grants reporting process. I am proud that this legislation addresses those concerns. When it comes to homeland security and taxpayer dollars, we simply cannot afford to be wasting time now or the decades to come seeking no guidance or value. So I am pleased to champion H.R. 3980, which addresses this problem.

In conclusion, Mr. Speaker, I support this bill because it will make our grant process more efficient and informative. Redundant reporting requirements and unnecessarily burdensome grant guidance and technical assistance programs will be able to better focus on doing the work they need to do to keep our nation safe.
Resolved, That it is the sense of the House of Representatives that the Transportation Security Administration should—

(1) continue to enhance security against terrorist attack and other security threats to our Nation’s rail and mass transit systems and other modes of surface transportation, including as provided for in the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53) and the Transportation Security Administration Authorization Act of 2009 (H.R. 2200 in the 111th Congress);

(2) continue development of the National Explosives Detection Canine Team Program, which has proven to be an effective tool in securing rail systems against terrorist attack and professional relations with the traveling public; and

(3) improve upon the success of the Online Learning Center by providing increased personal security training programs to ensure those responsible for securing our surface transportation systems against terrorist attack are highly trained in both rail and systems against terror-rist attack and professional relations with the traveling public; and

(4) continue to secure our Nation’s mass transit and rail systems against terrorist attack and other security threats, so as to ensure the security of commutes on our Na-

tion’s rail and mass transit systems and prevent the disruption of rail lines critical to our Nation’s economy.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Alabama (Mr. ROGERS) each shall control 20 minutes.

The Chair recognizes the gentle-
woman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentle-
woman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this resolu-
tion and yield myself such time as I may consume.

Mr. Speaker, House Resolution 28 expresses the sense of the House of Repre-
sentatives that TSA should increase and enhance its efforts to secure rail and mass transit systems in ways that are consistent with the 9/11 Act and H.R. 2200.

Let me first of all say, Mr. Speaker, that in addition to this legislation, as we stand on the floor today and watch the actions in Afghanistan and Paki-

stan, as we see the world changing from Mumbai to Madrid, we recognize the crucialness of national security and homeland security. And so this legis-
lation is to emphasize the importance of expanding our oversight and re-
sponsibility to the security of mass transit and rail transportation.

I introduced this resolution because deadlines in the 9/11 Act have passed without being satisfied, which is inex-

cusable given the risks faced by our Nation’s rail and mass transit systems. In addition, I authored H.R. 2200, the TSA authorization bill, which included several elements that sought to en-

hance TSA’s surface transportation ef-

forts in an overwhelmingly bipartisan manner earlier this year. As we wait for our friends in the Senate to act on H.R. 2200, I believe that the House agreeing to this resolu-
tion reconfirms to our goal of TSA se-
curing these transportation systems.

Let me first of all acknowledge the professional men and women that work for the Transportation Security Ad-
mistration. I am gratified to know that progress is being made of a new administrator for that agency. I have worked very hard in H.R. 2200 to focus on their professionalism. But they need tools and they need the tools that will allow us to focus on the security of these important elements of transpor-
tation, and, as well, the job engine of our community and our Nation.

Many Americans use mass transit. Many Americans use rail. Any irrever-
sible, tragic terrorist act can impact the economy of this Nation. As we were re-

minded by the tragic events in Russia over the weekend and in other cities around the world over the last several years, rail and mass transit systems are prime targets for terrorist acts. When they’re shut down, the economy can shut down.

This resolution recognizes TSA as being uniquely positioned to lead Fed-

eral efforts to secure our Nation’s rail and mass transit systems, and recog-
nizes the National Explosives Detection Canine Team Program as a valu-
able resource, which my friend from Alabama has worked on. I might also say that this effort today, this resolu-
tion, is also to save lives. As such, it is critical that TSA’s security efforts share our commitment to securing these systems.

I urge my colleagues to join me in sup-
porting this resolution and send a message about the importance of pro-
tecting our people, our infrastructure, and our economy.

I reserve the balance of my time.

Mr. ROGERS of Alabama. Mr. Speak-

er, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 28, sponsored by my friends and the gentlewoman from Texas (Ms. JACKSON-LEE). We know the Nation’s surface transportation systems are de-

signed for accessibility and efficiency, making them vulnerable to terrorist attack. When hardening the transpor-
tation sector from terrorist attack, we must construct and finance a system of deterrence, protection and response that effectively reduces the possibility and consequences of another terrorist attack without unduly interfering with travel and mobility.

In the 9/11 Act of 2007, Congress mandated that DHS take certain steps to ensure the security of our Nation’s public transportation systems. More than 2 years later, a number of mandates have gone unmet by the depart-
ment, and this resolution expresses the sense of Congress that DHS should ac-
tually implement those mandates. It is time for DHS to move beyond the transportation sector-specific plans that identify and evaluate risk, to im-
plementing risk reduction measures.

This resolution resolves that TSA should continue to enhance the secu-
rist of mass transit and railroad transpor-
tation systems, continue the develop-
ment of the canine explosive detection program, and enhance on-line training programs. The resolution also takes special note that more attention is needed for school transportation sys-
tems.

With that, Mr. Speaker, I would urge my colleagues to vote for this, and yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I’d like to thank the staff of the Homeland Security Committee, and as we stand on the floor today, to thank the Transportation Security Committee, Mike Beland, and acknowledge the chairman of the committee for working with me and acknowledging the importance of this particular amendment and this bill.

Let me just say, as I close, we have already enunciated the parameters of securing mass transit and rail. We un-

derstand that we are beholding in that ef-

fort.

I know there are members, dedicated members of the Homeland Secu-

rity Department and efforts that are prime time for DHS to move beyond the transportation sector-specific plans that identify and evaluate risk, to im-
plementing risk reduction measures.

I believe this is a critical issue. H. Res. 28 addresses the critical issue of surface transportation, and I encourage my colleagues to vote ‘aye’ and support this. Mr. Speaker, for a second consecutive year, while Ameri-
cans gathered with family and friends to cele-
brate the Thanksgiving holiday, terrorists exe-
cution deadly attacks on innocent people that were in transit, on foreign rail systems.
It has been nearly six months since this body overwhelmingly passed the legislation to authorize TSA’s rail and mass transit security activities (H.R. 2200).

Unfortunately, to date, the Senate has failed to move on H.R. 2200.

The Senate also has yet to confirm a new TSA Assistant Secretary to fulfill the rail and mass transit security mandates that Congress overwhelmingly approved in 2007, with the passage of the Implementing Recommendations of the 9/11 Commission Act.

Plainly, there is still much to be done to secure rail and mass transit systems in the United States from bombings like the ones that occurred in Russia over the weekend, and other acts of terrorism.

In remembrance of those events, as well as the bombings of passenger rail and mass transit systems across the country and to build on existing programs that have shown promise,

This resolution recognizes TSA as being uniquely positioned to lead Federal efforts to secure rail and mass transit systems in the United States, and identifies the National Explosives Detection Canine Team Program as an effective and valuable resource.

House passage of both the 9/11 Act in 2007 and H.R. 2200 earlier this year by overwhelming majorities has emphasized the House of Representatives’ commitment to strengthening security of rail and mass transit systems.

I urge my colleagues to join with me in supporting this resolution and reaffirming our strong commitment to strengthening the security of our rail and mass transit systems.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of House Resolution 28, which expresses the sense of the House of Representatives that the Transportation Security Administration (TSA) should increase and expand upon programs with a proven record of success, such as the Online Learning Center that ensures those responsible for securing against terrorist attacks on our transportation systems are highly trained.

So I am happy to stand in support of H. Res. 28.

In conclusion, Mr. Speaker, I support this resolution because we cannot take the safety of our Nation’s infrastructure for granted. We need to urge TSA to take all the action necessary to adequately protect our Nation and expand upon programs with a proven record of success, such as the Online Learning Center.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 28.

Ms. JACKSON-LEE of Texas. With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and agree to the resolution, H. Res. 28, as amended.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

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

CRIMINAL INVESTIGATIVE TRAINING RESTORATION ACT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3963) to provide specialized training to Federal air marshals.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3963

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Criminal Investigative Training Restoration Act.”

SEC. 2. FEDERAL AIR MARSHALS.

Section 44907 of title 49, United States Code, is amended by adding at the end the following:

“(o) CRIMINAL INVESTIGATIVE TRAINING PROGRAM.—

“(1) NEW EMPLOYEE TRAINING.—Not later than 30 days after the date of enactment of the Criminal Investigative Training Restoration Act, the Federal Air Marshal Service shall require Federal air marshals hired after such date to complete the criminal investigative training provided through the Federal Law Enforcement Training Center as part of basic training for Federal air marshals.

“(2) EXISTING EMPLOYEES.—A Federal air marshal who has previously completed the criminal investigative training program shall not be required to repeat such program.

“(3) ALTERNATIVE TRAINING.—Not later than 3 years after the date of enactment of the Criminal Investigative Training Restoration Act, an air marshal hired before such date who has not completed the criminal investigative training program shall be required to complete a alternative training program, as determined by the Federal Law Enforcement Center, that provides the training necessary by law to between the mixed basic police training, the Federal air marshal programs already completed by the Federal air marshal and the criminal investiga-

In conclusion, Mr. Speaker, I support this resolution because we cannot take the safety of our Nation’s infrastructure for granted. We need to urge TSA to take all the action necessary to adequately protect our Nation and expand upon programs with a proven record of success, such as the Online Learning Center.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 28.

Ms. JACKSON-LEE of Texas. With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes. The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill and yield myself such time as I may consume.

First of all, I’m grateful to the gentlewoman from California (Mr. DANIEL E. LUNGREN), who I have worked with before, who’s worked tirelessly on this issue. I’m honored to be a cosponsor of this important legislation, and I do applaud his work.

This legislation will help to bolster the effectiveness and morale of the Federal Air Marshal Service, many of whom I visited with over my tenure as a member of the Homeland Security Committee.

In my position as chairwoman of the Subcommittee on Transportation Security and Infrastructure Protection, I have promoted the need to keep our modes of transportation secure and to ensure that employees of the Department of Homeland Security have professional training opportunities and are treated fairly and given the opportunity to exercise their concern and have this Congress and this executive listen to their concerns. This bill works towards both of these important objectives.

The Federal Air Marshal Service had to quickly expand its efforts in the wake of attacks on September 11, 2001. This bill helps to restore more training measures in a way that is consistent with that necessary expansion.

In addition, this legislation provides for potential promotion opportunities. The twofold objective to provide the necessary training and to make employees of the Department of Homeland Security feel that their concerns are heard.

This legislation provides for the potential promotion opportunities. We should do all we can to acknowledge the contributions of those serving to preserve our nation’s safety. I am proud to be a cosponsor of this legislation, and I hope that we will move on H.R. 2200.

The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from California (Mr. DANIEL E. LUNGREN) to make H.R. 2200 the rule of the House.

The question was taken. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from California (Mr. DANIEL E. LUNGREN) to make H.R. 2200 the rule of the House.

The yeas and nays were ordered. The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

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

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill and yield myself such time as I may consume.

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with the gentleman from California, as we have promised, we were able to agree on language that eliminates my concern. I thank the gentleman for his cooperation and collaboration for a very important step forward. Accordingly, I'm confident that Federal air marshals who help to keep us safe. This bill is a good bill that will improve the security of the traveling public.

I look forward to the bipartisan passage of H.R. 3963 and reserve the balance of my time.

Mr. DANIEL E. LUNGGREN of California. Mr. Speaker, I yield myself such time as I may consume. I thank the gentlelady for her gracious comments and her support of this bill. I rise in support of H.R. 3963, the Federal Air Marshals Investigative Restoration Act, a bill that I have authored.

Prior to 9/11, the criminal investigative training program at the Federal Law Enforcement Training Center was an essential part of the training that we have for our Federal air marshals, commonly referred to as FAMs. The events of 9/11, however, necessitated an emergency situation in which we were required to rapidly hire, train, and deploy thousands of new FAMs.

In order to meet these ambitious deployment mandates, the newly hired members of this corps, without prior Federal law enforcement experience, were not required to take the criminal investigative training program. It was not because we did not wish them to have it, but that would have delayed their deployment, and we were under an emergency situation. We realized that additional Federal air marshals were essential to the overall response to the threat we then knew to be real.

It has always been the intent of the Federal Air Marshal Service, however, to resume using the criminal investigative training program as part of the basic training for FAMs. This bill will restore the criminal investigative training program as part of the basic training for the members of this organization.

Crucial to the mission of the Federal air marshals is the ability to detect, deter, and prevent terrorists or other criminal hostile acts targeting our U.S. air carriers, airports, passengers, crew, or other transportation modes. Currently, the FAMS are required to take a mixed basic police training program and a FAMS-specific course at the Federal Law Enforcement Training Center, known as FLETCC. Restoring the criminal investigative training will provide FAMs with the additional knowledge and skills required to resolve situations as well as respond to situations in-flight.

The additional training—it is 12 weeks long—includes law enforcement interview, interrogation, and behavioral assessment skills and techniques. It will, undoubtedly, provide our Federal air marshals with improved law enforcement skills not only to fly missions, but to perform the enhanced roles with our visual intermodal protection that is our VIPR teams—and other ground-based law enforcement. It therefore enhances the FAMS' layer of security.

Detection is the principle tool utilized by FAMs to disrupt terrorist operations, and these investigative techniques are not currently taught to our Federal air marshals. It also provides the Department of Homeland Security Secretay and the TSA administrator a highly trained, agile, and motivated workforce capable of meeting the security challenges facing not only our transportation sector, but also the homeland itself.

Now, Mr. Speaker, our Federal air marshals have expressed a strong desire to pursue opportunities within the Service and the opportunity to gain greater investigative experience. This legislation affords these opportunities and is an important step in improving operations at the Federal Air Marshal Service. Restoring the criminal investigative training to the Federal Air Marshal Service would also improve morale tremendously. These are trained individuals who seek to be recognized as essential members of our overall law enforcement communities. This will give them the kind of training that will assist them not only in their job, but should they pursue other lines of employment in the world of law enforcement. This will provide them with the background which will assist in that.

The Federal Air Marshal Service supports the restoration of criminal investigative training to their membership. The Federal Law Enforcement Officers Association supports this bill. However, I want to emphasize this bill does not in any way reclassify the Federal air marshals as criminal investigators, known as series 1811 employees. The bill therefore before us states expressly that nothing in the bill would be construed as reclassifying FAMs as criminal investigators. That should clear up any question of a budgetary nature with respect to this bill.

I would ask for House bipartisan support of this legislation, and I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, at this time I have no further speakers. I would inquire whether the gentleman is prepared to close.

Mr. DANIEL E. LUNGGREN of California. I am prepared to close, as I have no further speakers. I thank the gentlelady for her support on this. I thank both sides of the aisle, both staff and members of the committee. This is a common sense approach. It’s the kind of thing we’re working on together—we have worked on together here—and I hope it will pass unanimously.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me first of all thank my good friend, Mr. LUNGGREN, again, for his cooperation in this effort. I’d like to re-emphasize points that he has made that should be reemphasized.

One, we are gratified that we have Federal U.S. Air Marshals, and we thank them for their service. They are peace officers, as we use the term in Texas. They are law enforcement officers. We’re gratified for that expertise. This legislation will help them add to their portfolio in training on investigation, because there is not a single action that may occur that would require their service that does not require us to have the details and the information in order to bring individuals to justice. This is important.

Might I just add that Federal air marshals have risen to the call of duty. Federal air marshals came to New Orleans, Louisiana, during Hurricane Katrina. Federal air marshals have been called upon in time of disaster, and they have answered the call.

I think it is important to note as we stand on the floor of the House to present this legislation to enhance their training that we appreciate their service. We thank them for the sacrifice of their families as they travel internationally on behalf of the American people.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 3963, the “Criminal Investigative Training Restoration Act,” which has the potential of bolstering the effectiveness and morale of the Federal Air Marshal Service.

Specifically, this is a bipartisan bill adds the Federal Law Enforcement Training Center’s criminal investigative training program to the basic training required for Federal Air Marshals.

H.R. 3963 directs the Federal Air Marshal Service to provide criminal investigative training to all newly hired FAMS within 30 days of enactment.

The bill creates a three-year window for all current FAMS to be provided this additional training.

This training was provide to FAMS prior to 2001 but was halted to allow the Federal Air Marshal Service to swiftly ramp up its workforce in response to the September 11th attacks.

Unfortunately, in the eight years since 9/11, the Transportation Security Administration has not moved forward to restore this training.

I have heard that there were some concerns that there was a risk that FAMS, by virtue of taking this course, would be reclassified as "criminal investigators."

The legislation addresses this concern head-on by clearly stating that this such a reclassification will not occur, thereby also ensuring that the pay FAMS receive is not adversely affected.

I thank the gentleman from California, Mr. LUNGGREN, for introducing this legislation and working of my colleagues to include this important provision.
I urge passage of this bipartisan bill.

Ms. JACKSON-LEE of Texas. I would ask my colleagues to support this very important bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON-LEE) that the House suspend the rules and pass the bill, H.R. 3963.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 939) extending condolences to the families of Servicemen Mark Renninger, Officer Tina Griswold, Officer Ronald Owens, and Officer Greg Richards.

The Clerk read the title of the resolution, and the text of the resolution is as follows:

H. Res. 939

Whereas, on the morning of November 29, 2009, 4 members of the Lakewood Police Department were slain by gunfire in a senseless act of violence while preparing for their shift in Lakewood, Washington;

Whereas the 4 officers have been members of the Lakewood Police Department since its founding 5 years ago, were valuable members of the community, and were deeply respected for their service;

Whereas Sergeant Mark Renninger who served 13 years in law enforcement, first with the Tukwila Police Department and most recently, served with the Lakewood Police Department, is survived by his wife and 3 children;

Whereas Officer Tina Griswold who served 14 years in law enforcement, first with the Laceys Police Department and most recently, served with the Lakewood Police Department, is survived by her husband and 2 children;

Whereas Officer Ronald Owens who served 12 years in law enforcement, first with the Washington State Patrol and most recently, served with the Lakewood Police Department, is survived by his daughter;

Whereas Officer Greg Richards who served 8 years in law enforcement, first with the Kent Police Department and most recently, served with the Lakewood Police Department, is survived by his wife and 3 children;

Whereas the senseless violence against and murder of law enforcement officers, who are sworn to serve, protect, and preserve the peace of the communities, is a particularly heinous crime; and

Whereas in the face of this senseless tragedy, the people of the City of Lakewood, the surrounding communities, and the State of Washington have come together in support of the law enforcement community and the victims, therefore, it is

Resolved, That the House of Representatives—

(1) extends its condolences to the families of Serviceman Mark Renninger, Officer Tina Griswold, Officer Ronald Owens, and Officer Greg Richards; and

(2) stands with the people of Lakewood, Washington, the men and women of the Lakewood Police Department, and members of the law enforcement community as they celebrate the lives lost and mourn the loss of these four dedicated public servants and law enforcement heroes.

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

The Chair recognizes the gentleman from Tennessee.

GENARAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter on the bill under consideration.

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

There was no objection.

The Clerk read the title of the resolution, and I rise in support of House Resolution 939. This resolution extends our condolences to the families of Sergeant Mark Renninger, Officer Tina Griswold, Officer Ronald Owens, and Officer Greg Richards. These four police officers were members of the Lakewood, Washington, police department and were ambushed by gunfire in a murderous act of violence on November 29, 2009.

These four officers were in uniform and sitting at a table in a coffee shop near their patrol area. They were preparing for their upcoming shift when a gunman, with an extensive criminal record who was out on bond for another criminal offense entered the location and suddenly fired gunshots at these officers. Two of the officers were killed immediately, another was shot when he stood up from the table, and the fourth was shot after struggling with the gunman in attempting to prevent his escape. The gunman fled but before one of the wounded dying officers had shot him.

The gunman was found 2 days later in Seattle after he challenged yet another police officer who approached him. That police officer was a 7-year veteran of the Seattle police force who noticed a parked, stolen car that was running but unoccupied. The officer approached the suspect outside the car and asked him to show his hands, but the suspect refused and started to run around the car. The officer shot and killed the suspect to prevent his escape. The officer had recognized the suspect from photographs and identified him as the main suspect in the murders of these other officers. The gunman was carrying a service weapon taken from one of the slain officers that he had murdered.

Unfortunately, police officers and law enforcement officials sometimes go unnoticed and unappreciated by communities that they protect. So far in 2009, American police officers have lost their lives in the line of duty, protecting the rest of us. These noble men and women deserve respect and gratitude from our entire Nation. Peace officers, like Sergeant Renninger, Officer Owens, Officer Richards perform their jobs every day with the knowledge that there is a possibility that they may give their lives in service to the communities that they protect. That’s an awesome sacrifice.

As a Nation, we are grateful to peace officers who readily accept such a tremendous burden and to their families.
Mr. COHEN. Mr. Speaker, I yield as much time as the gentleman shall con-

sider. I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield as much time as the gentleman shall con-

sume to Mr. SMITH from the State of Washington.

Mr. SMITH of Washington. I want to thank the Speaker and this Chamber for so quickly bringing this resolution to the floor.

As we have now heard of the tragic events of last Sunday, we are here to offer our condolences to the families, also to honor the lives and the service of the four officers who were so brutally slain, and to express our grief over their loss. They were ambushed early on Sunday morning, simply getting ready to go to work. It is a tragedy that, in a deep impact on our community. And I want to also offer my condolences to all the people in Lakewood, especially their police force and the city officials, who have been so impacted by this tragic event.

The four officers who were killed were part of the police force and all of the police officers in this country who so selflessly serve and protect all of us.

They were Sergeant Mark Renninger, who was a 13-year law enforcement vet-

eran. He started out with the Tukwila Police Department before moving on to Lakewood. He is survived by his wife, two daughters, and a son.

Officer Tina Griswold served 14 years in law enforcement, starting with the Tukwila Police Department before mov-

ing to Lakewood. She is survived by her husband and two children.

Officer Ronald Owens, who has served 12 years in law enforcement, started off with the Washington State Patrol before moving to Lakewood. He is sur-

vived by a daughter.

Officer Greg Richards served 8 years in law enforcement. He began with the Kent Police Department before going to Lakewood. He is survived by his wife and three children.

It is very appropriate that Congress makes clear to the families and to all members of the law enforcement com-

munity that we stand with them in grieving their loss and honoring their service. And it is also important that we remember as often as possible what our law enforcement personnel do for us.

I had the opportunity to serve as a prosecutor for a few years and work with many of the members of our law enforcement community, and what a lot of people forget is the constant dan-

ger that they are in and the courage that it takes to do their job every day. It’s easy to see a police officer on a pat-

rol or on the beat, see them driving around, and think of the job simply in that context. But every second of every day, people who serve as police officers know the risk and danger that they are taking. And the impressive thing is they take it every single day and they do it to protect us, to give us a sense of safety and security in our community despite the danger.

The tragedy in Lakewood makes that all too clear. They were simply sitting down for a cup of coffee to get their pa-

perwork together before going on shift. That makes it clear just how much our police officers know the risk and how willingly they take that risk and protect us.

I thank the House for pausing for a few moments today to remember the service of these four officers, to honor them for that service, to grieve over their deaths, and to express condo-

lences to their families, to all of the people in Lakewood, and to the larger law enforcement community that does so much to protect us and show so much courage in doing so.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. REICHERT), who’s familiar with this law enforcement agency and, as a sheriff, represented much of this area.

Mr. REICHERT. I thank the judge for yielding.

Mr. Speaker, I know that most of the people in Washington, D.C., don’t know these families that we’re talking about today. The people here in Washington, D.C., don’t know the children that these officers will no longer be able to parent.

But we do know police officers in Washington, D.C. We do know police of-

ficers here, the Capitol Hill Police Depart-

ment and the D.C. Police Depart-

ment, and we recognize the job they do every day to protect us.

Sometimes it’s hard to make that connection between the men and women who wear the uniform and the sacrifices they make until it happens to you. It happens to you when you risk your life in your communities, until it happens to one of your neighborhood police of-

cers, until it happens to your mother,

your father, one minute sitting having coffee at a coffee shop, the next minute gone. Three fathers and a mother coming to work to protect all of us. It hap-

pens every day on the streets of Ameri-

ca. They put on the uniform. They know the risk.

So with this resolution today, I think it’s right that we pause and think about the sacrifices that our men and women in uniform make here serving our police departments in our communities across this country, to honor the men and women of the Lakewood Police Department, and members of the department and the D.C. Police Depart-

ment, which was founded just 5 years ago.

The four officers who were killed were part of the police force and all of the police officers in this country who so selflessly serve and protect all of us.

So with this resolution today, I think it’s right that we pause and think about the sacrifices that our men and women in uniform make here serving our police departments in our communities across this country, to honor the men and women of the Lakewood Police Department, and members of the department and the D.C. Police Depart-

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Officer Greg Richards served 8 years in law enforcement. He began with the Kent Police Department before going to Lakewood. He is survived by his wife and three children.
the uniform at home to protect us from domestic criminals and those who wear the uniform overseas to protect us from international criminals.

Peace officers, Mr. Speaker, are the last strand of wire in the fence between the people and the lawless. Every day they put on their uniform and they put above their heart on their chest a badge, which is really a shield, a shield that’s symbolic of protecting the community from the evildoers. It goes back centuries ago. And yet they wear that shield to protect us from people who wish to do us harm. And when individuals make the decision to harm those that protect us, it is an American tragedy, and the whole country mourns with the families who have lost a police officer.

So I urge that we mourn the loss of these officers, that we honor their lives and their bravery, and that we pass this resolution immediately.

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

Mr. COHEN. Mr. Speaker, I join with my friend from Texas in urging that we pass this resolution and that we do mourn these brave officers who lost their lives and stand with the people of Lakewood, Washington.

But I would also ask us to think about what happened, why these people lost their lives. And we may never know, but we do know that the person who killed them should have been behind bars. He was a criminal who was released from prison in Arkansas through executive clemency. And while there are certainly people who committed victimless crimes who are unnecessarily kept for long periods of times in incarceration and should have clemency or some type of executive relief, people who commit crimes of violence, as this person did, they should not be released unless there are some extra circumstances that are beyond anybody’s thought that it was appropriate.

This gentleman was not reformed. He committed other crimes. He still should have been in jail.

And you’ve got to think about mental health. The man was a criminal, but he was also mentally ill. He had delusions that he was some type of religious figure. And we’ve got to think about the mental health laws that we have up here and the opportunity to fund mental institutions and to get mental health so that people can be treated before they commit some act out of a delusional aspect of their disease.

So there are a lot of other areas we need to be looked at as we mourn these officers and remember 9/11 and the fire officers and remember 9/11 and the fire officers and look into as we mourn these officers.

We must work in Congress to ensure that our police departments are always prepared, equipped, and ready to fend off these threats. Law enforcement officers are on the front lines of protecting our communities, and we must ensure they are protected, too.

As a former police officer, I’m deeply disturbed by the violent actions that took the lives of four officers who have served the Lakewood Police Department for many years. This is a loss not only to the police department, but to every law enforcement community across the country.

It is also a solemn reminder that every day, our men and women in uniform face unpredictable threats.

We must work in Congress to protect our police officers from these kinds of violent and malicious criminals.

Peace officers, Mr. Speaker, are the first line in our country’s national defense. They are our street-level protectors, our community servants.

This kind of violence against these brave community servants is not only heinous, it’s unimaginable, horrific, and unacceptable.

The Federal Government must do more to protect our police officers from these kinds of violent and malicious criminals.

Congress must look at the ways we can strengthen the penalties for these kinds of horrific crimes committed against our heroes.

Our police officers are out there every day sticking their necks out for us, and we owe it to them to do everything in our power to protect them as well.

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

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 939.

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

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative
days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Radioactive Import Deterrence Act is a bipartisan bill that would ban the importation of low-level radioactive waste unless the President provides a waiver.

Low-level radioactive waste is generated by medical facilities, university research labs, and utility companies. This waste is generated all over the United States, but finding permanent disposal sites has proven difficult. Currently, 36 States and the District of Columbia have only one approved site to store all the waste generated by those industries. That site is located in Utah. The site stores 99 percent of the United States’ low-level radioactive waste.

However, the Nuclear Regulatory Commission is currently considering the importation of 20,000 tons of Italian low-level waste to be permanently disposed of at the Utah site. This would be the largest importation of foreign waste ever.

The United States stands alone as the only country in the world that imports other countries’ radioactive waste for permanent disposal. Other countries are reading the signs that the U.S. is poised to become a nuclear dumping ground. Permit applications are also pending for the importation of Brazilian and Mexican waste.

Foreign waste threatens the capacity that we have set aside in this country for the waste generated by our domestic industries. It is critical that Congress protect this capacity by prohibiting these imports.

I support nuclear power as part of our energy mix. 104 commercial nuclear plants in the United States help to provide 20 percent of our Nation’s energy needs. In order to support the continued growth of our domestic nuclear industry, we must ban the practice of disposing of other countries' radioactive waste. We must reserve that capacity for our domestic needs.

The bill is the product of a bipartisan cooperation and has received multiple hearings before the Energy and Commerce Committee. I urge my colleagues to stand firm against the importation of foreign radioactive waste and support this bipartisan bill.

To expedite this legislation for floor consideration, the Committee on Ways and Means will forgo action on this bill. This is being done with the understanding that the Committee on Energy and Commerce will confirm in the legislative history of the bill that the President’s discretion to waive section 277(a) of the Atomic Energy Act of 1946 applies to non-nuclear or international policy goal, and is not limited to the use of waste for research purposes.

The Committee on Ways and Means is forgoing action on this bill with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 515, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of this bill.

Once again, thank you for your work and cooperation on this legislation.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
Committee on Energy and Commerce,

Hon. Henry A. Waxman,
Chairman, Committee on Ways and Means,
Longworth House Office Building, Washing-
ton, D.C.

DEAR Mr. Chair:

Thank you for your letter regarding H.R. 515, the “Radioactive Export Deterrence Act of 2009.” The Committee on Energy and Commerce recognizes the jurisdictional interest of the Committee on Ways and Means in H.R. 515, and I appreciate your effort to facilitate consideration of this bill.

Your letter accurately stated that the report of the Committee on Energy and Commerce on H.R. 515 will confirm that the President’s discretion to waive section 277(a) of the Atomic Energy Act of 1946 applies to any important national or international policy goal, and is not limited to the use of waste for research purposes. I also concur that by forgoing action on the bill the Committee on Ways and Means does not in any way prejudice with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your efforts to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters on H.R. 515 in the Congressional Record during floor consideration of the bill and in the Committee report on H.R. 515. Again, I appreciate your cooperation regarding this legislation and look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

HENRY A. WAXMAN,
Chairman.

I reserve the balance of my time.

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

The gentleman from Tennessee is a scholar and perspicacious individual, very talented, but Shakespeare said, “To err is human,” and in this case, the gentleman from Tennessee has erred particularly in this bill. So I stand here not in support of his grand bill.

I think many in Congress are perhaps frustrated that we’re not focusing on domestic nuclear waste disposal issues that obviously need to be resolved if we’re ever to revitalize our nuclear energy. Instead, we’re talking about this bill. In fact, this bill is going to hurt businesses that are trying to create American jobs and promote economic growth. It will actually discourage it.

The administration has irresponsibly turned its back on the Yucca Mountain waste repository site, leaving us with no clear plan to dispose of high-level radioactive waste. This nuclear fuel and leaving taxpayers liable for potentially billions of dollars in damages.

Now this bill, Mr. Speaker, does not focus on high-level radioactive waste, but rather it focuses on what is known as a Class A radioactive waste. Now, my colleagues, this is the lowest of lowest levels of radioactive waste. Now, supporters of this bill will say that the word “radioactive” is sometimes a word that is radioactive to lawmakers, so perhaps it’s a word that is radioactive to lawmakers, so perhaps it’s a word that is radioactive to lawmakers, so perhaps it’s a word that is radioactive to lawmakers. I think everybody in this Chamber, as well as everybody in the House, probably has a smoke detector. I think everybody in this Chamber, as well as everybody in the House, probably has a smoke detector in their home. So that is the type of low-level waste we’re talking about.

Now, a lot of us will hear the word “radioactive” and this is perhaps a word that is radioactive to lawmakers, but it should not frighten us once we understand this is the same kind of waste that you find in a smoke detector. I think everybody in this Chamber, as well as everybody in the House, probably has a smoke detector in their home. So that is the type of low-level waste we’re talking about.

Now, what does this legislation do to deal with spent nuclear fuel or the impeding Class B and C waste disposal crisis? Nothing. Nothing is done. Instead, it would prevent U.S. companies from competing in the global marketplace by restraining trade in this very low-level waste.

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December 2, 2009

CONGRESSIONAL RECORD—HOUSE

So I do not believe that the importation of limited amounts of common, very low-level waste raises disposal capacity issues. The GAO didn’t think so either. At the same time, I do not believe that if U.S. nuclear companies are to participate in the global nuclear services market and compete effectively with foreign-owned companies, they must simply be able to manage and dispose of the low-level waste incident to their work and subject to NRC’s strict regulations and requirements. So think about that. We already have in place through the NRC the necessary regulations and requirements. This is going to overlap on that.

So, Mr. Speaker, I’d like to create jobs. We cannot pass new trade barriers that put our own employers and workers at a competitive disadvantage, which I think simply this bill would do.

With that, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield such time as he may consume to my friend from Utah (Mr. MATHIESON), the coauthor of this bipartisan bill.

Mr. MATHIESON. I thank Mr. GORDON for yielding.

Before I begin my comments, I have a copy of a resolution that was passed by the Salt Lake County Council in support of the Writ Act to include in the RECORD.

REPRESENTATION OF FOREIGN NUCLEAR/RADIOACTIVE WASTE AND ITS DISPOSAL IN THE UNITED STATES

Whereas, nearly four thousand people subscribed to a declaratory judgment action in the United States District Court for the Southern District of New York opposing the importation of foreign nuclear/radioactive waste into the United States; and

Whereas, if allowed, foreign radioactive/nuclear waste disposal from entities in the United Kingdom, Mexico, Brazil and other countries which would directly impact Salt Lake County, risking public health and safety, and every shipment, not to mention the financial responsibility imposed on the County and its residents in preparing for and responding to importation accidents; and

Now, therefore, the County Council hereby resolves that it urges Utah’s legislative delegation to support the Radioactive Deterrent Act (RDA), HR 515 and S. 232, which the Compact agreed with the State of Utah to dispose of foreign nuclear/radioactive waste; and

Now, therefore, the County Council further resolves that it supports the prohibition on the transportation of foreign generated nuclear radioactive waste through Salt Lake County; and

Now, therefore, the County Council further resolves that it urges the NRC to not approve the request to import and dispose of foreign low-level nuclear/radioactive waste; and

Now, therefore, the County Council further resolves that it supports the legislative delegation to support the Radioactive Deterrent Act (RDA), HR 515 and S. 232, which would prohibit the importation of foreign nuclear/radioactive waste and further alleviate the health and safety risks of transporting such materials through Salt Lake County.

Mr. Speaker, the Energy and Commerce Committee has held two hearings on this issue: one in the previous Congress and one in this Congress. And during those hearings, we really flushed out this issue in a way that I think makes the pretty clear points that justify moving this bill.

First of all, what was established is that there is confusion about what U.S. policy is relative to importation of radioactive waste from foreign countries. There really is a gap in policy here because as our low-level radioactive waste has developed over the last two or three decades, foreign waste wasn’t even really considered. It just wasn’t conceived that we would even take waste from other countries. But the other country’s radioactive waste, and I think that appears to have been the assumption in terms of when policies have been determined in this country.

But what has happened in the last few years is that there are efforts and contracts being signed to move waste from Italy; there is discussion about Mexico, the United Kingdom, to move low radioactive waste to this country. The Nuclear Regulatory Commission says we have no authority to determine whether or not waste from foreign countries should be allowed into this country.

So then we turn to the next regulatory body that we have in this country, and that is the system of State-run compacts that was established in Federal law primarily in 1980, 1982, and 1990. And the nuclear waste compacts are the ones who also have this role in deciding how to handle low-level radioactive waste.

The State of Utah happens to be a member of the Northwest Compact. When this proposal to move waste from Italy was put before the Compact, the Compact, with the State of Utah opposing the importation of this waste, the State of Utah enjoined the Compact agreement with the State of Utah to no longer need to dispose of waste. At this point, the matter was taken to the courts. The Federal district courts have ruled the Compact courts have no authority to stop this either. That case is currently on appeal.

But what this points out—and the reason I walk through these steps—is to illustrate that there’s a lot of confusion out there and everyone is pointing in a different direction of who’s in charge of this issue. And this issue ought to be addressed by Congress. It’s up from a public policy perspective to discuss whether or not as a policy of this country we should accept another country’s radioactive waste. I happen to think we shouldn’t. No other country in the world does. I don’t think we should either. There has been mention that this is a restraint of trade issue in preventing U.S. companies from competing. I don’t know of any other country that takes imported waste.

For trade to exist, you have goods and services going in both directions, not just in one. I don’t understand how this in any way could be described as a restraint of trade.

Secondly, the capacity of this country for handling low-level waste is an issue because from what I have heard, not many States want to have a nuclear waste site for low-level waste, even though you have heard descriptions that this low-level waste may be no more dangerous than what’s in a smoke detector. When you talk about tons and tons of this low-level radioactive waste, it is not a lot of States are lining up to take it.

And as we move forward as a country in a climate-constrained world where I believe—and I support development of nuclear power plants which, in addition to high-level fuel rods, do generate low-level waste—we need to have a location in this country to dispose of that low-level waste.
When the GAO did analyze the site in Utah to discuss the capacity issue, as was pointed out during the Congressional hearings before the Energy and Commerce Committee, it was pointed out that the GAO only looked at 1 year. As a result, for how much waste was put in, and they just took that volume from that year and projected it out into the future, which I’m a little disappointed that GAO would make such an elementary mistake in terms of how you project a trend, because the 1 year they used, in terms of the volume that was deposited that year, was a particularly low year in terms of volumes of waste.

And in fact, even with that assumption, they projected that it would go out maybe somewhere between 20 and 30 years. That is not necessarily a long amount of time when you talk about storage of low-level waste in this country. That is not a long amount of time when you look at the issue that most States don’t want one of these sites located in their State. And I would submit that if you take the longer view of the life cycle of a nuclear power plant, that 20 to 30 years is not an excessively long amount of time, that’s the storage capacity we’ve got at this site.

By the way, the GAO report also did not assume any foreign radioactive waste would be going in the site when it made its analysis of what the capacity was.

So I think this is a good bill. I think this addresses a gap in policy today. I think it will create greater certainty for the future of the nuclear industry in this country. I think it aligns the United States with the rest of the world in how we deal with importation of radioactive waste.

I want to thank Mr. GORDON for his leadership on this issue. I encourage my colleagues to support the bill.

Mr. STEARNS. Mr. Speaker, I ask how much time I have left.

The SPEAKER pro tempore. Sixteen minutes.

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

I think if you try to look at this issue in a broad sense, around the world a lot of countries are actually building nuclear power plants and there’s also countries that are decommissioning them. There are currently 436 nuclear reactors worldwide with 53 under construction. China currently has 16 reactors under construction. So this renaissance is occurring. It’s global.

So I think if you’re going to have companies that are involved with the construction and decommission of nuclear plants, we’d like to see what you want to say. Okay, I want to bid, these countries will accept the bid from the United States; but if the United States is limiting them in how they’re getting rid of low level radioactive waste, it’s going to make it more difficult for that company to compete.

Again, this is not a serious problem. As far as I know, there has not been any indirect harm to individuals because of this. I obviously view this bill—the authors have crafted as a safety measure, and I respect that. But low level radioactive waste, as I mentioned, is in smoke detectors as well as exit signs.

So the implementation of this bill is going to be more regulatory, and the Nuclear Regulatory Commission is already doing this. So why would we need this bill?

And I think, as pointed out earlier in my statement, we have so many other Class B and Class C waste capacity problems that we should really be concentrating on and not this form of class, which is a very low radioactive class.

So I think, Mr. Speaker, that this is not a serious problem. I respect the authors and what they are trying to do; but, I think there’s not a need for this kind of regulatory overlay with the Nuclear Regulatory Commission, which has already done a wonderful job for decades.

So with that, Mr. Speaker, I would urge my colleagues not to support and vote “no” on the bill, and I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I have to say that my friend from Florida is making a valiant effort. I just want to talk to you about a couple of things.

First of all, Shakespeare also says “don’t rope a dope me.” This is not B and C material. We’re talking about a material.

We’re both pro-nuclear. We would like to see additional nuclear power help us deal with our climate change, but he says this is not a serious problem. Well, it’s a very serious problem if you are a lab, if you are a hospital, if you are a utility and you have no place to take your low-level radioactive waste.

I think the gentleman from Tennessee has already done a wonderful job for the Nuclear Regulatory Commission, which I respect that. But low level radioactive waste from foreign countries?

I am a very strong supporter of nuclear power. Currently, nuclear reactors in America provide the United States with roughly 20 percent of its electricity, yet we have built no new reactors since 1978. That is why I am a cosponsor of the American Energy Act, which establishes the national goal of bringing 100 new nuclear reactors online over the next 20 years. Achieving this goal is important for our economy, for our environment, and for energy independence.

This is why facilities like the one located in Clive, one of the best in the nation and really the best in the world, need to dedicate their capacities to storage of American products. Export of our nuclear capacity will be nearly impossible if we allow our storage facilities to become saturated with foreign nuclear waste.

I support this bill and oppose the importation of waste into the country based on the basic laws of supply and demand. If the world is flooded by Italian companies is so valuable, then why do businesses in Europe not step up to the plate? There is a reason why: With $1 billion on the line, there is not one place in Europe that is willing to step up and take it. It is dangerous. The answer, I would argue, is that other European countries do not want to take the risk of importing waste into their country. It is not a risk that I want to take for the State of Utah or for my country. And I believe that by passing this bill, I am confident that market forces will find a place for the waste somewhere other than the United States, and we can continue to propel the nuclear industry forward in the United States of America.

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

I noticed that the advocates for the opponent all have these people from
Mr. GORDON of Tennessee. I yield to the gentleman from Florida.

Mr. STEARNS. I would consider that proposal. Will you withdraw this bill?

Mr. GORDON of Tennessee. Once you get it sited, then this bill may not be necessary.

Mr. STEARNS. During the process we are waiting to get sited in Florida, will you just put this bill onto a backburner?

Mr. GORDON of Tennessee. I don't think that would be the responsible thing to do for our country.

And for that reason, I yield to the gentleman from Utah (Mr. MATHESON) to clarify one of the earlier statements. Mr. MATHESON. Mr. Speaker, I just wanted to clarify one comment made by the gentleman from Florida about capacity in Utah.

It is interesting the company is telling people that they have so much capacity. They made a commitment to our Governor that they were not going to do that. So I ask the question. It is similar capacity compared to what they have. It so happens when they came to testify before the Energy and Commerce Committee, in their written testimony they included tables that assumed great capacity of the site. But the State of Utah has not licensed that expansion. They made a commitment to our Governor that they weren't going to apply for an increase in size from the license capacity that exists today.

So I am not sure if they are talking out of both sides of their mouth now, if they are telling the other side that they have plenty of capacity, but I would just put it on the record that that company is on record that they said they would not make a license request to increase the capacity at the site.

Mr. GORDON of Tennessee. If the gentleman would stay there, reclaiming my time, the Northwest Compact, did they volunteer to take this radioactive waste? Mr. MATHESON. The imported waste?

Mr. GORDON of Tennessee. Yes.

Mr. MATHESON. The Northwest Compact, as I made some reference to in my earlier statement, voted against taking this waste.

Mr. GORDON of Tennessee. And what was the Governor's position? Mr. MATHESON. The Governor of Utah was opposed to it. The State of Utah was opposed to it. Mr. GORDON of Tennessee. What action did the company then take? Mr. MATHESON. The company then took the State and the Northwest Compact to court.

Mr. GORDON of Tennessee. They sued them? You mean they sued them to make them take this? Mr. MATHESON. They took this action to Federal court because they disagreed with the decision of the State of Utah and the Northwest Compact.

Mr. GORDON of Tennessee. I'm shocked. I reserve the balance of my time.
Mr. GORDON of Tennessee. Reclaiming my time, and I will yield right back to you, has that site been certified?

Mr. STEARNS. I think it is in the process of being certified. And there are other States that are willing to do the same thing as far as the importation and disposal of foreign nuclear waste. Nevada does it, and for good reason! Why should the United States take Italian nuclear waste if they won’t take ours? I think the answer is simple: this House will not allow the United States to be the world’s nuclear dumping ground.

H.R. 515, the Low-Level Nuclear Waste Compact Act, will preserve existing disposal sites for our own waste, but it would maintain the integrity of the Low-Level Waste Compact System, and protect the States from being forced to accept foreign nuclear waste. When Congress established the Low Level Waste Compact System, it intended for the compacts to handle foreign waste. We empowered the States to establish sites for common use within the various regions, and specifically allowed them to exclude waste from outside those regions. This bill will responsibly fix a loophole which was never intended to exist.

If we fail to protect the Low Level Waste Compact System, what were supposed to be domestic disposal sites could be turned into global nuclear waste dumps. If that occurs, we could end up in a position where many States are unable—or unwilling—to participate in these compacts at all, leaving domestic companies with nowhere to go to dispose of their radioactive waste. That would not be a good development for the nuclear industry, or for the Nation.

This bill moved through the Energy and Commerce Committee under regular order, and received bipartisan support. It was reported favorably by the Subcommittee on Energy and the Environment to the full Committee by a voice vote, and the Energy and Commerce Committee sent the bill to this Floor by a strong vote of 34–12.

Mr. Speaker, I urge all of my colleagues to support this important legislation today.

Mr. TERRY. Mr. Speaker, I rise today in support of H.R. 515, the Radioactive Import Deterrence Act. This legislation will preserve our ability to regulate the importation of low-level radioactive waste produced in U.S. facilities such as clothing and items that are used in hospitals, research facilities, and nuclear power plants.

These low-level waste products are generated throughout the country, including Nebraska, which has two nuclear power plants and several medical facilities that generate these low-level waste materials that require processing and storage.

This legislation would bar the NRC from issuing licenses authorizing the importation of foreign low-level radioactive waste, unless waived by the President to meet national or international policy goals. It also exempts waste generated by the U.S. government or the military.

The United States is the only nation that allows imports of low-level radioactive waste from other countries. If we do not impose the ban, the importation of foreign nuclear waste could easily become the preferred dumping ground for low-level radioactive waste from around the globe. This could be a problem since 36 states that do not have access to a waste compact—like Nebraska—have access to only one disposal site located in the State of Utah. Also, 94 out of 104 commercial nuclear plants in the United States use the same commercial facility as those 36 states to dispose of their low-level waste.

Mr. Speaker, we should not become the low-level radioactive waste disposal dump for the entire world. Other countries that are now using or developing nuclear power and have medical facilities generating this waste should build and operate their own storage facilities and not put American communities at risk for taking care of this radioactive waste.

I urge my colleagues to vote for H.R. 515.

Mr. GORDON of Tennessee. At this time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 515, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

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 2 o’clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The House having expired, the Speaker was called to order by the Speaker pro tempore (Mr. CUELLAR) at 4 o’clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 515, by the yeas and nays;
H. Con. Res. 197, by the yeas and nays;
The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.
CONGRESSIONAL RECORD — HOUSE

February 2, 2009

The Clerk read the title of the bill.

The Speaker pro tempore. The Speaker pro tempore laid the bill on the table.

EMERGENCY ECONOMIC STABILIZATION ACT OF 2008 AMENDMENT

The SPEAKER pro tempore. The motion to reconsider was laid on the table.

The Speaker pro tempore. The title was amended so as to read:

"Concurrent resolution encouraging banks and mortgage servicers to work with families affected by contaminated drywall and to consider adjustments to payment schedules on their home mortgages that take into account the financial burdens of responding to the presence of such drywall."

This will be a 5-minute vote.

YEAS—421

YEAS—421

YEA—462

NAYS—1

NAYS—1

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 921]
The Speaker pro tempore (Ms. Eshoo) announced that further consideration of the bill, H.R. 3980, as amended, was passed.

There was no objection.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. WILSON of South Carolina. Madam Speaker, I ask unanimous consent to be removed as a cosponsor of H. Res. 648.

The Speaker pro tempore (Ms. Kosmas). Is there objection to the removal of the gentleman from South Carolina?

There was no objection.

REPORT ON RESOLUTION PROPOSING FOR CONSIDERATION OF H. R. 4154, PERMANENT ESTATE TAX RELIEF FOR FAMILIES, FARMERS, AND SMALL BUSINESSES ACT OF 2009

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–350) on the resolution (H. Res. 914) providing for consideration of the bill (H.R. 4154) to amend the Internal Revenue Code of 1986 to repeal the new carryover basis rules in order to prevent tax increases and the imposition of compliance burdens on many more estates than would benefit from repeal, to retain the estate tax with a $3,500,000 exemption, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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

Any record vote on the postponed question will be taken later.

SATELLITE HOME VIEWER REAUTHORIZATION ACT OF 2009

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3570) to amend title 17, United States Code, to reauthorize the satellite statutory license, to conform the satellite and cable statutory licenses to all-digital transmissions, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3570

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Satellite Home Viewer Reauthorization Act of 2009”.

TITLE I—STATUTORY LICENSES

SEC. 101. REFERENCE.

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of title 17, United States Code.

SEC. 102. MODIFICATIONS TO STATUTORY LICENSE FOR SATELLITE CARRIERS.

(a) HEADING RENAMED.

(1) GENERAL.—The heading of section 119 is amended by striking “superstations and network stations for private home viewing” and inserting “distant television programming by satellite”.

(b) LICENSE PROVIDED FOR CERTAIN NETWORK STATIONS.

(1) PARAGRAPH (1).—Paragraph (1) of section 119(i) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end; and

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding paragraphs (2) and (3) the following:

(2) a royalty fee payable to copyright owners by preventing the unauthorized access to the secondary transmissions described in subparagraph (A); and

(3) by inserting “section 119(d)(10)” after “section 119(d)(9)”.

(c) LICENSE PROVIDED FOR CERTAIN NETWORK STATIONS—SECONDARY TRANSMISSIONS FOR SATELLITE CARRIERS.

(1) PARAGRAPH (1).—Paragraph (1) of section 119(a) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end; and

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding paragraphs (2), (3), and (4) the following:

(2) by adding at the end the following:

(i) the manner in which the authority granted under subparagraph (A) is being used, including to whom and for what purposes the secondary transmissions are being provided; and

(ii) any additional legislative recommendations the Secretary may have.

(K) DEFINITIONS.—As used in this paragraph:

(i) TERRORISM.—The term ‘terrorism’ has the meaning given that term in section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16)).

(ii) TRANSPORTATION SECURITY INCIDENT.—The term ‘transportation security incident’ has the meaning given that term in section 101 of title 46.

(iii) CATASTROPHIC INCIDENT.—The term ‘catastrophic incident’ means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, the environment, the economy, national morale, or government functions in a geographic area.

(f) LICENSE PROVIDED FOR CERTAIN NETWORK STATIONS—SECONDARY TRANSMISSIONS FOR SATELLITE CARRIERS.

(1) PARAGRAPH (1).—Paragraph (1) of section 119(a) is amended—

(1) in subparagraph (A), by striking “and” after the semicolon at the end; and

(2) in subparagraph (B), by striking the period and inserting “; and”; and

(3) by adding paragraphs (2) and (3) the following:

(2) a royalty fee payable to copyright owners by preventing the unauthorized access to the secondary transmissions described in subparagraph (A); and

(3) by adding at the end the following:

(i) the manner in which the authority granted under subparagraph (A) is being used, including to whom and for what purposes the secondary transmissions are being provided; and

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(3) by adding paragraphs (2) and (3) the following:

(2) a royalty fee payable to copyright owners by preventing the unauthorized access to the secondary transmissions described in subparagraph (A); and

(3) by adding at the end the following:

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(iii) CATASTROPHIC INCIDENT.—The term ‘catastrophic incident’ means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, the environment, the economy, national morale, or government functions in a geographic area.
(i) by striking "January 2, 2006, the Librarian of Congress" and inserting "January 4, 2010, the Copyright Royalty Judges"; and

(ii) by striking "primary analog transmissions and inserting "primary transmissions";

(D) in subparagraph (C), by striking "the Librarian of Congress and inserting "Copyright Royalty Judges"; and

(E) in subparagraph (D)—

(i) in clause (i)—

(ii) by striking "(i) Voluntary agreements and inserting (i) Voluntary agreements; filing.—Voluntary agreements"; and

(iii) by striking "that a party and inserting that are parties"; and

(iv) by amending clause (ii)(I)Within and inserting the following:

"(ii) PROCEDURE FOR ADOPTION OF FEES.—"

"(I) PUBLICATION OF NOTICE.—Within—"

"(II) in subclause (I), by striking "an arbitration proceeding pursuant to subparagraph (E) and inserting "a proceeding under subparagraph (F)";

(III) in subclause (II), by striking "(II) Upon receiving the request under subclause (I), the Librarian of Congress" and inserting the following:

"(II) PUBLIC NOTICE OF FEES.—Upon receiving a request under subclause (I), the Copyright Royalty Judges"; and

(IV) in subclause (III)—

(aa) by striking "(III) The Librarian" and inserting the following:

"(III) ADOPTION OF FEES.—The Copyright Royalty Judges";

(bb) by striking "an arbitration proceeding and inserting "the proceeding under subparagraph (F)"; and

(cc) by striking "the proceeding and inserting "the proceeding";

(F) in subparagraph (E)—

(i) by striking "Copyright Office and inserting "Copyright Royalty Judges"; and

(ii) by striking "December 31, 2009 and inserting "December 31, 2014"; and

(G) in subparagraph (F)—

(i) in the heading, by striking "COMPULSORY ARBITRATION" and inserting "COPYRIGHT ROYALTY JUDGES PROCEEDING";

(ii) in clause (i)—

(III) in subclause (I), by striking "that the Copyright Royalty Judges shall adopt fees to be paid" and inserting "fees to be paid";

(dd) by striking "primary analog transmission and inserting "primary transmission from that party; and

(ee) by striking "distributors" and inserting "distributors";

(III) in subclause (II)—

(aa) by striking "the Librarian of Congress and inserting "Copyright Royalty Judges"; and

(bb) by striking "arbitration proceedings and inserting "arbitration proceeding";

(cc) by striking "funds to be paid" and inserting "fees to be paid";

(dd) by striking "primary analog transmission and inserting "primary transmission from that party; and

(III) in clause (ii), by amending the matter preceding paragraph (A) to read as follows:

"(ii) ESTABLISHMENT OF ROYALTY FEES.—In determining royalty fees under this subparagraph, the Copyright Royalty Judges shall establish fees for the secondary transmissions of the primary transmissions of network stations and non-network stations that most clearly represent the fair market value of secondary transmissions, except that the Copyright Royalty Judges shall adjust royalty fees to account for the obligations of the parties under any applicable voluntary agreement filed with the Copyright Royalty Judges in accordance with subparagraph (D). In determining the fair market value, the Judges shall consider the decision on economic, competitive, and programming information presented by the parties, including—"

(iv) by amending clause (iii) to read as follows:

"(III) EFFECTIVE DATE FOR DECISION OF COPYRIGHT ROYALTY JUDGES.—The obligation to pay the fees established under a determination that is made by the Copyright Royalty Judges in a proceeding under this paragraph shall be effective as of January 1, 2010 and

(v) in clause (iv)—

(I) in the heading, by striking "FEE" and inserting "fees". (II) by striking "fee" and inserting "fees".

(2) Paragraph (2) is amended to read as follows:

"(2) ANNUAL ROYALTY PER ADJUSTMENT.—Effective January 1 of each year, the royalty fee payable under subsection (b)(1)(B) for the secondary transmissions of the primary transmissions of network stations and non-network stations shall be adjusted by the Copyright Royalty Judges to reflect any changes occurring in the cost of living as determined by the Bureau of Labor Statistics—"

"(a) in paragraph (2)(b), by striking "(as defined in section 397 of the Communications Act of 1934)" and

(bb) by striking paragraph (2)(B), by striking "(as defined in section 397 of the Communications Act of 1934)" and

(bb) by striking paragraph (2)(D), by striking paragraph (2)(D).

(3) LOCAL MARKET.—Section 119(d)(11) is amended to read as follows:

"(11) LOCAL MARKET.—The term 'local market' has the meaning given such term under section 221(j)."

(4) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—Section 119(d) is amended—

(A) by striking (bb)(2)(B), by striking "as defined in section 397 of the Communications Act of 1934); and

(B) by adding at the end the following:

"(14) NONCOMMERCIAL EDUCATIONAL BROADCAST STATION.—The term 'noncommercial educational broadcast station' means a television broadcast station that—"

(1) is licensed by the Federal Communications Commission under part 73.607 of the Federal Communications Commission in effect on November 2, 1978, is eligible to be licensed by the Federal Communications Commission as a noncommercial educational television broadcast station and is owned and operated by a public agency or nonprofit private foundation, corporation, or association; or

(2) is owned and operated by a municipality and transmits only noncommercial programs for education purposes.

(5) MULTICAST STREAM.—Section 119(d), as amended by paragraph (4), is further amended by adding at the end the following new paragraph:

"(15) MULTICAST STREAM.—The term 'multicast stream' means a digital stream containing programming and program-related material affiliated with a television network, other than the primary stream.".

(6) PRIMARY STREAM.—Section 119(d), as amended by paragraph (5), is further amended by striking at the end the following new paragraph:

"(16) PRIMARY STREAM.—The term 'primary stream' means—"

(A) the single digital stream of programming to which a television broadcast station has the right to mandatory carriage with a satellite carrier under the rules of the Federal Communications Commission in effect on July 1, 2009; or

(B) if there is no such stream, either—

(i) the single digital stream of programming associated with the signal transmitted by the station as an analog signal; or

(ii) the single digital stream of programming affiliated with the network that, as of July 1, 2009, had been offered by the television broadcast station for the longest period of time.

(7) CLERICAL AMENDMENTS.—Section 119(d) is amended in paragraphs (1), (2), and (5) by striking "which" each place it appears and inserting "that".

(8) SUPERSTATION REDENominated AS NON-NETWORK STATION.—Section 119 is amended—

(A) by striking "superstation" each place it appears in a heading and each place it appears in text and inserting "non-network station"; and

(B) by striking "superstations" each place it appears in a heading and each place it appears in text and inserting "non-network stations".

(9) LOW POWER TELEVISION STATIONS.—Section 119(a)(15) is amended to read as follows:

"(15) SECONDARY TRANSMISSIONS OF LOW POWER TELEVISION PROGRAMMING.—"

(1) IN GENERAL.—Notwithstanding paragraph (2)(B), subject to subparagraphs (b) through (D) of this paragraph, the statutorily licensed provider of programming subject to paragraph (1) shall apply to the secondary transmission by a satellite carrier of the primary transmission of the programming of a non-network station that is licensed as a low power television station, to a subscriber who resides within the same designated market area as the station that originates the programming subject to subparagraphs (b) through (D).

(2) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

(3) ROYALTY FEES.—A satellite carrier whose secondary transmission of the primary transmission of the programming of a low power television station is subject to statutory licensing under this section shall be subject to royalty payments under subsection (b)(1)(B) for any transmission to a subscriber outside of the local market of the license under section 119(a)."

(4) LIMITATION TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—Secondary transmissions provided for in subparagraph (A) shall not apply to a subscriber who resides within the same designated market area as the station that originates the programming subject to subparagraph (A).

(5) REMOVAL OF SIGNIFICANTLY VIEWED PROVISION.—

(1) REMOVAL OF PROVISION.—Section 119(a), as amended by subsection (b)(1)(B) is amended by striking paragraph (3) and redesignating paragraphs (4) through (17) as paragraphs (3) through (16), respectively.

(2) CONFORMING AMENDMENTS.—Section 119 is amended—

(A) in subsection (a)—

(1) by striking "or" and inserting "and";
(i) in paragraph (1), by striking “(5), (6), and (8)” and inserting “(4), (5), and (7)”;
(ii) in paragraph (2)—
(I) in subparagraph (A), by striking “paragraphs (4), (5), and (6)” and inserting “paragraphs (4), (5), and (7)”;
(II) in subparagraph (B)(i), by striking the second sentence; and
(III) in subparagraph (D), by striking clauses (i) and (ii) and inserting the following:
“(i) INITIAL INITIALS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station pursuant to a subparagraph (A) shall, not later than the 30th day of each month, submit to the network a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission to subscribers in unserved households.

(ii) MONTHLY MONTHLY.—After the submission of the initial lists under clause (i), the satellite carrier shall not later than the 30th day of each month, submit to the network a list identifying (by name and address, including street or rural route number, city, State, and 9-digit zip code) any persons who have been added or dropped as subscribers under clause (i) since the last submission under clause (i) and—
(I) in paragraph (E) of paragraph (3) (as redesignated) by striking “under paragraph (3) or” and;
(II) by striking “paragraph (12)” and inserting “paragraph (11)”;
and
(B) in subsection (b)(1), by striking the final period at the end of such subsection.

(iii) MODIFICATIONS TO PROVISIONS FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS.—
(1) PREDICTIVE MODEL.—Section 119(a)(2)(B)(i) is amended by adding at the end the following:
“(D) ACCURATE PREDICTIVE MODEL WITH RESPECT TO DIGITAL SIGNALS.—Notwithstanding the provisions of subsection (a)(2)(B), the Commission may provide, by order, that the satellit...”;
(2) SIGNIFICANTLY VIEWED STATIONS.—Section 119(a)(6) (as redesignated) is amended—
(A) by striking “(A)” and inserting “(B)”;
(B) in subsection (B)(i), by striking “§5” and inserting “§250”; and
(C) by adding at the end the following flush sentence:
“The court shall direct the Copyright Royalty Judges to issue regulations establishing procedures for distribution to copyright owners pursuant to subsection (b) for the secondary transmission of a primary transmission of a network station to subscribers who receive such secondary transmissions from a satellite carrier pursuant to the statutory license under paragraph (1).”;
(3) RESTRICTIONS.—Section 119(a)(2)(B)(iii)(I) is amended by striking “In this clause” and inserting “In this clause, the term ‘broadcast station’ means a television or radio broadcast station, in the case of—”;
(4) CLEARED AMENDMENTS.—Section 119 is amended—
(1) by striking “of the Code of Federal Regulations” and inserting “Code of Federal Regulations”; and
(2) in subsection (d)(6), by striking “or the Direct” and inserting “or the Direct”.

SEC. 103. MODIFICATIONS TO STATUTORY LICENSES FOR SATELLITE CARRIERS IN LOCAL MARKETS.

(a) HEADING RENAMED.—The heading of section 122 is amended by striking “by satellite carriers within local markets” and inserting “of local television programming by satellite.”

(b) MODIFICATIONS TO CONTENT OF CONTENTS FOR CHAPTER 1 IS AMENDED BY STRIKING THE ITEM RELATING TO SECTION 119 AND INSERTING THE FOLLOWING:
“(a) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—A secondary transmission of a performance or display of a work embodied in a broadcast station into the station’s local market shall be subject to statutory licensing under this section.

(b) The secondary transmission is made by a satellite carrier to the public.

(c) With regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast stations.

(d) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

(e) The satellite carrier and such network station are affiliated with the same network or non-network station in the local market.

(f) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

(g) The satellite transmission is made by a satellite carrier to the public.

(h) The satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast stations.

(i) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

(j) The satellite transmission is made by a satellite carrier to the public.

(k) The satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast stations.

(l) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

(3) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—A secondary transmission of a performance or display of a work embodied in a television broadcast station into the station’s local market shall be subject to statutory licensing under this section.

(b) The secondary transmission is made by a satellite carrier to the public.

(c) With regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast stations.

(d) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

(e) The satellite carrier and such network station are affiliated with the same network or non-network station in the local market.

(f) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

(g) The satellite transmission is made by a satellite carrier to the public.

(h) The satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast stations.

(i) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

(j) The satellite transmission is made by a satellite carrier to the public.

(k) The satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast stations.

(l) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

(3) SECONDARY TRANSMISSIONS INTO LOCAL MARKETS.—A secondary transmission of a performance or display of a work embodied in a television broadcast station into the station’s local market shall be subject to statutory licensing under this section.

(b) The secondary transmission is made by a satellite carrier to the public.

(c) With regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast stations.

(d) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

(e) The satellite carrier and such network station are affiliated with the same network or non-network station in the local market.

(f) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

(g) The satellite transmission is made by a satellite carrier to the public.

(h) The satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast stations.

(i) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

(j) The satellite transmission is made by a satellite carrier to the public.

(k) The satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast stations.

(l) The satellite transmission does not interfere with the carriage of a network station by a cable service provider.

SEC. 104. MODIFICATIONS TO STATUTORY LICENSES FOR SATELLITE CARRIERS IN LOCAL MARKETS.

SEC. 105. MODIFICATIONS TO STATUTORY LICENSES FOR SATELLITE CARRIERS IN LOCAL MARKETS.

SEC. 106. MODIFICATIONS TO STATUTORY LICENSES FOR SATELLITE CARRIERS IN LOCAL MARKETS.

SEC. 107. MODIFICATIONS TO STATUTORY LICENSES FOR SATELLITE CARRIERS IN LOCAL MARKETS.

SEC. 108. MODIFICATIONS TO STATUTORY LICENSES FOR SATELLITE CARRIERS IN LOCAL MARKETS.
If the network station or non-network station fails to accept or reject the subscriber’s request for a waiver within that 30-day period, that network station or non-network station shall be deemed to agree to the waiver request.

“(3) SECONDARY TRANSMISSION OF LOW POWER PROGRAMMING.—

(A) IN GENERAL.—Subject to subparagraphs (B) through (D) of this paragraph, the statutory license provided under paragraph (1) shall apply to the secondary transmission by a satellite carrier of the primary transmission of a network station or a non-network station that is licensed as a low power television station. A subscriber who resides within the same local market as the station that originates the transmission.

(B) NO APPLICABILITY TO REPEATERS AND TRANSLATORS.—Secondary transmissions provided for in subparagraph (A) shall not apply to any low power television station that retransmits the programs and signals of another television station for more than 2 hours each day.

“(C) LIMITATION TO SUBSCRIBERS TAKING LOCAL-INTO-LOCAL SERVICE.—Secondary transmissions by a satellite carrier provided for in subparagraph (A) may be made only to subscribers who receive secondary transmissions of primary transmissions from that satellite carrier pursuant to the statutory license in paragraph (1), and only in conformance with the requirements under section 73.6001(a) of title 47, Code of Federal Regulations, as in effect on June 1, 2004. For purposes of paragraphs (B) through (D) of this paragraph, the term ‘local market’ means:

(i) the case of a television broadcast station that is not a low power television station, the designated market area in which such station is located, and

(ii) in the case of a noncommercial educational broadcast station, the area that is both—

(I) within the designated market area in which such station is located, and

(II) within the area within 35 miles of the transmitter site of such station, except that in the case of such a station located in a standard metropolitan statistical area that has 1 of the 50 largest populations of all standard metropolitan statistical areas (based on the 1980 decennial census of population taken by the Secretary of Commerce), the area within 20 miles of the transmitter site of such station.

(3) in paragraph (3), by adding at the end the following new subparagraph:

(A) in the item relating to section 111 and inserting ‘‘section 111, subsection (a)(2)(A), or’’.

(4) in paragraph (4), by striking ‘‘section 119 of’’ each place it appears and inserting ‘‘$2,500,000’’.

2 CONFORMING AMENDMENT FOR SIGNIFICANTLY VIEWED STATIONS.—Section 122 is amended—

(A) in subsection (f), by striking ‘‘section 119 or’’ each place it appears and inserting ‘‘$2,500,000’’.

(b) NATIONAL EMERGENCY MONITORING EXEMPTION.—Section 111 is amended—

(1) in subsection (a), by adding at the end the following new subparagraph:

(B) secondary transmissions of broad-

(2) by adding at the end the following new subparagraph:

(g) RETRANSMISSION FOR EMERGENCY PREPARATION, RESPONSE, OR RECOVERY.—

(1) AUTHORITY.—For purposes of paragraphs (a) through (d), a secondary transmission by a cable system of a performance or display of a work embodied in a primary transmission by a television broadcast station is made for emergency preparation, response, or recovery if such transmission is made—

(A) by a cable system to a Federal government or non-governmental body designated by the Department of Homeland Security; or

(B) for the sole purpose of preparing for, responding to, or recovering from an emergency described under paragraph (2).

(2) EMERGENCIES.—An emergency is described under this paragraph if the Secretary of Homeland Security identifies such emergency as a major disaster, a catastrophic incident, or a terrorism incident.

(3) REGULATIONS.—Not later than 6 months after the date of the enactment of this subsection, the Secretary of Homeland Security, in coordination with the Federal Communications Commission, the National Telecommunications and Information Administration, and the Register of Copyrights, shall issue regulations to protect copyright owners by preventing the unauthorized access to the secondary transmissions described in paragraph (1).

(4) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than one year after the date of the enactment of this subsection and by September 30 of each year, the Secretary of Homeland Security, acting through the Office of Emergency Communications, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate describing—

(A) the manner in which the authority granted under paragraph (1) is being used, including the manner in which the secondary transmissions are being provided; and

(B) any additional legislative recommendations the Secretary may have.

(5) DEFINITIONS.—As used in this subsection:

SEC. 104. MODIFICATIONS TO CABLE SYSTEM SECURITY AND transmission rights UNDER SECTION 111.

(a) HEADING RENAMED.—

(1) IN GENERAL.—The heading of section 111 is amended by striking ‘‘of broadcast programming by cable’’. Table of contents—The table of contents for chapter 1 is amended by striking the item relating to section 111 and inserting the following:

111. Limitations on exclusive rights: Secondary transmissions of broadcast programming by cable.”.
(A) TERRORISM.—The term ‘terrorism’ has the meaning given that term in section 2(16) of the Homeland Security Act of 2002 (6 U.S.C. 101(16)).

(B) TRANSPORTATION SECURITY INCIDENT.—The term ‘transportation security incident’ has the meaning given that term in section 70101 of title 46.

(C) CATASTROPHIC INCIDENT.—The term ‘catastrophic incident’ means any natural disaster, act of terrorism, or other man-made disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, the environment, the economy, national morale, or governance in a geographic area.

(6) EFFECTIVE DATE.—This subsection shall apply with respect to secondary transmissions described under paragraph (1) that are made after the end of the 30-day period beginning on the effective date of the regulations issued by the Secretary of Homeland Security under paragraph (3).

(e) STATUTORY LICENSE FOR SECONDARY TRANSMISSIONS BY CABLE SYSTEMS.—Section 111(d) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “A cable system whose secondary” and inserting the following: ‘‘STANDARD OF TRANSPORTATION SECURITY AND ROYALTY FEES.—Subject to paragraph (5), a cable system whose secondary’’; and

(ii) by striking ‘‘by regulation—’’ and inserting ‘‘by regulation the following:’’;

(B) in subparagraph (A)—

(i) by striking ‘‘a statement of account’’ and inserting ‘‘a statement of account’’; and

(ii) by striking ‘‘;’’ and inserting a period; and

(C) by striking subparagraphs (B), (C), and (D), and inserting the following:

‘‘(B) by striking ‘‘by regulation—’’ and in-

serting ‘‘by regulation the following:’’;

(ii) by striking ‘‘A ‘cable system’ ’’ and in-

serting ‘‘A cable system’’; and

(iii) by striking ‘‘A cable system’’ and in-

serting ‘‘A ‘cable system’ ’’;

(iv) by striking ‘‘cable system’’; and

(D) in clause (ii) of subparagraph (B)—

(i) by striking ‘‘by regulation’’ and in-

serting ‘‘by regulation—’’;

(ii) by striking ‘‘if a cable system’’ and in-

serting ‘‘if a cable system’’; and

(iii) by striking ‘‘by regulation—’’ and in-

serting ‘‘by regulation—’’;

(E) in subparagraph (C)—

(i) by striking ‘‘cable system’’; and

(ii) by striking ‘‘secondary transmission’’ and inserting ‘‘secondary transmission’’;

(F) in subparagraph (D)—

(i) by striking ‘‘cable system’’; and

(ii) by striking ‘‘secondary transmission’’ and inserting ‘‘secondary transmission’’;

(G) in subparagraph (E)—

(i) by striking ‘‘cable system’’; and

(ii) by striking ‘‘secondary transmission’’ and inserting ‘‘secondary transmission’’;

(H) in subparagraph (F)—

(i) by striking ‘‘cable system’’; and

(ii) by striking ‘‘secondary transmission’’ and inserting ‘‘secondary transmission’’.

(2) in subparagraph (A)—

(i) by striking ‘‘the privilege of further transmitting, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter’’ and inserting ‘‘the privilege of further transmitting, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter’’.

(ii) by striking ‘‘the local service area of such primary transmitter, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter’’ and inserting ‘‘the local service area of such primary transmitter, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter’’.

(iii) by striking ‘‘the local service area of such primary transmitter, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter’’ and inserting ‘‘the local service area of such primary transmitter, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter’’.

(iv) by striking ‘‘the local service area of such primary transmitter, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter’’ and inserting ‘‘the local service area of such primary transmitter, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter’’.

(v) by striking ‘‘the local service area of such primary transmitter, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter’’ and inserting ‘‘the local service area of such primary transmitter, beyond the local service area of such primary transmitter, beyond the local service area of such primary transmitter’’.

(3) in clause (i) of subparagraph (C)—

(i) by striking ‘‘all such gross receipts the amount by which $263,800 exceeds such actual gross receipts, except that in no case shall such cable system’s gross receipts be reduced to less than $10,000; and’’;

(ii) by striking ‘‘the royalty fee payable under this paragraph to copyright owners pursuant to paragraph (3) shall be 0.5 percent, regardless of the number of distant signal equivalents, if any.’’;

(iii) by striking ‘‘Any royalty fee payments received by the Register of Copyrights pursuant to section 111(f) of this section, shall take effect commencing with the first accounting period occurring in 2010.’’

(G) A filing fee, as determined by the Register of Copyrights pursuant to section 708(a).’’;

(2) in paragraph (2), in the first sentence—

(A) by striking ‘‘by regulation—’’ and inserting ‘‘by regulation—’’;

(B) by striking ‘‘the ‘cable system’ ’’ and inserting ‘‘the ‘cable system’ ’’; and

(C) by striking ‘‘cable system’’ and inserting ‘‘cable system’’;

(3) in paragraph (3)—

(A) by striking ‘‘the royalty fees’’ and inserting ‘‘the royalty fees’’;

(B) by striking ‘‘cable system’’ and inserting ‘‘cable system’’;

(4) in the second undesignated paragraph—

(A) by striking ‘‘the primary transmission’’ and inserting ‘‘the primary transmission’’;

(B) by striking ‘‘the ‘cable system’ ’’ and inserting ‘‘the ‘cable system’ ’’;

(5) by adding at the end the following new paragraphs:

(6) 3.75 PERCENT RATE AND SYNDICATED EXCLUSIVE SURCHARGE NOT APPLICABLE TO MULTICAST STREAMS.—The royalty rates specified in sections 256.2(c) and 256.2(d) of title 37, Code of Federal Regulations (commonly referred to as the ‘‘3.75 percent rate’’ and the ‘‘syndicated exclusive surcharge’’, respectively), as in effect on the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009, shall not apply to the secondary transmission of a multicast stream.

(7) DETERMINATION OF ACCOUNTS AND FEE PAYMENTS.—The Register of Copyrights shall issue regulations to provide for the confidential verification and audit of the information reported on the semi-annual statements of account filed after the date of the enactment of the Satellite Home Viewer Reauthorization Act of 2009. The regulations shall pro-
(A) by striking ‘‘The ‘local service area of a primary transmitter’, in the case of a television broadcast station, comprises the area in which such station is entitled to insist and inserting the following:

‘‘(4) LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER.—The ‘local service area of a primary transmitter’, in the case of both the primary transmitter of any multicast stream transmitted by a primary transmitter that is a television broadcast station, comprises the area where such primary transmitter could have insisted.

(B) by striking ‘‘76.59 of title 47 of the Code of Federal Regulations’ and inserting the following:

‘‘76.59 (c) [Reserved]’

(c) by striking paragraph (3) and inserting the following:

‘‘(3) A single digital stream of programming that is not the station’s primary stream.

(12) SIMULCAST.—A ‘simulcast’ is a multicast stream of a television broadcast station that is simultaneously transmitted by the primary stream or another multicast stream of such station.

(13) SUBSCRIBER.—The term ‘subscriber’ means a person or entity that receives a secondary transmission service from a cable system and pays a fee for the service, directly or indirectly, to the cable system.

(14) ‘‘2005’’ each place it appears and inserting ‘‘2015’’.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking ‘‘clause’’ each place it appears and inserting ‘‘paragraph’’;

(B) in subsection (b)(1), by striking ‘‘clauses’’ and inserting ‘‘paragraphs’’; and

(C) in paragraph (2) by striking ‘‘subclause’’ and inserting ‘‘subparagraph’’.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) by striking the eighth undesignated paragraph and inserting the following:

‘‘(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking ‘‘clause’’ each place it appears and inserting ‘‘paragraph’’;

(B) in subsection (b)(1), by striking ‘‘clauses’’ and inserting ‘‘paragraphs’’; and

(C) in paragraph (2) by striking ‘‘subclause’’ and inserting ‘‘subparagraph’’.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) by striking the eighth undesignated paragraph and inserting the following:

‘‘(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CORRECTIONS TO FIX LEVEL DESIGNATIONS.—Section 111 is amended—

(A) in subsections (a), (c), and (e), by striking ‘‘clause’’ each place it appears and inserting ‘‘paragraph’’;

(B) in subsection (b)(1), by striking ‘‘clauses’’ and inserting ‘‘paragraphs’’; and

(C) in paragraph (2) by striking ‘‘subclause’’ and inserting ‘‘subparagraph’’.

(3) PREVIOUSLY UNDESIGNATED PARAGRAPHS.—

(A) by striking paragraph (1)(A), by striking ‘‘and’’ at the end;

(B) in paragraph (1)(B), by striking ‘‘and’’ at the end;

(C) in paragraph (1)(C), by striking ‘‘and’’ at the end;

(D) in paragraph (1)(D), by striking ‘‘and’’ at the end;

(E) in paragraph (1)(E), by striking ‘‘and’’ at the end.

(5) REMOVAL OF SUPERFLUOUS ANDS.—

(A) by striking ‘‘and’’ from subsection (f)(3); and

(B) in subsection (f), by striking ‘‘and’’ and ‘‘their variant forms’’.

(6) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS.—

(A) in general.—Subject to paragraphs (2) and (3), the amendments made by this section, to the extent such amendments assign a distinct signal equivalent value to the secondary transmission of the multicast stream or remove a distinction between such signals, shall take effect on the date of the enactment of this Act.

(B) DELAYED APPLICABILITY.—

(A) SECONDARY TRANSMISSIONS OF A MULTICAST STREAM BEYOND THE LOCAL SERVICE AREA OF ITS PRIMARY TRANSMITTER BEFORE 2005.—In any case in which a cable system was making secondary transmissions of a multicast stream beyond the local service area of its primary transmitter before the date of the enactment of this Act, the primary transmitter shall be assigned to secondary transmissions of such multicast stream that are made on or before June 30, 2010.

(C) EFFECTIVE DATE WITH RESPECT TO MULTICAST STREAMS SUBJECT TO PREEXISTING WRITTEN AGREEMENTS FOR THE SECONDARY TRANSMISSION OF SUCH STREAMS.—
any case in which the secondary transmission of a multicast stream of a primary transmitter is the subject of a written agreement entered into on or before June 30, 2009, between a cable system or an association representing the cable system and a primary transmitter or an association representing the primary transmitter, a distant signal upgrade fee collected in accordance with subparagraph (a)(6)(B) of this section; and

(b) The court may require a cable system or an association representing the cable system to pay any per household fee imposed under title 17, United States Code, before the local service area of its primary transmitter on a state-of-the-art device in the service area of its primary transmitter on a statement of account deposited under section 111(f) of title 17, United States Code, as amended by this section.

SEC. 105. CERTAIN VIOLATORS GRANTED TO PROVIDERS OF LOCAL-INTO-LOCAL SERVICE FOR ALL DMAS.

Section 119 is amended by adding at the end the following new subsection:

“(g) Certain waivers granted to providers of local-into-local service to all DMAs.—

“(1) INJUNCTION WAIVER.—A court that issued an injunction pursuant to subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court determines that waive such injunction if the court determines that the entity against which the injunction was issued is a qualified carrier.

“(2) LIMITED TEMPORARY WAIVER.—

“(A) IN GENERAL.—Upon a request made by a satellite carrier, a court that issued an injunction against such carrier under subsection (a)(7)(B) before the date of the enactment of this subsection shall waive such injunction if the court determines that the entity against which the enjoinder was issued is a qualified carrier.

“(B) LIMITATION.—No entity may be entitled to any refund, or offset, of royalty fees paid on account of such secondary transmissions of such multicast stream.

“(3) DEFINITIONS.—In this subsection, the terms ‘cable system’, ‘secondary transmission’, ‘multicast stream’, and ‘local service area’ of a primary transmitter mean the meanings given those terms in section 111(f) of title 17, United States Code, as amended by this section.

“(h) Voluntary Termination.—At any time, an entity recognized as a qualified carrier may file a request for the withdrawal of the entity's recognition as a qualified carrier.

“(i) Cooperative examination and report.—

“(1) REQUIREMENTS.—The Comptroller General, in consultation with the Register of Copyrights, shall file a report concerning the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall include a statement that there is substantial evidence of the qualified carrier's compliance with the requirements prescribed in clause (iv), prepared in consultation with the Register of Copyrights and the House of Representatives and the Senate. The report shall include a statement described in clause (iv), prepared in consultation with the Register of Copyrights.

“(2) AFFIRMATION.—A qualified carrier shall file a report in the court where the suit was filed and in the Register of Copyrights within 30 months after such status was granted stating that, to the best of the carrier's knowledge, it is in compliance with the requirements for a qualified carrier.

“(j) Compliance Determination.—Upon the expiration of an agreement to provide local-into-local service to the public, the court recognizing an entity as a qualified carrier may make a determination as to whether the entity is providing local-into-local service to the public.

“(k) Recordkeeping requirement.—In any proceeding to make a determination under subparagraph (d), the party making such motion shall specify one or more of the four most widely viewed television networks nationwide as measured on the date of enactment of this subsection, and the court shall require such entity to provide such information.

“(l) Failure to Make Good Faith Effort to Provide Local-Into-Local Service to Eligible Subscribers.—

“(1) In General.—An entity recognized as a qualified carrier shall continue to provide local-into-local service to all DMAs.

“(2) BURDEN OF PROOF.—In any proceeding to make a determination under subparagraph (d), the party making such motion shall specify one or more of the four most widely viewed television networks nationwide as measured on the date of enactment of this subsection, and the court shall require such entity to provide such information.

“(m) Records of Qualified Carrier.—Beginning on the date that is one year after the date on which the qualified carrier is recognized as such under paragraph (3)(B), the qualified carrier shall provide the Comptroller General with all records that the qualified carrier has collected with respect to the qualified carrier's compliance with the royalty payment and household eligibility requirements of the license under this section. The report shall include a statement that the qualified carrier's conduct during the period beginning on the date on which the qualified carrier is recognized as such under paragraph (3)(B) and ending on December 31, 2011.

“(n) Recordkeeping requirement.—In any proceeding to make a determination under subparagraph (d), the party making such motion shall specify one or more of the four most widely viewed television networks nationwide as measured on the date of enactment of this subsection, and the court shall require such entity to provide such information.
“(G) ENFORCEMENT.—Upon motion filed by an interested party, the court recognizing an entity as a qualified carrier shall terminate such designation upon finding that the entity has failed to fulfill the requirements imposed on the entity under this paragraph.

(5) FAILURE TO PROVIDE SERVICE.—(A) PENALTIES.—If the court recognizes an entity as a qualified carrier and such entity has willfully failed to provide local-into-local service to all DMAs, such finding shall result in the loss of recognition of the qualified carrier and the termination of the waiver provided under paragraph (1), and the court may, in its discretion—

(i) cancel such failure as an act of infringement under section 501, and subject such infringement to the remedies provided for in sections 502 through 506 and subsection (a)(6)(B) of this section; and

(ii) impose a fine of not more than $250,000.

(B) EXCEPTION FOR NONWILLFUL VIOLATION.—If the court determines that the failure to provide local-into-local service to all DMAs is nonwillful, the court may in its discretion impose financial penalties for non-compliance that result from—

(i) the degree of control the entity had over the circumstances that resulted in the failure;

(ii) the quality of the entity’s efforts to remedy the failure and restore service; and

(iii) the severity and duration of the service interruption.

(6) PENALTIES FOR VIOLATIONS OF LICENSE.—A court that finds, under subsection (a)(6)(A), that an entity recognized as a qualified carrier has willfully made a secondary transmission of a primary transmission made by a network station and embodying a performance or display of a work to a subscriber who is not eligible to receive such transmission made by a network station shall restate the injunction waived under paragraph (1), and the court may order statutory damages of not more than $2,500,000.

(7) LOCAL-INTO-LOCAL SERVICE TO ALL DMAS DEFINED.—For purposes of this subsection:

(A) IN GENERAL.—An entity provides ‘‘local-into-local service to all DMAs’’ if the entity provides local service in all designated market areas (as such term is defined in section 122(c)(2)(C) pursuant to the license issued the entity.

(B) HOUSEHOLD COVERAGE.—For purposes of subparagraph (A), an entity that makes available local-into-local service with a good quality signal to at least 90 percent of the households in a designated market area based on the most recent census data released by the United States Census Bureau shall be considered to be providing local service to such designated market area.

(C) GOOD QUALITY SATELLITE SIGNAL DEFINED.—The term ‘‘good quality signal’’ has the meaning given such term under section 342(e)(2) of Communications Act of 1934.’’

SEC. 106. TERMINATION OF LICENSE.

(a) TERMINATION.—Section 119, as amended by this title, shall cease to be effective on December 31, 2014.

(b) CONFORMING AMENDMENT.—Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 2019 note; Public Law 108-369) is repealed.

SEC. 107. SURCHARGE ON STATUTORY LICENSES.

(a) SURCHARGES.—The Copyright Royalty Judges may establish a surcharge or surcharges to be paid, in accordance with subsection (b), by cable systems subject to statutory licensing under section 111(c) of title 17, United States Code, and satellite television stations that receive such signals, subject to statutory licensing under section 119(a) of such title, in addition to the royalty fees paid by such cable systems under section 111(d)(1) of such title and by such satellite carriers under section 119(b)(1) of such title.

(b) IN GENERAL.—Surcharges under subsection (a) shall be assessed, during fiscal years 2009 through 2010, in amounts that, in the aggregate, will equal at least $92,000,000.

(c) FUNDS UNAVAILABLE FOR OBLIGATION.—Surcharges collected under this section shall be deposited in the Treasury of the United States and shall not be available for obligation.

(d) AUTHORITIES.—The Copyright Royalty Judges may exercise the authorities such judges are granted by section 502 through 506 and subsection (a)(6)(B) of the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

TITLE II—COMMUNICATIONS PROVISIONS

SEC. 201. REFERENCE.

Except as otherwise provided, whenever in this title an amendment is made to a section or other provision, the reference shall be considered to be made to such section or provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 202. EXTENSION OF AUTHORITY.

(a) SECTION 338.—Section 338 is amended—

(1) in paragraph (2)(C), by striking ‘‘December 30, 2009’’ and inserting ‘‘December 31, 2014’’; and

(2) by amending subsection (g) to read as follows:

‘‘(g) CARRIAGE OF LOCAL STATIONS ON A SATELLITE ANTENNA.—(1) IN GENERAL.—Any satellite carrier that retransmits the signals of local television broadcast stations in a local market shall retransmit such signals in such market if a subscriber may receive such signals by means of a single reception antenna and associated equipment.

‘‘(2) ADDITIONAL RECEPTION ANTENNA.—If the carrier retransmits the signals of local television broadcast stations in a local market in high definition format, the carrier shall make available such signals in such market so that a subscriber may receive such signals by means of a single reception antenna and associated equipment, but such antenna and associated equipment used to comply with paragraph (1) and this paragraph shall be separate from the single reception antenna and associated equipment used to comply with paragraph (1) of this section.’’

(b) SECTION 339.—Section 339 is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ‘‘Such two network stations’’ and inserting ‘‘more than two network stations’’; and

(B) in paragraph (2)—

(i) in the heading for subparagraph (A), by striking ‘‘TO ANALOG SIGNALS’’;

(ii) in subparagraph (A)—

(1) by inserting ‘‘(i)’’ after ‘‘(i)’’;

(2) in subparagraph (a)(1), by striking ‘‘(ii)’’ and inserting ‘‘(ii)’’;

(3) in subparagraph (a)(2), by striking ‘‘(ii)’’ and inserting ‘‘(ii)’’; and

(4) in subparagraph (a)(3), by striking ‘‘(i)’’ and inserting ‘‘(i)’’;

(iii) in subparagraph (b), by striking ‘‘(i)’’ and inserting ‘‘(i)’’;

(iv) in subparagraph (c), by striking ‘‘(i)’’ and inserting ‘‘(i)’’;

(v) in subparagraph (d), by striking ‘‘(i)’’ and inserting ‘‘(i)’’;

(vi) in subparagraph (e), by striking ‘‘(i)’’ and inserting ‘‘(i)’’;

(vii) in subparagraph (f), by striking ‘‘(i)’’ and inserting ‘‘(i)’’;

(viii) in subparagraph (g), by striking ‘‘(i)’’ and inserting ‘‘(i)’’;

(ix) in subparagraph (h), by striking ‘‘(i)’’ and inserting ‘‘(i)’’;

(x) in subparagraph (i), by striking ‘‘(i)’’ and inserting ‘‘(i)’’; and

(x) in subparagraph (j), by striking ‘‘(i)’’ and inserting ‘‘(i)’’;

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

‘‘(b) RULES FOR OTHER SUBSCRIBERS.—(i) IN GENERAL.—In the case of a subscriber of a satellite carrier who is eligible to receive the signal of a network station under this section, such subscriber shall make available to that subscriber under this paragraph referred to as a ‘‘distant signal’’, other than subscribers to whom subparagraph (A) applies, the following shall apply:

(I) In a case in which the satellite carrier makes available to that subscriber, on January 1, 2005, the signal of a local network station affiliated with the same television network pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if the subscriber’s satellite carrier, not later than March 1, 2005, submits to that television network the list and statement required pursuant to section 338, the carrier may only provide the secondary transmissions of the distant signal of a station affiliated with the same network to that subscriber if—

(aa) the subscriber seeks to subscribe to such distant signal before the date on which such subscriber commences to carry pursuant to paragraph (3)(B) the signal’s signal’s signals in such market from the local market of such local network station; and

(bb) the satellite carrier, within 60 days after such date, submits to each television network the list and statement required by subparagraph (F)(ii).

(ii) SPECIAL CIRCUMSTANCES.—A subscriber of a satellite carrier who was lawfully receiving the distant signal of a network station on the day before the date of enactment of the Satellite Home Viewer Reconciliation Act of 2004 and who subscribed to such distant signal may receive such distant signal from such carrier.’’;

(c) SECTION 340.—Section 340 is amended—

(1) in section 340(a)(1), by striking ‘‘TO ANALOG SIGNALS’’;

(2) in section 340(b)(1), by striking ‘‘analog’’; and

(3) in section 340(b)(2), by striking ‘‘analog’’.

(d) AUTHORITY.—The Copyright Royalty Judges or the Copyright Royalty Board may exercise the authorities such judges or board are granted by section 502 through 506 and subsection (a)(6)(B) of the Communications Act of 1934, except to the extent that such sections are specifically cross-referenced in such Act or the regulations issued thereunder.

H13435

December 2, 2009

CONGRESSIONAL RECORD — HOUSE
(I) by striking “analog’’;
(II) in clause (i), by striking “the Satellite Home Viewer Extension and Reauthorization Act of 2004’’ and inserting “the Satellite Home Viewer Reauthorization Act of 2009’’; and
(III) by amending clause (ii) to read as follows:

‘‘(ii) either—

‘‘(I) at the time such person seeks to subscribe to receive such secondary transmission, resides in a local market where the satellite carrier is not authorized to retransmit the signal of a local network station affiliated with the same television network pursuant to the statutory license under section 339 of the Communications Act of 1934, the Commission shall follow its rules and regulations promulgated pursuant to sections 339, 339A, and 339B of the Communications Act of 1934 in effect on the day before the date of enactment of this Act.

(B) ON-LOCATION TESTING.—The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

(C) STUDY OF TYPES OF ANTENNAS AVAILABLE TO RECEIVE DIGITAL SIGNALS.—

(A) STUDY REQUIRED.—Not later than 1 year after the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009, the Commission shall complete a study regarding whether, for purposes of identifying if a household is unserved by an adequate digital signal under section 119(d)(10)(A) of title 17, United States Code, the digital signal intensity standard in section 73.622(e)(1) of title 47, Code of Federal Regulations, or the testing procedures in section 73.688 of title 47, Code of Federal Regulations, as revised to take into account the types of antennas that are available to and used by consumers.

(B) STUDY CONSIDERATION.—In conducting the study under clause (i), the Commission shall consider whether to account for the fact an antenna can be mounted on a roof of an existing home and can be fixed or capable of rotating.

(C) REPORT.—Not later than 1 year after the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate a report containing—

‘‘(I) the results of the study conducted under clause (i);

‘‘(II) recommendations, if any, regarding changes to be made to Federal statutes or regulations;’’.

SEC. 342. PROCESS FOR ISSUING QUALIFIED CARRIER CERTIFICATION.

(a) Certification.—The Commission shall issue a certificate for the purposes of sections 119(e)(3)(A)(i) and (ii) of title 17, United States Code, if the Commission determines that—

‘‘(1) a satellite carrier is providing local service pursuant to a ‘low power station’ and ‘television broadcast station’ have the meanings given such terms in section 339(d) of such Act.

(C) DEFINITIONS.—As used in this title:

‘‘(1) LOCAL MARKET; LOW POWER TELEVISION STATION; SATELLITE CARRIER; SUBSCRIBER; TELEVISION BROADCAST STATION.—The terms ‘low power television station’, ‘satellite carrier’, ‘subscriber’, and ‘television broadcast station’ have the meanings given such terms in section 339(d) of the Communications Act of 1934.

‘‘(2) NETWORK STATION; TELEVISION NETWORK.—The terms ‘network station’, ‘television network’, ‘network’, and ‘television network’ have the meanings given such terms in section 339(d) of such Act.

SEC. 350. APPLICABILITY TO SATellite HOME VIEWER REAUTHORIZATION ACT OF 2009.

SEC. 360. IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending on the date on which the Federal Communications Commission adopts rules pursuant to the amendments to the Communications Act of 1934 made by sections 203 and 204 of this Act, the Federal Communications Commission shall follow its rules and regulations promulgated pursuant to sections 339, 339A, and such terms in sections 339B of the Communications Act of 1934 in effect on the day before the date of enactment of this Act.

SEC. 370. APPLICABILITY TO THE HOME VIEWER REAUTHORIZATION ACT OF 2009.

SEC. 380. APPLICABILITY TO THE HOME VIEWER REAUTHORIZATION ACT OF 2009.

SEC. 390. APPLICABILITY TO THE HOME VIEWER REAUTHORIZATION ACT OF 2009.

SEC. 400. APPLICABILITY TO THE HOME VIEWER REAUTHORIZATION ACT OF 2009.

SEC. 410. APPLICABILITY TO THE HOME VIEWER REAUTHORIZATION ACT OF 2009.

SEC. 420. APPLICABILITY TO THE HOME VIEWER REAUTHORIZATION ACT OF 2009.

SEC. 430. APPLICABILITY TO THE HOME VIEWER REAUTHORIZATION ACT OF 2009.

SEC. 440. APPLICABILITY TO THE HOME VIEWER REAUTHORIZATION ACT OF 2009.
precludes the ability of the satellite carrier to satisfy the requirements of subparagraph (A).

(b) INFORMATION REQUIRED.—Any entity seeking the certification provided for in subsection (a) shall submit to the Commission the following information:

(1) Identification of each such designated market area and the location of its local receive facility.

(2) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

(3) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer’s pre-launch testing, that the carrier’s satellite beams as designed and the geographic area that the carrier’s satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

(4) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant’s knowledge, the satellite carrier provides local service in all designated market areas pursuant to the statutory license set forth in section 112 of title 17, United States Code, and listing those designated market areas in which local service was provided as of the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009.

(2) For each designated market area not listed in paragraph (1):

(A) Identification of each such designated market area and the location of its local receive facility.

(B) Data showing the number of households, and maps showing the geographic distribution thereof, in each such designated market area based on the most recent census data released by the United States Census Bureau.

(C) Maps, with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer’s pre-launch testing, that the carrier’s satellite beams as designed and the geographic area that the carrier’s satellite beams are designed to cover are predicted to provide a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

(3) For any satellite relied upon for certification under this section, an affidavit stating that, to the best of the affiant’s knowledge, the satellite transponder used to provide local service to any such designated market area is precluded from delivering a good quality satellite signal to at least 90 percent of the households in such designated market area based on the most recent census data released by the United States Census Bureau.

(4) Any additional engineering, designated market area, or other information the Commission considers necessary to determine whether the Commission shall grant a certification under this section.

(5) DETERMINATION.—For the purposes of subparagraph (A), the top 100 designated market areas shall be determined by the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publications published as of the date of a satellite carrier’s application for certification under this section.

SEC. 207. NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.

(a) IN GENERAL.—Section 338(a) is amended by adding at the end the following new paragraph:

(5) NONDISCRIMINATION IN CARRIAGE OF HIGH DEFINITION SIGNALS OF NONCOMMERCIAL EDUCATIONAL TELEVISION STATIONS.—

“(A) EXISTING CARRIAGE OF HIGH DEFINITION SIGNALS.—If, prior to the date of enactment of the Satellites Home Viewer Reauthorization Act of 2009, an eligible satellite carrier is providing, under section 122 of title 17, United States Code, any secondary transmissions to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall provide high-definition signals of qualified noncommercial educational television stations located within that local market in accordance with the following schedule:

(1) By December 31, 2010, in at least 50 percent of the markets in which such satellite carrier is providing such secondary transmissions in high definition.

(2) By December 31, 2011, in every market in which such satellite carrier provides such secondary transmissions in high definition.

(B) NEW INITIATION OF SERVICE.—If, after the date of enactment of the Satellite Home Viewer Reauthorization Act of 2009, an eligible satellite carrier initiates the provision, under section 122 of title 17, United States Code, of any secondary transmissions in high definition to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, then such satellite carrier shall provide high-definition signals of qualified noncommercial educational television stations located within that local market.

(c) DEFINITIONS.—For the purposes of this section:

(1) DESIGNATED MARKET AREA.—The term ‘designated market area’ has the meaning given such term in section 119(g) of title 17, United States Code.

(2) ELIGIBLE SATELLITE CARRIER.—

(A) IN GENERAL.—The term ‘qualified noncommercial educational television station’ means—

(i) a satellite carrier whose power level as designated in the carrier’s satellite signal is the same as or greater than, and that do not circumvent the intent of this section to provide for non-discriminatory treatment with respect to any comparable television broadcast signal, a video signal transmitted by a satellite carrier such that—

(i) the satellite carrier transmits all television broadcast stations’ signals the same with respect to statistical multiplexer prioritization; and

(ii) the number of video signals in the relevant satellite transponder is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 designated market areas.

(B) DETERMINATION.—For the purposes of subparagraph (A), the 100 top designated market areas shall be determined by the Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publications published as of the date of a satellite carrier’s application for certification under this section.

TITLE III—REPORTS

SEC. 301. DEFINITION.

In this title, the term ‘appropriate Congressional committees’ means the Committees on the Judiciary and on Commerce, Science, and Transportation of the Senate and the Committees on the Judiciary and on Energy and Commerce of the House of Representatives.

SEC. 302. REPORT ON MARKET BASED ALTERNATIVES TO STATUTORY LICENSING.

Not later than 1 year after the date of the enactment of this Act, and after consultation with the Federal Communications Commission, the Register of Copyrights shall submit to the appropriate Congressional committees a report containing—

(1) proposed mechanisms, methods, and recommendations on how to implement a phase-out of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code, by making such sections inapplicable to the secondary transmission of a performance or display of a work embodied in a primary transmission of a broadcast station that is authorized to license the same secondary transmission directly with respect to all of the performances and displays embodied in such primary transmission;

(2) any recommendations for alternative means to implement a timely and effective transition of the statutory licensing requirements set forth in sections 111, 119, and 122 of title 17, United States Code; and
H13438
CONGRESSIONAL RECORD — HOUSE
December 2, 2009

(3) any recommendations for legislative or administrative actions as may be appropriate to achieve such a phase-out.

SEC. 303. REPORT ON COMMUNICATIONS IMPLICATIONS OF STATUTORY LICENSING MODIFICATIONS.

(a) STUDY.—The Comptroller General shall conduct a study that analyzes and evaluates the changes to the carriage requirements currently imposed on multichannel video programming distributors under the Communications Act of 1934 (47 U.S.C. 151 et seq.) and the regulations promulgated by the Federal Communications Commission that would be required or beneficial to consumers, and such other matters as the Comptroller General shall determine appropriate, if Congress implements a phase-out of the current statutory licensing requirements set forth under sections 111, 119, and 122 of title 17, United States Code. Among other things, the study shall consider the impact such a phase-out and related changes to carriage requirements would have on consumer prices and access to programming.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report to the appropriate Congressional committees the results of the study, including any recommendations for legislative or administrative actions.

SEC. 304. REPORT ON IN-STATE BROADCAST PROGRAMMING.

Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission shall submit to the appropriate Congressional committees a report containing an analysis of—

(1) the number of households in a State that receive local broadcast stations from a station of license that is located in a different State;

(2) the extent to which consumers have access to local broadcast programming; and

(3) whether there are alternatives to the use of designated market areas, as defined in section 122 of title 17, United States Code, to define local markets that would provide more consumers with in-state broadcast programming.

TITLE IV—SEVERABILITY

SEC. 401. SEVERABILITY.

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

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

There was no objection.

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

Madam Speaker, Members, H.R. 3570 extends the compulsory copyright license for satellite television providers for another 5 years, as Congress has done in each of the last two other cycles that this measure has been reauthorized.

This is an important intellectual property law and will also make a number of critical updates and much-needed clarifications to the compulsory copyright licenses for both satellite and cable television. Passage of this legislation before the end of the year is crucial. We must pass this bill in both bodies by December 31. If we don't pass this bill, thousands upon thousands of satellite television subscribers will lose their signals. In addition to simply reauthorizing the license, the bill ambitiously tackles several other issues for consumers, copyright owners, cable companies, and satellite companies as well. For example, this bill restores the section 119 license to DISH Satellite Network if they serve every market in the United States, even neglected rural markets. The bill also reduces the dispensation signal problem that has caused instability and confusion for the cable and content industries, to the detriment of consumers. In addition, the bill provides an audit right to content owners so they can be sure that they are being fairly compensated for the use of their intellectual property. It significantly increases penalties for copyright infringement under the licenses and updates the licenses to reflect the digital transition—something new—and multi-casting, in particular, as it pertains to copyright law only. Nothing in this title should be used as a basis for conclusions concerning cable and satellite regulation in areas where Congress has not yet spoken.

Among the many Members who contributed to this progress, I would like to single out in particular my good friend from Virginia, RICK BOUCHER, who serves in the dual role as a senior member of the Judiciary Committee and the Chair of the Telecommunications Subcommittee. I also must thank LAMAR SMITH, the ranking member of the Judiciary Committee, for helping work to improve the bill in several ways. Of course the distinguished chairman of Energy and Commerce, Chairman HENRY WAXMAN, and Ranking Member BARTON for all their counsel and cooperation which made this legislation possible.

We've been working on these issues for more than a year now, and the result is a consensus bill among just about all of the industry stakeholders, including satellite and cable companies, studios, sports leagues, public television and several others. Most importantly, it's a bill that improves service to television consumers and fosters efficiency and competition between cable, satellite, and broadcasters. The satellite license expires in less than a month, December 31, and we must have this reauthorized without delay to avoid the immediate loss of service to upwards of thousands of satellite consumers.

HON. JOHN CONYERS, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 3570, the “Satellite Home Viewer Update and Reauthorization Act of 2009.” H.R. 3570 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of the bill is not construed as the Committee on Homeland Security waiving, altering, or otherwise affecting
its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 3570 or similar bills to consider the report on H.R. 3570 and in the Congressional Record during floor consideration of this bill. I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON
Chairman.

HOUSE OF REPRESENTATIVES
Committee on Homeland Security
Washington, DC

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 3570, the Satellite Home Viewer Update and Reauthorization Act of 2009. I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdiction in this or similar bills in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

Per your request, I will include a copy of your letter and this response in the Committee report, as well as in the Congressional Record in the debate on the bill. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.
Chairman.

I urge my colleagues to support this important legislation, and I reserve the balance of my time.

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

H.R. 3570, the Satellite Home Viewer Reauthorization Act of 2009, in my judgment, is the single most important copyright bill Congress will consider this year. The legislation combines two separate bills: H.R. 3570, which was introduced by Chairman CONYERS and reported by the Judiciary Committee on September 16, 2009, and H.R. 2994, which is the Energy and Commerce Committee's related measure that contains amendments to the Communications Act.

The combined bill extends the compulsory license in section 119 of the Copyright Act that authorizes satellite carriers to deliver distant network programs to subscribers. Fewer consumers rely upon this license to receive network programming than in past years, but there still remain about 1 million households that will lose such programming if the license is not extended beyond the end of this year, which is when it is currently due to expire. To avoid this outcome, the bill extends the compulsory license an additional 5 years to December 31, 2014. My hope is that this will be the last time Congress needs to reauthorize what was originally envisioned to be a temporary license.

H.R. 3570 also contains a number of significant amendments to the cable license in section 111 of the Copyright Act governing the retransmission of both local and distant programming, and the local programming license in section 122 that governs the satellite retransmission of local-into-local programming. The most significant immediate changes in the current license is a negotiated resolution of the phantom signal liability issue that I appreciate the chairman including in this bill.

I commend Chairman CONYERS for his decision to expand this reauthorization beyond the narrow limits of the expiring section 119 provisions. While circumstances prevented us from being able to iron out all the wrinkles from these related licenses, I'm pleased we were able to make substantial improvements to secure some of the most urgent concerns. Among the elements for which there was bipartisan support to include in this bill are provisions that, one, modernize a license to account for digital broadcasting; two, establish new protections for local programming; and three, make clear that copyright owners are generally entitled to a royalty for each stream of multICAST programming; and four, establish new rules to permit copyright owners to make sure they are being paid the royalties they are entitled to.

Madam Speaker, I have strong reservations about the decision to permit DISH Network to again benefit from section 119's distant signal license in light of its prior record of willful infringement. However, I share the goal of making sure more Americans can benefit from satellite delivery of local-into-local programming. I am grateful for Chairman CONYERS' recognition of the seriousness of these concerns and his willingness to work with me and Chairman BERNMAN to strengthen the deterrence and enforcement provisions in the bill. The enhanced penalties we've included for any future violation, along with provisions that require the GAO to audit DISH for its compliance with the law and DISH to certify its compliance to the Federal District Court, reflect substantial improvements from previous versions of the bill. The incorporation of these provisions reflect a carefully negotiated and fair compromise.

Madam Speaker, I urge my colleagues to support H.R. 3570, the Satellite Home Viewer Reauthorization Act. When enacted, this bill will both preserve and expand the ability of Americans to view vital network and independent station programming without interruption.

Madam Speaker, again, I want to thank the chairman for working with us to come up with a good bipartisan product. And this bipartisan effort, by the way, has gone on since last February.

I would now like to recognize several staff members on both sides of the aisle who have contributed so much to the success of this legislation. Those staff members are being paid the royalties they are entitled to.

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

There was no objection.

Mr. SMITH of Texas. With that, I will reserve the balance of the time.

Mr. CONYERS. Madam Speaker, I would like to insert into the RECORD at this point a more detailed description of the changes that have been made in the bill since it was introduced.

EXPLANATION OF CHANGES TO SHVRA

INTRODUCTION

The Committee believes that the licenses in Sections 111 and 119 should be updated to accommodate the growing practice of multicasting broadcasting, by which television stations transmit multiple streams of digital television programming over a single broadcast signal. While the Committee has endeavored to avoid increasing any provisions that would interfere with existing communications law and regulation, the Committee has been cognizant of the interplay between the copyright and the communications law and regulation, the Committee has been cognizant of the interplay between the copyright and the communications law and regulation, the Committee has been cognizant of the interplay between the copyright and the communications law and regulation.

The penalties for willful and large-scale infringement of the license have been increased, and some damages now go directly to the pool of copyright owners.

The qualified carrier provisions have also been clarified and strengthened. While nothing in the qualified carrier provisions required the Committee to lessen the qualified carrier's obligation to comply with all aspects of the Section 119 license, the Committee recognizes that the royalty and household eligibility requirements of the Section 119 license should not be overshadowed by the qualified carrier's unique commitment to provide local-into-local service to all 210 markets. Therefore, the bill provides for at least one compliance examination and a certification requirement for the qualified carrier.

Finally, the bill responds to some Members' concerns about the continued necessity of these compulsory copyright licenses by providing for a study of policy alternatives that may enable Congress to phase out the licenses without unfairly altering the television market or diminishing the value of the copyrights involved.

ANALYSIS OF HISTORICAL DEVELOPMENTS

With the transition from analog to digital technology, questions have arisen as to how digital streams shall be treated for cable
royalty purposes. The definitions in Section 111 have been amended to address the multiple digital streams that television stations are now able to transmit. The definition of “primary stream” now includes both the primary stream and any multicast streams transmitted by a television station. The “local service area” definition has been amended to clarify that the primary stream of a television broadcast station and any multicast streams of that station have the same local service area. For example, if the FCC has determined that a television broadcast station is “significantly viewed” in a particular area, that area will be part of the local service area of all of the station’s digital streams for purposes of section 111. This definition is relevant to the Copyright Act only, and is not intended to create any inference on the carriage obligations for cable operators and other carriage arrangements for cable multicast streams, which are the exclusive jurisdiction of the Communications Act and the Federal Communications Commission.

The calculation of royalties under the cable license has been amended to value multicast signals. The “distant signal equivalent value” now specifies that each non-simulcast primary and multicast stream carried outside of its local service area will be subject to a separate royalty payment calculated for operators and other retransmitters to be evaluated separately to determine its distant signal equivalent value assignment.

Section 112 also amends the cable system’s ability to pay less than full DSE rates where FCC rules permit only a portion of a distant signal to be carried. This amendment gives the same treatment to multicast streams. The significantly viewed status of a primary stream under the FCC rules and regulations also applies to the multicast streams of the same television station. The FCC’s definition of “primary stream” for local status for royalty purposes. However, the 3.75 percent “market quota rate” and the “syndicated exclusivity” surcharge royalty rates are only payable for retransmission of primary streams, and are not applicable to secondary transmission of multicast streams.

In order to clarify the different types of digital streams that may be offered by television stations, definitions for “primary stream,” and “multicast stream” have been slightly altered and a definition has been added for “simulcast stream.” In Section 111. A “primary stream” is the digital stream that a television station is entitled to retransmit that constitutes a portion of the station’s standard definition service carried within the station’s local service area under the FCC’s rules in effect on July 1, 2009. A “multicast stream” is any digital stream transmitted by a television station other than the primary stream.

The Committee recognizes that some broadcasters may use their multicast streams to create “simulcast” streams—i.e., streams that duplicate the programming on the broadcaster’s primary stream or on other multicast streams. It has been determined that the FCC’s rules relating to simulcast streams have been unaware of the infringement.

In Section 119, where changes to the law that govern the retransmission of distant signals on a substantially national basis. Statutory damages of up to $2,500,000 are now available for each 3-month period of infringement. Furthermore, these vastly increased damages will be split among right holders whose funds are distributed by the Copyright Royalty Board. The Committee has taken one additional step to strengthen protections for content owners. The Committee has increased the damages available for infringement of copyright by any satellite carrier who engages in a pattern or practice of wrongful provision of distant signals on a substantially national basis.

IV. STUDY OF ALTERNATIVES TO COMPULSORY LICENSES

Despite these improvements, the Committee is aware that the compulsory license is not a perfect system. It is, however, deeply entrenched in the current cable and satellite television industries, and cannot be eliminated at the present moment without causing serious disruptions to the marketplace and the consumers. The compulsory license expires at the end of the year and must be reauthorized, but we know that the television marketplace and technology will continue to evolve. This legislation provides for a study of whether the license can be eliminated in the future, and how it can evolve to continue to serve the needs of the marketplace and society.

Madam Speaker, I yield with pleasure to Chairman BOUCHER.

Mr. BOUCHER. Madam Speaker, I thank the gentleman from Michigan for yielding the customary 10 minutes to the Energy and Commerce Committee.

At this time, I would like to yield such time as he may consume to the
Mr. WAXMAN. Madam Speaker, I rise in support of H.R. 3570, the Satellite Home Viewer Update and Reauthorization Act of 2009. I want to commend Mr. BOUCHER, the chairman of the Subcommittee on Communications, Technology, and the Internet as well as Subcommittee Ranking Member STEARNS for their hard work on this bill. Mr. BOUCHER has been working on these issues since the first satellite TV bill in 1988, and he and his staff have been a tremendous resource for all of us as this bill has moved forward. Of course I also want to thank and recognize Mr. BARTON and his staff for their work on this legislation. This has been a bipartisan effort from the start of the 111th Congress, and I appreciate the cooperative manner in which this legislation was processed.

This bill is an important step forward for the communication provisions of this bill update the Communications Act to take account of the transition to digital television. The bill makes changes to the existing rules on "significantly viewed" signals in an effort to promote competition between satellite and cable companies. It directs the FCC to study issues that directly impact consumers, and it establishes a regime that should bring for the first time satellite-delivered local television programming. The bill provides a "local-into-local" service to communities throughout the country that currently lack such service.

These can be arcane issues, but they determine the availability of satellite-delivered video programming to American households. It involves communications and copyright law, and we need, as technology evolves, to revisit the issues and strike the right policy balance.

The task of combining separate Energy and Commerce and Judiciary Committee bills into a single product is a balanced, bipartisan effort. I commend Chairman CONYERS, Ranking Member SMITH and Judiciary Committee staff for working cooperatively with the Energy and Commerce Committee to produce a final bill. I note that the bill before us incorporates the language in S. 2994, as well as H.R. 2994. H.R. 3570 was referred solely to the Committee on the Judiciary, while H.R. 2994 was referred solely to the Committee on Energy and Commerce. The members of both committees worked diligently on their respective bills to address issues within the jurisdiction of each committee, and both committees filed reports on their separate bills.

Accordingly, the legislative history of H.R. 2994 incorporates the legislative history of H.R. 2994. The Judiciary Committee’s title of this bill concerns the use of compulsory copyright licenses by cable and satellite companies to retransmit broadcast television programming.

The reauthorization and refinement of these provisions will serve to promote competition for pay television services and to ensure that consumers can continue to benefit from this competition.

The Judiciary Committee wisely chose to address for the first time the existence of the so-called "multicast" signals and how these signals are being treated with respect to the compulsory copyright license. It is important to note, however, that the Judiciary Committee’s treatment of multicast signals does not, and should not, have any bearing on the treatment of multicast signals in other regulatory or statutory contexts.

Simply put, the treatment of multicast in title I of this bill is limited in important respects by copyright law. It is imperative that the way multicast signals are treated under copyright law cannot be confused with the way multicast signals are treated under communications law. Similarly, it’s important that copyright law provisions of this bill do not affect copyright law beyond what is explicitly intended by the act.

To address this concern, the legislation includes savings clauses that make clear that the phasing in of two-complicated statutes should not lead to changes in title 47 or title 17 beyond what is explicitly intended by the act.

In sum, I believe we have before us a carefully crafted bill that strikes the right balance among an array of complicated legal and policy matters. The bill is good for consumers, and I urge my colleagues to vote to approve this legislation.

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

My colleagues, this bill is about a hundred pages, and the Judiciary Committee had probably the majority of these provisions will serve to promote competition for pay television services and to ensure that consumers can continue to benefit from this competition.

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

My colleagues, this bill is about a hundred pages, and the Judiciary Committee had probably the majority of these provisions will serve to promote competition for pay television services and to ensure that consumers can continue to benefit from this competition.

The Communications Act provisions make clerical and substantive changes to reflect the end of analog broadcasting. That’s a statement in itself with the new digital spectrum. They also require an FCC report on whether the signal strength and antenna standards for distant signal eligibility should be modified in light of the DTV transition. They implement the deal DISH has struck with broadcasters to regain authority to provide distant signals if they offer local-into-local service in all 210 markets. They clarify that nothing in this act affects must-carry rights. They clarify that if a subscriber starts receiving from their satellite operator programming from a local station’s multicast stream, the subscriber shall no longer receive a distant signal carrying that network’s programming. They include language clarifying that retransmission consent obligations for distant signals do not limit private deals negotiated without compulsory licenses, such as to provide in-State programming to orphan counties. It requires an FCC report analyzing one, the number of households that receive out-of-State signals; two, the extent to which consumers have access to in-State programming; and, three, whether there are alternatives to use of the existing Nielsen-defined markets.

Earlier, LAMAR SMITH, the gentleman from Texas, mentioned there are some things that have to be ironed out, and I think that’s true.

While it still contains, in this bill, a provision we opposed in the committee during the markup that tries to twist DISH’s arm into carrying public broadcasting stations in high-definition format, and I was the one that spoke against this, the additional views in the committee report reflect our concern, and there is a chance that provision will become moot since, obviously, the parties are in negotiation, and we’re hoping for a favorable negotiation so that will work itself out. Madam Speaker, I reserve the balance of my time.

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

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

Mr. BOUCHER. Madam Speaker, in a collaborative way, the House Energy and Commerce Committee and the Judiciary Committees are presenting to the House this afternoon a renewal of the Satellite Home Viewer Act, provisions of which are scheduled to expire at the end of this year. The act entitles the delivery by satellite of distant network signals to homes that cannot receive network programming from a local television station.
We're taking the opportunity of this reauthorization to achieve a long-held goal of having all 210 local television markets across the Nation uplinked by satellite for retransmission of those local stations back into the market of their origin. The goal is to ensure that the major satellites will be able to uplink where will be able to receive both national television programs and local TV stations that serve their area.

At the present time, there are 28 local television markets in rural areas in various places of the Nation that do not have local television signals delivered by either of the major satellite television carriers, and much of our effort this year has been directed toward finding a way to obtain satellite carriage of these 28 rural markets for local television signals.

Earlier this year, following extensive discussions with the company, I received a letter from EchoStar, a company commonly known in the trade as the DISH Network, agreeing to uplink for local retransmission all 210 local television markets upon certain conditions. One condition is that the company receive the ability in our legislation to import into the markets distant stations in order to fill the missing networks in the markets that do not have a full complement of the networks represented by local affiliates. The bill that we're presenting today grants that permission if EchoStar, in fact, provides local TV service in all 210 television markets nationwide.

Another condition of the company's willingness to serve all 210 markets is that the law not impose new carriage obligations that the company would have to devote its satellite capacity in order to meet. While the bill does impose some new carriage obligations, I'm optimistic that they will not be so extreme as to prevent EchoStar from launching service in all 210 local markets over the coming year.

Providing local TV service in the 28 currently unserved local markets will make local TV news, sports, weather, essential emergency information, and locally originating programs available in every part of the Nation, a goal that we've now very close to achieving. Serving the 28 now unserved local TV markets involves a major expenditure by EchoStar for ground-based facilities in each of the currently unserved markets and for the launch, in 2010, of a new satellite that itself will cost hundreds of millions of dollars.

I want to commend EchoStar for expressing a willingness to make these very substantial investments if we pass legislation that meets the conditions I have previously described, and I think our legislation does. I also commend television broadcasters and DirecTV, the other major satellite television provider, both of which groups played a highly constructive role as our deliberations proceeded. And I want to thank the gentleman from Michigan (Mr. STUPAK), a member of our Commerce Committee, for bringing to our attention in very forceful terms the need to serve all of the 28 currently unserved local television markets across our Nation.

The bill before us makes other changes needed to accommodate the SATellite TV Carry Act, as the legislation licensees with the transition from analog to digital television broadcasting, and it will result in more high-definition carriage of public broadcasting television under the terms of an amendment that was offered by the gentleman from Florida (Mr. STEARNS) for the highly constructive and cooperative bipartisan role that they have played in helping us move this measure through our two committees.

Mr. Speaker, I urge approval of the bill, and I reserve any time I may have remaining.

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

Mr. STEARNS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), the distinguished ranking member of the Energy and Commerce Committee.

Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.

Mr. BARTON of Texas. I thank the gentleman from Florida for yielding.

Madam Speaker, I rise in support of the Satellite Home Viewer Update and Reauthorization Act of 2009. I want to thank my colleagues in both the Energy and Commerce Committee and the Judiciary Committee for working with the minority. This is one of those rare instances in this Congress when there has been bipartisan cooperation and the result is a bill that both sides can support.

The bill itself is an example of what Congress should be about. It is an authorization bill with a finite authorization—in this case, 5 years—that authorizes the transfer of satellite signals to home viewers who cannot get cable or over-the-air broadcast signals. The industry today is much different than it was 20 years ago when we first authorized the Satellite Home Viewer Act, and this bill reflects that. As we are transitioning to digital television and high-definition television, this bill takes those technical advances into consideration, which I think is a good thing.

There is one provision in the legislation that is nettlesome from my point of view. We have adopted a provision that I opposed in committee that forces the DISH Network to carry high-definition signals for public broadcast stations. I'm not opposed to public television being broadcast in high definition, but I don't think it's the end of the world if DISH chooses for right now not to carry those signals because they're engaged in an upgrade of their business model until 2013. So congressional intervention in this bill in that case is something that I wish was not in the bill. There is a chance, however, that the parties will negotiate and this provision of the bill will become moot by the time the bill moves to the other body.

With that said, Madam Speaker, this is a good piece of legislation. I want to compliment Ranking Member STEARNS, who's worked very hard on it, and the staffs on both sides of the aisle for their hard work, and I would hope the House will pass this bill at the appropriate time.

Mr. CONYERS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.
company like DISH Network carry public broadcasting in high def. It really does go against fee market principles. I do know that is going to continue to be worked on. We are looking forward to getting that issue resolved.

I thank the gentleman from Florida. Mr. STEARNS.

Mr. STEARNS. Madam Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman from Florida has 7 1/2 minutes.

Mr. STEARNS. I yield such time as she may consume to the gentlelady from Wyoming (Mrs. LUMMIS).

(Mrs. LUMMIS asked and was given permission to revise and extend her remarks.)

Mrs. LUMMIS. I would like to thank the chairman and ranking member of the Judiciary Committee for the inclusion of language from my bill on statewide public television. Passage of this legislation will remove the legal obstacles for satellite carriers to offer statewide public television in Wyoming and other States. I don’t care whether it’s in high def or not. I just want public television carried in Wyoming and other States, and that’s what’s been achieved. So thank you kindly.

I also thank the gentleman from Georgia (Mr. DEAL) who worked diligently to address the problem of local television market areas. Despite his good work, I rise today to express regret for the missed opportunity the passage of this bill represents.

The decision to put off for another 5 years any real reform to the system of designated market areas carries with it very negative consequences for the citizens of my State. Out of Wyoming’s 23 counties, 16 do not have satellite access to Wyoming-based stations. Over half of all television households in Wyoming do not have access to local television.

For a rural State like Wyoming, satellite sometimes represents the only viable option to receiving television programming. The inability to receive local stations and access to local content severely limits the reach of emergency notifications.

Emergency situations, like the bush tank truck that recently overturned on an icy highway during a blizzard, should serve as proof that the availability of local stations on satellite television is not just an entertainment issue. The DMA system may make sense for the densely populated areas in the East, but it has created an absurdity in the sparsely populated areas of the West. I am grateful for the inclusion of a study to find a better way to determine what the local market is.

But, Madam Speaker, people in Wyoming do not need a study to tell them that when their network TV station originates 400 miles away from a different State, they are not receiving the local content they need. For this reason, I cannot support passage of this bill despite its tremendous improvements.

Mr. JOHNSON of Georgia. Madam Speaker, I rise today in support of H.R. 3570, the Satellite Home Viewer Update and Reauthorization Act of 2009. I strongly support this important piece of satellite television reauthorization legislation.

H.R. 3570 reauthorizes satellite operators’ licenses to import distant network affiliate television signals to households that cannot receive stations in their own local markets. This important feature allows satellite and cable television providers to carry out-of-market television signals to households that cannot receive stations in their own local markets. This allows state public television networks to reach all their residents with important news and public affairs programming.

Alongside the chairman, I worked hard to get the phantom signal language included in the bill. I am proud of the final product and believe it is something about which all Americans can be proud.

Previously, due to flaws in existing law, broadcasters sometimes paid royalties to content providers even when programming was not actually delivered to subscribers. Royalties for the transmission of broadcast signals to cable systems were paid as if the entire cable system received the transmission, even if it was only received by some subscribers within the cable system. This has been known as the phantom signal problem. The cost of this flaw was passed down to consumers. With the current legislation, which adds my phantom signal language, the American people will no longer be forced to pay for programming they have not received.

I join the chairman in urging my colleagues to support this bill. As a result of this legislation, constituents in my district will not be forced to pay for satellite and cable programming they have not received and, as a result, save money in this economy.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlemen from Michigan (Mr. CONyers) that the House suspend the rules and pass the bill, H.R. 3570, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

I join the chairman in urging my colleagues to support this bill. As a result of this legislation, constituents in my district will not be forced to pay for satellite and cable programming they have not received and, as a result, save money in this economy.

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

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COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:


HON. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for production of documents issued by the U.S. District Court for the District of Connecticut, in connection with a criminal matter now pending in the same court.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

DANIEL P. BEARD.

CONGRATULATING THE DETROIT CATHOLIC CENTRAL SHAMROCKS

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

Mr. MCCOTTER. Madam Speaker, today I rise to recognize the Michigan Division 1 State High School Football champions, the Detroit Catholic Central Shamrocks. On November 27, 2009, the Shamrocks defeated a fine Sterling Heights Stevenson team 31-21.

The victory earned head coach Tom Mach his 10th State championship in his 34 seasons leading the Shamrocks. The team’s hard work, mental toughness, and burning desire epitomizes what it means to be a Shamrock molded by the Basilian Fathers and their mission to teach young men goodness, discipline, and knowledge. Truly this accomplishment is shared by the entire CC family.

Madam Speaker, meeting the challenge with an undefeated record of 14-0, I ask my colleagues to join me in congratulating the Detroit Catholic Central Shamrocks upon winning their Michigan State football championship and for proving they are indeed men of Mary, Alma Mater, who inspires us everymorning.

SPECIAL ORDERS

The SPEAKER pro tempore. The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

(Special orders.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, meeting the challenge with an undefeated record of 14-0, I ask my colleagues to join me in congratulating the Detroit Catholic Central Shamrocks upon winning their Michigan State football championship and for proving they are indeed men of Mary, Alma Mater, who inspires us everymorning.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

(Special orders.)

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Mr. MCGOVERN. Madam Speaker, first I want to commend President Obama for thinking long and hard about the course that he believes the United States should take in Afghanistan. That kind of deliberation is a welcome change from the previous administration. But it is the right change to make, and I commend him for making it crystal clear that the United States of America condemns torture.

Unfortunately, on the issue of troop levels in Afghanistan, I believe the President has reached the wrong conclusion. Sending 30,000 more U.S. troops to Afghanistan will make it 30,000 times harder to extricate ourselves from this mess. If our fight is truly with al Qaeda, then we're in the wrong country. They have moved to Pakistan. Indeed, General Jones has told us that there are maybe less than 100 al Qaeda members in Afghanistan. With the troop increase announced by the President last night, we will have over 100,000 U.S. service men and women in Afghanistan. Do we really need 100,000 troops to go after less than a hundred al Qaeda?

President Karzai is corrupt and incompetent. He cheated in the most recent national election. By most estimates, 50 percent of his votes was rigged. I don’t want any more American service men or women to risk their lives for his corrupt government; and I am a little bit stunned, quite frankly, by the quick and inexplicable pivot by the administration almost from the day he was elected or sworn in. We all thought the administration was saying it was deeply ensnared in Afghanistan well before the troop increase announced by the President last night. Now it is the beginning, not the end. Does President Obama last night envision the beginning of the end of drawing down our troops in July of 2011—the beginning, not the end. Does that make any sense to the American people? They have suffered great- er over the last several decades. We must continue to support meaningful economic development and political assistance.

But really, Madam Speaker, there is another important issue here, and that is congressional involvement. I know the President last night cited the resolution to authorize force in 2001 as pro-

And, Madam Speaker, this is a big deal. This is a major escalation and Congress has a major role to play. I would urge my colleagues on both sides of the aisle to continue to ask the tough questions and to continue to play our constitutional role.

CLIMATEGATE

The SPEAKER pro tempore (Mr. GARAMENDI). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, over the past several years evidence has come to light of fraud and corruption in the global warming scientific community. Or, as it is now called, the climate change community.

These shady scientists have made claims of a global warming apocalypse and created fear in the world that we are all doomed because man is the enemy destroyer of planet Earth.

But now thousands of their emails were recently leaked to the public. These emails, written by scientists at the British University of East Anglia exposed fraud and corruption in their global warming claims. Now Climategate is being exposed. These snake oil salesmen have been caught in their lies to the world. These are the very scientists who formed the foundation for world global warming claims. American politicians, the United Nations, everyone claiming that the world is headed toward this global warming catastrophe based their views on this information.

In these emails, these scientists conspired to destroy their own email discussion of data that contradicts their global warming claims. They discussed discrediting members of the scientific community who disagree with them. They even wish some of these dissenting scientists were beaten. Now isn’t that lovely when you have an opposition.

Phil Jones, the director of the climate research unit at the University of East Anglia in England wrote in his now-leaked emails of thwarting access to the data by those who doubt global warming. He talked about getting around British Freedom of Information requests. He didn’t want other scientists to get his data because they could expose flaws and faults in his global warming claims.

But the bread and butter of these global warming claims comes from what these scientists say is ‘consensus’ within the scientific community. Now we learn there is not a consensus about global climate change.

The emails show numerous actions taken to silence the dissenting voices and withhold the actual information being used to make their questionable claims.

The British university says they are going to release all of their data now, but the scientists have already admitted that they destroyed much of that data. Obviously, they destroyed the data that shows their theory on climate change is a fraud on the world. That doesn’t look like sound science to me. It sounds like they have cooked the books. It sounds like they have picked out an outcome and are trying to fix the data to make it say what they want it to say. It sounds like a political agenda.

World economies depend on these claims that have clearly been manipulated. The U.N. global warming summit in Copenhagen that starts next Monday, December 7, is using this tainted information. The United Nations wants to exert more control over world energy and emissions, and the sovereignty of nations using information that is apparently now faulty. It is tainted with scandal, and it is deceitful.

How can the American people trust any of these claims when they have been manipulated? Well, the American public can be fooled no longer by these pseudo scientists. One may ask why would these scientists skew the facts? Well, it is obvious. Governments all over the world give climate change millions of dollars of money to study climate change. And if manmade climate change is a falsehood, these scientists may fear that their money will dry up.

The jury is still out on the global warming theory and the climate change myth. But Congress should discuss any legislation based on this theory regarding manmade climate change, we ought to have an open, honest debate from real scientists who didn’t manipulate the evidence to get an outcome-based conclusion. Further, the EPA should halt all carbon emission regulations of the energy community until we learn the facts about climate change. Honesty is a prerequisite for conclusions about climate change legislation. And now we learn that climate change is not a well settled scientific fact at all, whether the mad scientists at the University of Anglia like that fact or not.

And that’s just the way it is.
HIV/AIDS PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. Ros-Lehtinen) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday on World AIDS Day, the administration issued its 5-year strategy for the President’s Emergency Plan for AIDS Relief, otherwise known as PEPFAR. The strategy is required by the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008. That is a mighty long name, but it does so much good. And it begins to shift PEPFAR from an emergency program to one focused on sustainability.

Mr. Speaker, the challenges in fighting HIV/AIDS are daunting, but not insurmountable. Over 33 million people worldwide are infected, an estimated 67 percent of whom live in Sub-Saharan Africa. Nearly 2.7 million people, including 430,000 children, were newly diagnosed last year. Over 14 million children have lost one or both parents to HIV/AIDS. AIDS is decimating an entire generation of the most productive members of society in developing countries, which will cause GDP to drop by more than 20 percent in the hardest-hit countries over the next decade.

Without effective prevention, treatment, and care efforts, the AIDS pandemic will continue to spread its mix of despair and death, and destroy that is destabilizing governments and societies and undermining the security of entire regions.

But one need not travel to Africa or the Caribbean or Eastern Europe to witness the devastation of HIV/AIDS; we need only to look out the front door. In my home State of Florida, Mr. Speaker, an estimated 90,000 people are living with HIV/AIDS, making us third in the Nation in the number of AIDS cases.

My home county of Miami-Dade ranks second among large metropolitan areas for people living with AIDS with over 32,000 currently diagnosed. These individuals need our assistance. They are fighting this disease.

On October 21 of this year, with a bipartisan majority, we voted in Congress to reauthorize the Ryan White HIV/AIDS Treatment Extension Act. The program has been the largest supplier of services for those living with HIV/AIDS in the United States. In the United States, over 500,000 people a year benefit from the Ryan White program. Florida alone received over $390 million in funding with Ryan White funds in 2009, and has been able to assist countless low-income Americans living with HIV/AIDS.

Fully appreciative of the challenges here at home, I am proud to have supported PEPFAR since its inception. To date, it has been a highly effective and results-oriented program. For example, more than half of the 4 million people receiving lifesaving drugs in low- and middle-income countries around the world are directly supported through PEPFAR. PEPFAR has supported care for more than 10 million people affected by HIV/AIDS, including more than 10 million orphans and vulnerable children. At least 240,000 babies have been born HIV-free thanks to PEPFAR prevention of mother-to-child transmissions.

The achievements of our bilateral programs are truly remarkable. However, the record of our multilateral organizations, while we need more robust burden sharing—particularly as the World Health Organization has revised its guidelines and vastly expanded the pool of people who require access to treatment—significant revelations of corruption in the global fund programs are cause for great concern.

Mr. Speaker, we must work together to ensure accountability, transparency, and maximum effectiveness of multilateral programs that are receiving United States support. We must work to ensure that every dime that is dedicated to PEPFAR, including our contributions to the global fund, is used for its intended purposes and delivered in the most effective, transparent, and sustainable manner possible. We must ensure that those precious resources actually reach those who are in need, without being diverted to line the pockets of unaccountable international bureaucrats or corrupt regimes.

Lastly, Mr. Speaker, we must also preserve the conscience clause and promote behavior modification, particularly abstinence and fidelity, under the new strategy.

In closing, let us recommit ourselves to saving the future by helping to save lives inflicted with HIV/AIDS.

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.)

AMERICAN TROOPS IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, after the tragedy of 9/11, I voted for the resolution that authorized military action against those who attacked us, including sending our troops into Afghanistan. We sent a strong, unified message to those who are being asked to bear the burden of the war always just over the horizon.

The better exit strategy is to have fewer troops who need to exit. We should honor the sacrifice of those who are courageously serving and put fewer of them into harm’s way. It should not take 100,000 highly equipped and trained American troops to defend less than 100 al Qaeda in Afghanistan, an estimate yesterday from the President’s National Security Adviser.

Once again, we hear talk of a grand coalition, but make no mistake, it is Americans who are being asked to bear the overwhelming share of the burden. As these troops would arrive in Afghanistan, the Canadians, the Dutch, they have already announced they will be bringing their troops home at the same time our people get there.

The French and the Germans have said not one more troop. Spain may increase its total to 1,200. Iceland has two, Luxembourg has nine. Every bit of help counts certainly, but it’s clear that the great amount of blood that will be spilt will, once again, be American, and the cost will be to the American taxpayer.

Now, United States Army doctrine, as written by General Petraeus, calls for one counterinsurgent for every 50 members of the population. In Afghanistan, with a population of 30 million, that would work out to about half a million additional troops, not 30,000. Whatever the exact number is, it is clear that to meet the military’s own objectives, more installments are in order. All this effort to prop up a crumbling Karzai government, but the Western coalition stole over 1 million votes to keep itself in power as it attempts to control a fraction of the country of Afghanistan.
My fellow Americans, we must chart a better course. Congress has a constitutional responsibility to scrutinize this request carefully as well as how to pay for it, to find a better way to achieve our shared goals of protecting every American family. To do otherwise would be to allow war to be more, not less, controlled in Afghanistan that can consume, as it has throughout human history, as many lives and as many dollars as we are willing to expend there. And such a painful, unending sacrifice may well make our families less, not more, secure.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Jones) is recognized for 5 minutes.

(Mr. Jones addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE QUAGMIRE OF AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Paul) is recognized for 5 minutes.

Mr. Paul. Certainly, in the last 24 hours, we’ve had a lot of discussion about Afghanistan and whether or not we should send more troops. As a matter of fact, that debate has been going on for a long time. The whole debate about Afghanistan is something that makes me think that we are bogged down, considering the fact that it has been going on for 8 years.

This is not new for us. This is more or less the rule rather than the exception, and I believe this comes about because of the way we go to war. In the last 60-some years, we have never had a declaration of war, but we have been involved in plenty. We’ve been involved in Korea, the Korean War, and the Iraq War, and now Afghanistan, and it looks like it’s going to be Pakistan as well.

So I think the reason we get here is because we don’t declare war and we slip into war, and then it becomes political. There are two sides. There is one side of the argument that says, ‘Let’s just come home.’ And the other side says, ‘Fight it all out.’ And people say, ‘No, you can’t be an extremist on this. You have to have a balance.’ And the balance is chaotic. There’s no way of measuring victory, and nobody wants to give up, claiming it would be humiliating to give up.

But just think of the tragedy of Vietnam, all those lives and those deaths and all that money spent. Eventually we left, and South Vietnam is now a unified country, but we still have troops in Korea, in Europe, and in Japan. And we are bankrupt. So some day we are going to have to wake up and look at the type of foreign policy that the Founders advised us to have, and that is nonintervention: don’t get involved in the internal affairs of other nations, have free and open trade and accept friendship with other countries who offer it, and that we shouldn’t be the policemen of the world and we shouldn’t be telling other people what to do. We cannot be the policemen of the world and pay for all those bills because we are literally bankrupt.

In thinking about the dilemma that we have, I think back, even back in the 1960s when I was an Air Force flight surgeon for 5 years, and that was the first time I heard the term ‘quagmire,’ and thinking about that for many, many years, that’s all I can think about right now is to evaluate what we have. There are a few phrases that have been around for a long time, and I believe they more or less describe what is happening here. Quagmire. Certainly that is what we are doing. We are digging a hole for ourselves. ‘Perpetual war for perpetual peace.’ We have all heard that term, and it sounds like we are in perpetual war. ‘War is the health of the state.’ We all know the government size and sacrifice of civil liberties always occurs much more so in the midst of a war. A book was written many years ago by one of the most, if not the most, famous men in the country, H. L. Mencken. He wrote a book called ‘War is a Racket.’ And I have come to this belief that war literally is a racket for the people who push these wars, whether it’s the military industrial complex who has the interests of the various factions, but it’s never, it’s never for the people.

Today it is said that we’re over there to protect our national security to go into Afghanistan. Well, it’s down to 100 al Qaedas in Afghanistan, and, quite frankly, the Afghan Government had nothing to do—they said they harbored the al Qaeda, and that is true, but do you think those 19 guys needed to do pushups in Afghanistan to come over here and kill Americans? The real planning wasn’t in Afghanistan. It was in Spain. It was in Germany. Where was the real training? The real training was in Florida. The training was in Florida, and the FBI had evidence at the time that they were being trained, and it’s totally ignored. And yet we are concentrating, we are still back to 9/11, fear of nuclear war. We have to go in, scare the people.

Yet what is the motivation for individuals to become radical against us, when does the real training or al Qaedas in Afghanistan. There is one single factor that is the most influential in motivating somebody to commit suicide terrorism against anybody or us, and that is occupation by a foreign nation. And now, where have we occupied? We have occupied Iraq and Afghanistan. We are bombing Pakistan. But not only the literal occupation, but also, we have this threat on Pakistan.

So I would say it’s time for us to reassess ourselves and look at a noninterventionist foreign policy.

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.)

RECOGNIZING THE GENEROSITY OF ROSS PEROT’S GIFT TO THE U.S. ARMY COMMAND AND GENERAL STAFF COLLEGE FOUNDATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. Moran) is recognized for 5 minutes.

Mr. Moran of Kansas. Mr. Speaker, I rise this evening in the House of Representatives to recognize a remarkable gift that will enhance the professional education of our country’s military officers and thereby improve the safety and security of every American.

In November, Mr. Ross Perot of Texas pledged $6.1 million to support two new initiatives at the U.S. Army Command and General Staff College located at Fort Leavenworth, Kansas. At a time when our country is demanding more from its military, this significant contribution will ensure that America’s military leaders receive the best education and training to accomplish their missions around the world.

Mr. Perot’s contribution followed a recent visit to Fort Leavenworth. He experienced firsthand the classroom instruction that U.S. officers and their interagency and international counterparts receive at the Army’s Command and General Staff College, our country’s oldest and largest military staff college. He also met with students and toured the Lewis and Clark Center, an impressive new building completed in 2007 to house the college.

Mr. Perot’s gift will fund a new center for interagency cooperation and a new chair of ethics. As the conflicts in Iraq and Afghanistan make clear, cooperation between military and other agencies is an important component for our country’s success. To address this need, the Col. Arthur D. Simons Center for Study of Interagency Cooperation will enhance the cooperation of interagency affairs. The second initiative to be created, the Gen. Hugh Shelton Chair in Ethics, will attract the best academic and researchers to stress the importance of ethics and values in the military.

You may notice that rather than naming these new programs after himself, Mr. Perot chose to name them after others. Col. Arthur ‘Bull’ Simmons led the 1970 Son Tay raid to free prisoners of war in Vietnam, as well as a 1979 mission to rescue, from a prison in Tehran, two of Mr. Perot’s employees. Retired Army Gen. Hugh Shelton served as Chairman of the Joint Chiefs of Staff and is a friend of Mr. Perot’s. Mr. Perot selflessly named his initiatives after military members who have played an important role in his life and
December 2, 2009

CONGRESSIONAL RECORD—HOUSE

H13447

defended our country’s honor. This gesture is a testament to Ross Perot’s character and patriotism. I commend Mr. Perot for his generous and continued support for our Armed Forces. I also want to commend retired Colonel Bob Ulin, who, as CEO of the Command and General Staff College Foundation, was instrumental in securing this tremendous pledge and growing the foundation generally. Since its inception in 2005 as a not-for-profit to support the college, the foundation has offered many programs and activities to promote excellence, including awards for students and faculty, support for conferences and lectures, and community outreach activities.

For 128 years, the Command and General Staff College at Fort Leavenworth, Kansas, has served as the “intellectual heart of the Army,” producing numerous world and military leaders. The next Marshall, Eisenhower, or Petraeus may be sitting in a classroom in Leavenworth, Kansas, today.

We are grateful to Ross Perot, an American patriot, for his support of our men and women who protect and defend our Nation by their service in the United States military, and we are grateful for Fort Leavenworth, Kansas.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

(Mr. GRAYSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SMALL BUSINESS IS AMERICA’S ECONOMIC ENGINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Speaker, the economic engine that pulls along the economic train of prosperity in America is being derailed. America’s entrepreneurs, America’s small business men and women are this country’s economic engine. They are the backbone of our economy. They create most of the new jobs here in America.

Mr. Speaker, they have waited long enough for the so-called stimulus to kick in. In fact, they have been waiting far too long. Mr. Speaker, where are the jobs? It’s time for us to scrap this failed policy. It’s time for Congress to stop wasting taxpayer time and money. It’s time to give a real jolt to the economy and stop talking so much through high taxes and more debt.

Mr. Speaker, I introduced H.R. 4100, the JOBS Act, to do just that. My bill, the Jumpstarting Our Business Sector, or JOBS Act, is a commonsense and simple approach. It provides a 2-year moratorium on capital gains and dividends, two taxes which directly inhibit or derail a business’ ability to reinvest their revenue into creating new jobs. It reduces the two lowest tax brackets by 5 percent. It cuts the payroll tax rate and the self-employment tax rate in half for 2 years. Additionally, it reduces the corporate tax rate by 10 percent for 2 years.

In fact, the United States already has the second second highest corporate tax rate in the world. It’s incredible that our economy has prospered for this long under such an extraordinary tax burden.

At this time of great economic turmoil, it’s only logical to curtail this massive tax and allow our business sector to propel us back onto a stable economic footing.

Finally, just as important, my JOBS Act recoups any and all unspent stimulus dollars, putting them to work instead of towards waste.

Now is the time for a new way forward. For 11 months, the so-called stimulus has been tested. Unfortunatley, it has failed. But there is no reason to keep going down the same track and throwing taxpayers’ money down a rat hole towards a failed plan. And there is certainly no reason to keep sending money into Georgia’s imaginary congressional districts, double zero, 27, 86, or any others that the government has identified.

The American people demand something better than more government and more of the same. They deserve more, something better than more unemployment insurance and COBRA extensions. We need to stop handing them dead fish and, instead, hand them a fishing pole.

Mr. Speaker, I’ve introduced H.R. 4100, the JOBS Act, to answer their call. And I urge my colleagues to lend their support by cosponsoring this important piece of legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. Foxx) is recognized.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

JOB CREATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, this evening our topic is going to be something that is of interest, I believe, to all Americans, the topic of jobs. In the past we’ve talked something about health care. In fact, we’ve talked about that for a number of months. But it seemed appropriate to me this evening to open our discussion on this subject of jobs. Everybody in America is concerned about the subject. It is one of those things that affects everyone. And something that is not as clear, and the solution to the jobs question is not as simple as it might appear on the surface. And certainly, we have some examples of politicians doing exactly the wrong thing. So I think it’s important that we start and just analyze what it is that makes jobs and what are the enemies of job creation. I have listed some of them here that are the most common things that are destructive to jobs.

The first would be a bad economy. That seems fairly self-evident. If the economy is not doing well, the things that people tend to do well, things aren’t going so well; I need to cut my overhead, and, therefore, we will cut some jobs. And so that is one thing that affects jobs is a slow or poor economy.

Another thing that’s extremely disastrous and very much basically stops the creation of jobs and maybe even gets rid of existing jobs is taxation. That also is fairly self-evident. Let’s just think for a minute. You’re an owner of a small business and you have 100 people working for you. All of a sudden, you find out, you read in the paper, here we go, the politicians, one more time are going to be taxing and spending. They’re going to increase your taxes and increase the taxes to your business. Well, that has the same net effect as a bad economy because if all of a sudden you’re expecting a big tax increase that your company is going to have to pay or you’re going to have to pay because you own the company, you’re thinking, oh my goodness, I don’t have as much money to work with as I thought I did. I’m going to have to figure out ways to tighten the belt. And when you tighten the belt, many businesses that many of either existing jobs by laying people off, or perhaps you were thinking of creating new jobs and you decide, I think I’ll wait on that expansion and buying that new piece of equipment and adding the addition to the building and in adding these new jobs. And so tax increases are also enemies of jobs.

A third problem that can also affect jobs, and that is what sometimes people call liquidity; that is, the available supply of money. If you’re a small businessman, one of the things that you need in order to keep your business going is some source of loans or money to work with. Most small businesses
have loans from local banks, and they get those loans at a reasonable interest rate because many small businesses are very good and prompt payers. The bank trusts them. The bank knows that the small business is solvent, that they run a good operation, that they're doing good work in the community, so the bank is taking that risk and is loaning that money at a fairly reasonable rate of interest, so the small businessman has this money or this liquidity in order to operate, for things that he needs in his business.

Just to give an example, perhaps, of a farmer. A farmer has a nice piece of land and he decides he wants to raise some crops. But in order to do that, he needs a tractor. He doesn't have enough money to buy that tractor right off the bat with cash, and so he gets a loan from the bank to buy the tractor, and then he uses the tractor to grow crops and to produce a product which we call food. In the meantime, as he makes profit on selling his food, he makes payments to the bank to pay for his tractor. It's a simple example, but what is required for jobs and for small businesses to operate is liquidity. There is a supply of funds that's available at a reasonable interest rate in order to facilitate the growth of businesses, particularly small businesses, and jobs. If there is not good liquidity, not a good source of money, you're going to have a problem with jobs.

A fourth enemy of job creation is uncertainty. Again, put yourself in the shoes of that small businessman. You look out on the horizon and you see all kinds of things that you don't know what's going on, and you're worried about what's going on. You know as you look out at the horizon that there's talk that these taxes that used to be low are going to go up. There's talk about energy, talk about energy shortages; there's the possibility of anything that might be disruptive to your business. Well, that uncertainty is going to have the effect of saying, hey, before I stick my neck out and do something new, I think I'm going to just instead sit back a little bit and wait, because I don't want to be too far leveraged. I don't want to make too much of a commitment because I don't know if it's going to happen. Your member of Congress is buying ammunition and hoarding gold, and everybody's nervous and concerned. There's talk about this, that and the other. So when you get uncertain, uncertainty makes it hard for business people to want to add jobs, and it may reduce jobs. Businesses work well when they have a plan. They know that they're going to have so many orders for so many years, they know that they're going to build, they can plan out, buy their materials, get many orders for so many years, they work well when they have a plan. They and it may reduce jobs. Businesses are uncertain, uncertainty makes it hard for them to plan. There's talk about this,

and working their way toward the dream of a more prosperous future. And so these are the enemies of jobs. I'm going to review them one more time.

First of all, a slow economy. Second, high taxes. Third, uncertainty or fear. Fourth, red tape and government regulations. And sixth, the idea of excessive Federal spending, because that comes back in the form of taxes and reducing liquidity.

I am joined this evening by a very good friend of mine, Congressman SCALISE, who has a very good sense of business and a good sense of humor and is always a great contributor to our little Wednesday evening discussions.

My good friend from Louisiana, please join us.

Mr. SCALISE. I want to thank my friend from Missouri. We have been having these discussions for I guess the past few Wednesdays for a few months now. I appreciate the gentleman for hosting this hour that's become a regular tradition, not only to talk about the things that are happening in the country, but really to focus in on the aspects that have been taken here in this Congress by this Democratic leadership that have actually led us to the decline in jobs that we're facing today.

Of course, so many Americans remain unemployed now back in the beginning of this year when President Obama took right there, right there on that well behind you, and talked about the need for a stimulus bill, a bill that spent $787 billion of money that we don't have, money that was borrowed from our children and grandchildren, and he said it had to happen so that we would stop unemployment from exceeding 8 percent.

Now, of course today, as we look at 10.2 percent unemployment, the American people are asking, Where are the jobs? And, of course, when the White House came out with this Web site, and the White House and the President bragged about the transparency, and, in fact, the President talked about the fact that the American people would be able to track every dollar, and even said that Vice President JOE BIDEN would be in charge of tracking the money, and the American people would be able to go to a Web site and see exactly how that money is being spent and how it's creating all these jobs. Of course you and I opposed that bill because we knew it wouldn't create jobs. In fact, we knew it would help actually lead to more unemployment because it would add so much more money to our national debt, money that we couldn't afford to spend, and money that was going to hurt small businesses and in fact did hurt small businesses.

Mr. AKIN. If I could reclaim my time, I think that the points that you're making are very, very good. I just want to recap what you're saying. I had, just as we got started, talked
about things that kill jobs. And one of the things that kill jobs is excessive government spending. The first thing that you came to, ironically, was this supposedly stimulus bill which the President and the Democrat leadership thought was going to improve the economy. They said, Well, if they pass this stimulus bill, which was their argument, then we would see an improvement in the unemployment rate. That was what they claimed. In fact, the claim was, as you and I recall, that if we did not pass this $787 billion un-funded supposedly stimulus bill, we might get unemployment as high as 8 percent. They said that unemployment goes well beyond 8 percent. They passed that stimulus bill, and now unemployment is 10.2 percent. So that suggests just what we’re talking about, that excessive government spending is, instead of making the situation better, will make it worse. But we were promised, as you were saying, by the administration, by the Democrat President, that this was going to create some jobs; and so they created a whole Web site, a whole Web site to let people know where the jobs are to be. So you’re looking for jobs and you go to the Web site and you see all those jobs that were going to be for the unemployment if we passed the stimulus bill, which we did. This was the Obama forecast without the stimulus bill. And what really happened? The red line is what’s going on.

This is unemployment after we spent $787 billion that we don’t have, which really wasn’t a stimulus bill. As you recall, the chief of staff for the President said, We want to use every crisis as a good opportunity to move our agenda. So their agenda in the supposedly stimulus bill was to basically get rid of all the Republican welfare reforms and add all kinds of money in all kinds of various bailouts and things. And you can’t even count those people, 10.2 percent unemployment. And so what’s happened here is just exactly what we talked about.

I’d yield.

Mr. SCALISE. Some of the economic experts are actually saying that the true unemployment number right now is probably closer to 17 percent because there’s so many Americans that just stopped looking for work because of the tough economic times. And so this year, we had pointed out back then in February, 10 months ago when they first brought this stimulus bill, we pointed out that you don’t create jobs by borrowing money from our children and grandchildren. You create jobs by creating small businesses out there that can actually go and create jobs. Because it’s not government that creates jobs, it’s small businesses that create jobs. And what they’ve been saying and what American families have been saying is: Government, stop all of these policies that are literally shutting down companies and running jobs off to countries like China and India.

And so what we’ve had this year, we have seen this cap-and-trade energy tax. That’s been one of their answers to actually let the millions of American jobs out of this country to other countries. Then they came back with—of course, they had the bailouts...
and then they had the stimulus bill and then they had the budget that doubled the national debt in 5 years.

And then after cap-and-trade they came with the health care bill, the government takeover of health care, which they’re going to say, as the top priority. Of course, President Obama is using that as his top priority when the American people are saying, We don’t want a government takeover of health care; we want you to reform things that are broken, and we’ve presented legislation to actually fix the problems—to lower costs, to address pre-existing conditions—the real problems American families are having with health care. But what American families don’t want to see is the government take over all of health care and literally shift the hundred million more people onto a Medicare system that’s already struggling to make ends meet. And senior citizens know that.

So what they’re asking is: stop dealing with policies that are actually running more jobs out of our country. Go and help create jobs in small businesses by lowering tax rates. And guess what’s going to happen here on the House floor tomorrow? The Democrat leadership is actually bringing a bill to make permanent the death tax at a 45 percent tax rate. That’s going to kill small businesses in this country. And that’s their priority instead of creating jobs.

Mr. AKIN. If I could just ask you to yield back, everything you said is exactly spot on, and it is the solution to trying to deal with unemployment. But I think what I’d like to do, if it’s possible, just for a minute, get a little philosophical here and talk about the fact that when you take a look at the political parties, in general these are two different ideas about what you do when you’ve got problems with unemployment.

One of them was proposed by a little British economist by the name of Lord Keynes. He was accompanied in his mischief with a fellow by the name of Morgenthau, who was FDR’s Secretary of the Treasury. That idea was called “stimulating the economy.” The idea was that if the government will just spend enough money, it’s going to create demand, and therefore the whole economy will run. It appeals to me as an engineer about just as much as the idea of sitting down, grabbing your bootstraps, and try to lift yourself so you can fly around the room. But the idea is that when you’ve got a bad economy, the government should spend more money like mad and it’ll “stimulate the economy.” And so that was one theory.

Another theory that was developed—and that usually is the Democat theory, although not entirely—the other theory is: get your foot off the spending and the taxing, leave enough money in the company and, particularly with small business owners, to allow them to invest. When they invest, they create jobs and you allow the free market and you allow Americans, in the ingenuity of Americans and freedom, to motivate and to build a country bigger and stronger than it was before. And by doing that the economy gets stronger because individual citizens, not the government, are the ones that are creating the wealth.

And so that was another formula that was tried by, among others, by JFK. Also by Ronald Reagan and G.W. Bush. All got off the taxes, left more money in the pocket of the small business owners, who then could take a chance and try off like a rocket in all three instances.

The other example, I want to run back to it. You’ve got this guy Morgenthau and here it is 1939. Now we have turned a recession into the Great Depression. And Morgenthau comes before the Ways and Means Committee. This is something that happened long enough that people around here should know something about it. This was the buddy of little Lord Keynes. And this is what he said. And all of the Democrats—Mr. Scalise—and all of these Democrats—I yield time to the gentleman.

Mr. THOMPSON of Pennsylvania. I’d like to thank my friend, Congressman Scalise, for his perspective and for joining us. I’m also joined here on the floor by my good friend, Mr. Thompson of Pennsylvania. I’d like to yield time to the gentleman.

Mr. THOMPSON of Pennsylvania. I thank my friend, Congresswoman Scalise, for her perspective and for joining us. I’m also joined here on the floor by my good friend, Mr. Thompson of Pennsylvania. I’d like to yield time to the gentleman.

Mr. AKIN. Just reclaiming my time, the fact is that history does not have to repeat itself. It repeats itself if people make the same dumb mistakes over and over again. That’s when it repeats itself. What we’re doing here is we’re doing the same things over and over again that have not worked in the past. But it doesn’t have to be that way. I really thank my friend, Congressman Scalise, for his perspective and for joining us. I’m also joined here on the floor by my good friend, Mr. Thompson of Pennsylvania. I’d like to yield time to the gentleman.

Mr. THOMPSON of Pennsylvania. I thank my good friend for yielding and for also taking the leadership on this very important debate. I think of all the things that are wrong on this side of this Nation—and there are no shortage of issues—the issue that cuts directly to the heart, the economic well-being of the liberals that are running Congress right now.

When you show that comment from FDR, it’s very telling because when this administration came in, President Obama made a point everywhere he went and he still today—talking about saying he inherited the worst economy since the Great Depression. Well, first of all, if you go back and look at the Great Depression and the signs there, they were much worse than the signs he inherited. The signs he inherited weren’t as bad as what Jimmy Carter created that ultimately led us to Ronald Reagan. When Jimmy Carter was President we had double-digit unemployment, we had double-digit interest rates, and double-digit inflation. In fact, they created a new term for it called “stagflation.”

When President Obama came into office, we were less than 8 percent unemployment. So it was single digit. It was still a high number, but it was a single-digit number. We were getting the same lousy results. Right now, because of President Obama’s policies, these policies like cap-and-trade, like the spending and the stimulus bill and the health care government takeover, they have led us now to double-digit unemployment; but what we’re starting to see are the telltale signs also of creeping up interest rates and inflation because of the policies of President Obama.

So when he talks about this being the worst economy since the Great Depression, I think what he was trying to do was set up an event so that he knew his policies probably would create double-digit unemployment and double-digit inflation and double-digit interest rates, because history does repeat itself. So he tried to set the stage that he was walking into something worse than what he walked into, but he’s created an economy that virtually is leading us back to the 1930s, when we did have the Great Depression. It’s because of his policies that are spending, taxing, and borrowing our country into oblivion.

I yield back.
our citizens, are jobs. We know that we are in dire straits with jobs in this country, the first time in decades the unemployment rate has gone over double digits, at 10.2 percent.

Now looking back, I see my good friend has a chart there that talks about the stimulus and talks about the percentage of unemployed. I remember vividly sitting in this Chamber where we were talking about—and it was a mandate that we had to do something because unemployment was at 8 percent, and if we did nothing, perhaps it would go over 8.5 percent. What was done and what the Democratic Party did was to just spend, and I think misspent.

I believed in my heart back then that it was not the right thing to do, that, frankly, it would make matters worse, that it would drive up unemployment, because as people would lose confidence, those entrepreneurs, those people that are small business people, those folks who were willing to take that risk and work long days—sometimes without taking a salary themselves, that they could create prosperity—weren't going to have the confidence to be able to do that.

Usually I like being right. But unfortunately, I'm sad to say that we were correct, that I was correct, when unemployment hit 10.2 percent.

Mr. AKIN. Just reclaiming my time, gentleman, you were here on the floor with me when we were talking about this very thing. It wasn't so many months ago. It isn't that we are great wizards of economics. It's just that we've learned something from history. The fact is is that the method and the approach of “stimulating the economy” or, effectively, tremendous levels of government spending and money that they don't have, does not help an economy that's ailing, and it's not going to help unemployment. We were here at this 8 percent unemployment, and we were told that, Hey, if you don't get this stimulus bill through, why, it's going to go above 8 percent. We passed the stimulus bill, and here we are at 10.2 percent. But that's not a coincidence.

Now of course the Obama administration would love to try to blame that on President Bush and everything. But let's just say that, even in the '90s, when government subsidies stop. These are small businesses owned by individuals who are willing to make the sacrifices, take the risks to go after that. And what we find was—and this was an interesting number—as we reduce taxes, the businesses, these small businesses, then created more jobs because they had money to spend. They created more jobs, and the economy turns around. What happens is, we take in more revenue than we had before. But let me say it in the most pessimistic sense, what surprised me was this: If you added the cost of—supposedly the cost of the Bush tax cuts, and you added the cost of the wars in Iraq and Afghanistan together, that total dollar value was less than what we had lost by the recession and what the recession had cost the Federal Government in revenue. You see this, gentleman, in Pennsylvania—and we do in Missouri, all the other States that I've been in that we would have balanced budget amendments—and that is, when the recession comes, boy, the States are hurting. They have to really scramble because their revenues drop dramatically when we enter a recession. But that's also true of the Federal Government. Our revenues drop tremendously.

So this formula of excessive government spending is the exact wrong thing to do. And what does it do, is it turns a recession into a depression. That's why these charts are going the way they are. This should be a warning sign that what we should not be doing is a whole lot more taxing on small business, yet it seems that every time you turn around, here comes another tax. We've got to hit somebody, so why not tax? Let's take a look at just one other thing, and this will be something I would like to get your impression on because Pennsylvania is a good industrial State. You've got a lot of jobs, a lot of good hardworking people there. It's kind of a theoretical question. But does the government really create jobs? You know, on the surface, it seems like if the government takes the money and hires somebody to build a building or something, it seems like they have created a job, because somebody's got to build the building, and they took some money, and they paid somebody, and the somebody did something.

So can the government really create jobs? What we find is that you've got to be careful. I just wanted you to talk about that a little bit, if you would like to, gentleman.

Mr. THOMPSON of Pennsylvania. I would, and I appreciate that opportunity. The government cannot create jobs. Unemployment is now 10.2 percent. I would admit that I'm sure within that, even despite the bad unemployment, there are jobs that are temporarily subsidized by the Federal Government, even some of the projects that I originally thought would be good stimulus infrastructure projects. Well, those are not sustainable jobs. Those are jobs that only the government, the Federal Government is subsidizing them. As soon as that subsidy goes away, as soon as the stimulus money is spent, those folks are laid off.

A job, as I define it, is a good family-sustaining job that is there that grows, that not only grows but that is working in a business, mostly small businesses is my experience, that is creating other new jobs. So this really has been fiscally irresponsible in terms of revenue. And what we found was—and this was an interesting interest number—as we reduce taxes, the businesses, these small businesses, then created more jobs because they had money to spend. They created more jobs, and the economy turns around. What happens is, we take in more revenue than we had before. But let me say it in the most pessimistic sense, what surprised me was this: If you added the cost of—supposedly the cost of the Bush tax cuts, and you added the cost of the wars in Iraq and Afghanistan together, that total dollar value was less than what we had lost by the recession and what the recession had cost the Federal Government in revenue. You see this, gentleman, in Pennsylvania—and we do in Missouri, all the other States that I've been in that we would have balanced budget amendments—and that is, when the recession comes, boy, the States are hurting. They have to really scramble because their revenues drop dramatically when we enter a recession. But that's also true of the Federal Government. Our revenues drop tremendously.
folks have been the ones that have gone out, and they’ve created new jobs every year by taking what they’ve invested, the return on their investment, and put it back into their small business. They reinvest there.

And that is frightening. I can’t believe how many of them I’m talking with right now that are sitting on the sidelines because they’re afraid of what’s been going on in this country since January. They’re afraid of the deficit spending they’ve seen. They’re afraid of the regulations we’ve seen. These are small businessmen that—most of them pay their taxes as a limited liability corporation or an S corporation. So they pay their taxes on their businesses through their personal income tax. These are the folks that my friends on the Democratic side of the aisle have been piling on in terms of new taxes, more taxes, claiming these are the rich, and they can afford to pay more taxes. Well, actually what these are are small business owners, and when they pile on them, it forces them to sit on the sidelines.

Mr. AKIN. Just reclaiming my time, what you’re talking about is the old proverb of killing the goose that lays a golden egg. The thing is, the thing is, it’s a little bit tricky, because if you think about it, the government goes to hire somebody to build a highway. You say, Well, that’s a good job. Somebody is building a highway. Well, it’s true that for some period of time, you put the emphasis on temporary—that job is there as long as we are taxing somebody to get the money in order to hire that guy. The way that economics works is that for every job, by taking taxpayers’ money and creating a job with the government, what we do is we kill 2.2 jobs in the private sector.

So effectively, what you’re doing is a very inefficient means of bleeding part of the sector that creates the real jobs and cultures temporarily a government job. My son is in Afghanistan. We have places where the Federal Government hires people. They’re legitimate jobs that need to be done, but all of those things are balanced on the back of the private sector. If you get too greedy and you start to squeeze the private sector enough, not only do you make it sick, you can kill it. And that’s what was done during the Great Depression. They started taxing those small businesses—put so many regulations on them that they killed them, and they went out of business.

And that’s what’s starting to happen, and that’s what frightens me terribly about the approach that we’ve got here. As I started this evening, I talked about what are the things that destroy jobs, and you just intuitively—you are talking about the people of Pennsylvania and about the businesspeople, you know, those courageous, quiet souls that go out and take the risks, not knowing whether they’re going to end up sleeping under a park bench if their business goes out. They’ve put their whole life into it. They’ve invested in a new piece of equipment. And in the process, they create wealth and create jobs and stuff, those people.

Well, what do we do if you really want to hurt them? Well, what we do is everything we’ve been doing for the last year is out of control Federal spending on all kinds of wasteful things. For instance, that stimulus bill had billions of dollars for community organizations like ACORN. We had money in that bill to produce that Web site that created congressional districts that don’t even exist, claiming the jobs were created. That’s a waste of money. The next thing, as you properly pointed out, is that you start taxing people, not only for the stimulus bill, but you tax them on energy. So now this guy that’s got a business, perhaps he uses a fair amount of energy, thinks, uh-oh. I’m going to have taxes on energy now. Then the issue that you properly pointed out is that you start creating this sense of fear and uncertainty. So now you’ve got red tape and more taxes and more taxes. The guy thinks, How in the world am I going to make a living with that? That’s what’s being done not just in Missouri and Pennsylvania, but it’s happening because you’re doing the wrong things. And it’s not so complicated because other Presidents have shown the right way to go.

Let’s just take a look at what we’re doing just to get them fiscally. You started to list them off. First of all, there’s the death tax, and there’s dividends and capital gains. Those are taxes that were cut by Bush back in 2001 and ‘03 in order to get those small businessmen up and going. So those have been cut temporarily, and now that’s going to expire, and what have the Democrats told us? I yield.

Mr. THOMPSON of Pennsylvania. I think this week, tomorrow we’re going to be voting on the estate tax here. Mr. AKIN. Recalling my time, it’s interesting you mention that. I have a nephew that worked on a dairy farm in upper New York State. What you mentioned, 80 cows. The number I recall then was about 90 cows, 90 to 100 cows. It’s kind of the standard lot size. It’s about how much one man can kind of operate with his family.

So if you all of a sudden have to sell half of that, even if you could—say you could sell half the cows, half the farm, half the equipment, the problem is that half of it doesn’t work. It no longer works. So if with every generation, you’ve got to cut the business in half, and give half to the Federal Government, how in the world are we going to have jobs and a strong economy? It’s just nuts.
had a couple years ago when we put it in place and it helped the economy get going.  

Then on top of that, we’ve just spent $787 billion on that silly stimulus bill, $700 billion for the Wall Street bailout. And we’re still talking about the biggest tax increase in the history of the country for global warming, an energy tax, along with tons of red tape that goes along with it, telling everybody in the country they’ve got to have an electrical outlet in their garage for their golf cart or whatever it is.  

I mean, this is an awful lot of red tape, regulations, and taxes, all with the effect it’s going to just kill those jobs. So there’s a reason why that red line is going up, isn’t there?  

Mr. THOMPSON of Pennsylvania. If the gentleman would yield.  

Mr. AKIN. I yield.  

Mr. THOMPSON of Pennsylvania. Certainly, we cannot forget the taxes from now on.  

Mr. AKIN. Of course that’s a couple of additional taxes on top of the small business men.  

Mr. THOMPSON of Pennsylvania. Over $700 billion in taxes, much of that balanced on the backs of small businesses.  

Mr. AKIN. So you’re telling the small business man now we’re going to tell you what kind of health insurance your employees need and you’re going to have to pay for it, and if you don’t do that, we’re going to fine you and you’re still going to tax you for it. And on top of that, that isn’t quite enough to take out of your hide, we’re also going to put an additional 5-something percent tax on top of any profits that you make in your business. So for sure you won’t be able to invest that money back into your business because we’re going to get that, too.  

So on top of all of this, the red tape, the uncertainty, the lousy economy, tax after tax after tax, now we’re going to hit them and tell them, by the way, any employee you’ve got, you’re going to have to pay for their health care and we’re going to tax you heavily for that. What’s that going to make a small business man do?  

I yield.  

Mr. THOMPSON of Pennsylvania. That’s a great point.  

There was a headline in The Wall Street Journal just yesterday that said “Job Cuts Loom as Stimulus Fades.” I think that speaks to the original point that we’ve made that the stimulus is unsuccessful. It has failed.  

I know the President is having a jobs summit tomorrow. I’m hoping, actually praying, that when he does that, that better minds prevail and he hears from people attending that summit the types of things that we’ve been talking about. And we have been talking about this since January because we know we’ve had this Before. We have been talking about things such as cutting taxes for small businesses, of reducing the burdens that we put on those job creators. I mean, those are the types of things that we should be doing in terms of economic stimulus. And I know that our friends, the Democratic colleagues, are going to be looking at a stimulus two here, and my concern, my big fear is it’s going to another special interest, big spending bill that really isn’t about the jobs, but it will be in the name of jobs.  

Mr. AKIN. Reclaiming my time. I appreciate your optimism. The President has declared that he’s going to have a meeting to get together and talk about the economy and everything, but I happen to know something about the invitation list. I don’t know who was invited, but I have a pretty good idea.  

I know who was not invited. The U.S. Chamber of Commerce. They represent businesses and small business. They weren’t invited. The National Federation of Independent Business. These are all over. I assume you have them in Pennsylvania.  

Mr. THOMPSON of Pennsylvania. Oh, yes.  

Mr. AKIN. I have them in Missouri. These are coalitions of lots and lots of small businesses. You think they were invited? No, they’re not invited. Who is invited? All the people who got money under the first stimulus bill.  

So, first of all, the whole idea of the stimulus bill is wrong economics. You’re not going to get the economy by spending more money. If getting the economy by spending money were how you did it, holy smokes, our economy would be red hot and on fire. We’ve been spending money like there’s no tomorrow. And the economy is not doing so well. Look at that unemployment line. Spending money is not the solution. Yet the idea of more stimulus, more stimulus, it’s just nuts.  

Who was it, Einstein, that said if you keep doing the same thing and expect a different result, it’s insanity? We’re getting close.  

I yield.  

Mr. THOMPSON of Pennsylvania. There’s a two-part penalty to this. One is that we’re spending all this money, but this is not even money that we have. This is deficit spending. This is spending that we have to reach out to creditors and then to take out loans. And who is our number one creditor? Who’s the number one entity that’s lending us the money? That’s who is our number one creditor. It’s not the taxpayers. It’s the Federal Government. That’s the biggest creditor. That’s the reason why the interest rate...  

Mr. AKIN. I have them in Missouri.  

Mr. THOMPSON of Pennsylvania. If you take the $450 billion that President Bush’s biggest spending year. That’s when the Democrats ran the House here. That was about $450 billion or so, and that was 2008. If you took the $450 billion as a percent of our gross domestic product, that was about 3.3 percent. That year they just calculated the numbers, and the spending is $1.4 trillion. That’s three times more spending in the first year than President Bush’s was in his worst year out of 8 years. Three times more. And it puts the level of debt that we have created not at 3.3 percent of GDP but at 9.9. So we’ve more than tripled that ratio. It’s the highest it’s been since World War II because of this, because we just can’t seem to say no to spending. And that’s just the formula to help with the jobs problem.  

I yield.  

Mr. THOMPSON of Pennsylvania. It’s almost like our Democratic colleagues look at it as a candy store and that there’s no end to it. It’s an endless supply. And I suspect that at some point where—I know that we’re probably coming up on the debt ceiling in terms of the amount of debt that we’re able
and allowed by law, by statute, to accumulate as a country. And I don’t know that exact total, but I believe it’s somewhere around $14 trillion, and the fact is that we are fast approaching that just after this past year.

I came here in January, Frankly, I think we were financially irresponsible in years past. I would be the first to admit that in terms of my party. And that’s one of the reasons I was motivated to come, because if we were running a household, we would not be the ones responsible. We have not had that for a very long time in this country, but I think that is something that we need to be committed to.

Mr. AKIN. You’re absolutely right.

The reason that we’re getting off the wrong track here is just because of this whole liberal Democrat concept of economics. They’re trying to make two plus two equal five. They’re trying to basically repeal the law of economics.

If you and I in our household, if we thought, oh, we’re getting tight on money, we’re starting to have economic hard times in our family, so let’s go out and just run up a huge credit card bill and that will somehow make it better, people would lock us up. They put us in little white suits and lock us away somewhere and say these people are crazy.

Mr. THOMPSON of Pennsylvania. And we did that. Unfortunately, that does happen in our Nation, and what happens is people experience bankruptcy. They ruin their lives by doing that.

Mr. AKIN. Right. Except in this case, when the Federal Government does it, we bankrupt the entire Nation.

Mr. THOMPSON of Pennsylvania. Correct.

Mr. AKIN. And one of the effects of the bankruptcy is unemployment, among other things, but it also is impoverishing everybody.

You can repeat the basic laws of supply and demand, and you cannot basically give away housing where people can’t afford to pay for it without expecting to have consequences. Kind of going back to the beginning of things, that’s what got us into this trouble not so many years ago. Here’s something I think a lot of people aren’t aware of but we need to understand, how did we get into this problem? It was because of this idea that somehow we think that we are able to repeal the laws of economics.

This is September 11. It’s not 2001. This is September 11, 2003. It’s an article in The New York Times, not exactly a conservative source of information. And I’ll put it to you in the article, and it says: ‘‘The Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago.’’ Let’s take this, this is The New York Times. This is bad President Bush saying that we need to have a significant regulatory overhaul in housing finance and the strongest thing since the savings and loan crisis.

‘‘Under the plan disclosed at a congressional hearing today, a new agency would be created within the Treasury Department to assume supervision of Fannie Mae and Freddie Mac, the government-sponsored companies that are the two largest in the mortgage lending industry.’’

So this is 2003, Bush sees irregularities in Fannie and Freddie in how they’re running the business. Why would there be irregularities? Because they were mandated and allowed to make loans to people who couldn’t afford to pay the loans.

What’s the Democrat response to what President Bush wanted to do? Well, what happened was he passed a bill in the House to do this. I was here. We voted for this bill. It went to the Senate. It was killed by the Democrats in the Senate.

What was the Democrat response in the House to Bush’s saying we’ve got to get on this Freddie-Fannie problem or we’re going to have an economic crisis on our hands? Well, with respect to Fannie and Freddie, I did not want the same kind of focus on safety and soundness that we have in—

The SPEAKER pro tempore. The gentleman’s time has expired.

Mr. AKIN. Mr. Speaker, let me say to the gentlemen, for joining me. It seems like the time has flown, and I look forward to our next evening.

THIRTY-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes as the designee of the majority leader. Mr. RYAN of Ohio. Mr. Speaker, we’re happy to catch off another edition of the 30-Something Working Group in which we will try to bring some facts and some analysis to the floor of the House of Representatives.

I can’t help but get up after having to sit through what our friends on the other side have been delivering a little bit. And it’s interesting, Mr. Speaker, as we see some of our Republican friends have a very short memory as to what transpired here. And I have been fortunate enough to be here over the last 7 years and was able to watch President Bush with the Republican-controlled House, a Republican-controlled Senate, a Republican Supreme Court, many State legislatures and the Federal Government controlled by the Republicans. In Ohio, I know that of course was the fact. Run up huge budget deficits, start wars, cut taxes for the top 1 percent, take their eye off Wall Street, ignore health care, We’ve continued to support the oil economy, push globalization, not enforce our trade laws—all with a rubber stamp from the Republican Congress.

And then all of a sudden in 2008, 2009 the bottom falls out. Wall Street collapses. We see the stock market collapse, credit locks up. On and on and on. And our friends on the other side act like that just happened by happenstance.

So be here now, in order to try to address those issues, we have to make some very difficult decisions as a country and come together as a country. And we get people ignoring the previous 8 years, when anybody who is being realistic can see how we got here.

And all we want to do now is have a conversation about how we move forward and how we use this and see this as an opportunity to address some of the major structural changes that we need to address in the United States of America. And there are two major ones in our economy that have been like an albatross around the necks of small business people all over our country and big businesses all over our country, and that is health care and that is energy.

And so this Congress has stepped up to bat to address two of those major problems without a lick of help from the Republicans, not a lick of help. And at the end of the day, they’re going to blame where the wrong side of history, like they were for Social Security and Medicare and civil rights and a lot of the other major issues that really gave us things to be proud of in this country.

And so as we move forward with the House bill on health care—and now the Senate is opening up debate and having debate on the health care bill—we are trying to address the concerns of the American people.

I want everyone, Mr. Speaker, to understand the issues that we have taken up here as a Democratic Congress. And this is all with the understanding that we know that the unemployment rate is too high, there are too many people out of work. There is a lot more work to be done here.

But if you look at the previous 8 years prior to President Obama, you will see an administration that completely catered to Wall Street and Big Business in the United States of America and the very issues we want to deal with, whether it was immigration laws, whether it was health care, whether it was energy. You could bet your bottom
dollar that President Bush was on the side of Big Insurance, Big Pharmaceutical, Big Oil, Big Agricultural, right down the line.

And when we came in as Democrats, we began to change that. And all you have to do is listen to them as they say you can judge someone by their actions: The Democratic Party took on the Big Oil interests. The Democratic Party is taking on the insurance industry. The Democratic Party is the one party getting the banks out of the student loan business, the electoral reforms that we’ve set over the last 8 years are on their way out the door. And President Obama got stuck with a heck of a mess, there is no question. A heck of a mess.

But in America, we have to live in reality. I know some people on the other side may not necessarily agree with that or like that, which is fine. But we are the majority party, and we have to deal with reality without illusions and deal with what is that are at hand.

And here are the facts: if we do absolutely nothing with health care, the average family of four next year will have an $1,800 increase, $1,800. And then the following year it will be another $1,800. And in another year it, another $1,800. That’s reality. Everyone is agreeing on that.

If we do nothing, human beings, American citizens in this country, will continue to get denied coverage by insurers just because they have a preexisting condition. That preexisting could be you were involved in a domestic violence situation; that preexisting condition could be infertility, or as we even heard, spousal infertility. You’re denied. Diabetes. Cancer. That’s if we do nothing. If we do nothing, just in my congressional district in northeast Ohio we will have 1,700 families go bankrupt next year because of health care costs—if we do nothing. And on and on and right down the line. An inhumane, costly, expensive, inefficient health care system.

And so we chose to take on the big fight. We chose to make a human decision to say this problem needs to be fixed, it needs to be addressed, and we know it’s politically risky but we know we’re going to do it because there are too many people in the country, Mr. Speaker, who need us to act and not sit on the sidelines where it is safe.

If we do nothing, you could have just said, You know what? We’re going to play it safe. We’re not going to do anything that’s going to upset anybody or get FOX News riled up or Rush Limbaugh or Clear Channel, the right wing talk radio. We’re just going to play it safe. But at the end of the day, history would not be very good to us because they would have said, What did they do in Washington, D.C., when this decision, these hard decisions needed to be made 10 years ago?

And our kids and our grandkids would say, Jeez, Mom. Jeez, Dad, you were in Congress during the very difficult time. We needed some big decisions to be made. What did you do when you were there? And you can look proudly at your kids and say to them, I did nothing. I played it safe. I sat on my hands because I wanted to get re-elected or I was afraid that Rush Limbaugh would make fun of me.

The real question coming out of this House of Representatives—as I have said when I am back home in Youngstown, Ohio; in Niles, Ohio; in Warren, Ohio; in Ravenna; in Kent and Portage County; Akron—these reforms that we’ve struggled and fought and got zero wage increases over the last 30 years, who’ve got to haggle with the insurance company, get denied, get ignored while they’re on their death bed, lose their job, lose their pension. That is wrong, Mr. Speaker. Wrong. And we’re going to do something about it.

So let’s just take what happens when health care reform passes. There will be some time until the exchange gets set up and, and you know, whether there’s a public option and what it looks like. That may take a couple of years. But immediately what happens is that no longer in America will you get denied coverage because of a preexisting condition. We’ve done it for a child, a son or daughter, who is under the age of 27 years old, they can stay on your health care insurance. So all of those young people in their early and mid-20s who can’t get health insurance or can’t afford to pay the rates on their parents’ health insurance. That gets implemented immediately.

If you have a health care catastrophe in your family—and being a Member of Congress, we get these calls, and we are out in the public and we meet these people at the fairs, at the festivals, at the bowling alley, at the bingo halls, at the civic events—there will be a cap on how much you can pay out of pocket per year on health care costs so that if you are paying $20,000 a year in the United States of America unless we do what the people have always done when we needed to address a big problem in this country, and that is join together through our elected officials who send to Washington to help us.

We need to ask them to get together and solve this problem. This is what is happening. And we see the insurance industry and the extreme right wing of the Republican Party, the neoconservatives, continue to be offended. Nobody here wants to hurt anybody. Nobody here wants to destroy America. We are here to help, and we are here to address these problems collectively as a country.

We have people on the other side of the aisle, because Rush Limbaugh says they shouldn’t, they won’t even work with us. Getting rid of preexisting conditions, letting people be on their parents’ insurance until they are 27, limiting how much out-of-pocket you can spend, making sure that they can’t knock you off the rolls after you have a health insurance coverage, those are basic things that we should all be able to agree upon. Mr. Speaker, we are doing it.

And the same issue happens with energy, to where we send in this country $750 billion a year in wealth out of our country through the gas stations that go to oil-producing countries: a $750 billion wealth transfer right out of our country. And a couple of years ago, Mr. Speaker, we spent about $15 billion out of the Department of Defense, the Department of Energy, ExxonMobil and Big Oil ships in and out of the Persian Gulf. So if you do the math, the Persian Gulf oil that ends up in your gas tank should really...
be $1.50 more because of the subsidies that the American taxpayer has paid to provide the security of these ships going in and out of the Persian Gulf. Now in addition to that, subsidies for oil companies, tax credits and tax cuts to go and continue to drill, so complete subsidizing Big Oil and the oil economy.

And what Democrats have said is, how do we put together an energy policy that will take some of the $750 billion we are losing in oil, put that on-shore and out of our country, how do we direct it back into the United States, and at the same time reduce CO₂ and at the same time resuscitate manufacturing in the United States of America through our windmills, through our solar panels, using natural gas that is here in the United States.

We don't have the kind of oil that some of these other countries do. And why do we prop up these dictators and these royal families who have no concern for our well-being, when we can use the need for energy and make it work for us and put together a system and a national policy that is pro-American.

There is not a bigger, more patriotic piece of legislation in the United States of America's House of Representatives right now than the energy bill that passed this House. What kind of national security plan is it for us to continue to send money that goes to these kinds of fund terrorist organizations that don't like us when we could be putting steel workers to work making the 400 tons of steel that go in the windmills or resuscitate manufacturing in the United States of America by making sure that our people manufacture the 8,000 component parts that go into a windmill. To me that makes a good deal of sense.

And both of these issues in the long term are jobs programs. Does anybody have any concerns, Mr. Speaker, about how to stimulate manufacturing in the United States? I can't think of one. We have tried to cut taxes on the top 1 percent and hope something trickles down, and that means they will invest back in America and will create jobs in the United States. That didn't work. It did not work. The Republicans had the House, the Senate, the White House. They implemented the whole George Bush economic policy, and it didn't work.

I know our friends like to be critical of the stimulus bill, but in January we lost 750,000 jobs. Now we are still losing a couple hundred thousand jobs a month, but it is not quite as bad. We are trending in the right direction, and we do need to put together a jobs program. We do need to invest in the transportation and put thousands and thousands of people to work. We need to do that. We need to make those investments. There is no question about it. And get back to a moderate, balanced, prudent, wise, economic policy and tax policy here in the United States.

The old Keynesian economic theory that asked some of the wealthiest people in our country to pay a little more in the good times, cut taxes in the bad times and increase social spending to stimulate the economy and smooth out these rough edges, worked for a long time in this country. It led to the construction of a great middle class, balanced investments in education and transportation and roads and bridges.

It is time for us to get back to that. And in the Mahoning Valley, 17th Congressional District, we are putting together what is a very smart, balanced, economic policy locally where we are making the proper investments and laying the proper groundwork. What we are trying to do locally is to line up with where the national policy and the national trends are going. You had to be sleeping if you can't tell that the world is moving towards green technology, green energy. The hedge funds, the big money people are all moving into the scientists, the engineers, all moving in that direction. All of the research moving in that direction.

And so there is health care reform and what that will do for our local economy. And how do we get there? So we have been fairly fortunate amidst all of the economic problems and the high unemployment, that we are seeing back home seeds that are beginning to sprout, and that once credit loosens up, we will see long-term economic growth.

But we need our national policy, Mr. Speaker, to shape us as a country and push our economy in the right direction. The big decisions that are being made here through the Obama administration are sound. I think we are making some smart long-term decisions, and it will pay off in the long run.

We see it in sports all of the time where you can see a team that builds your program, whether it is college football or basketball or the coaching staff or the owners who are doing what we asked them to do. Go to school and get educated and do the right thing, and you will be rewarded.

And so in 10 years, Mr. Speaker, in 2019, we will look back on these decisions that have been made in this Congress and we will see that we have eliminated a lot of human suffering because of what we have done with the health care system. We will see that we have helped in costs for the insurance companies, and that has allowed small businesses to reinvest back into their own companies and give pay increases to their workers as opposed to covering all of the health care increases. We will see where we can be compassionate government can exist to advocate on behalf of the American people.

A lot of people say, I am afraid of the government. It is not the government you need to be afraid of; it is the big insurance company you need to be afraid of. It is the Big Oil companies you need to be afraid of. And we are taking them on. Ten years from now, it is going to be looked back upon as one of the turning points in our Nation's history, like Medicare and civil rights, and like a lot of the great programs that have been established to help our people. Average Americans are getting represented in this government.

We will look back on our energy policies, and we will see that we have reduced our dependency on foreign oil. We have given people hope. We have re-established America as an innovative leader in the world, and it will help our health care reform and lift up the middle class because we need to start making things again in the United States. We need to start making things again. And with windmills and wind turbines, these are things we can't ship in from China. We have to make them here. We are, and it is going to put middle class people back to work. So those two major issues are going to unleash the creativity needed, the American spirit needed, the American independence needed.

I am proud of what is happening here. I am proud of what is happening in the United States. I know it is difficult. I know it is tough. I know it is noisy,
Mr. Speaker, but these things are happening for us in the United States. When it is all said and done and that parent goes to get health insurance, or some young person goes to get health insurance, and they call the insurance company, and they have diabetes or cancer and the insurance company cannot deny them.

2000

Their parents are going to say, Did you know there was a day 5 years ago where you would have gotten denied coverage? And 20 or 30 years from now, our kids will say, You've got to be kidding me. That really happened in America? And we look back on the civil rights movement today. Our generation says, You've got to be kidding me. White people and black people weren't allowed to drink out of the same water fountain?

That's how we're going to look back. Did we really, as a country, do that? And it is shameful that that happened in this country. Those are the same exact feelings and sentiments that we are going to have here in the United States years from now. And we will say, Did we really deny people health care? We really had people die because they couldn't afford health care when the treatment was available and the technology was available? We really let that happen?

This is a turning point in our country's history, and I'm proud to be a part of it.

HONORING THE GENEROSITY AND COMMUNITY SERVICE OF JERRY LONG

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

Ms. FOXX, Mr. Speaker, I rise today to praise the generosity and community work of my friend, Jerry Long. Today, Jerry is being honored for his generous philanthropy back in North Carolina as the West Forsyth Family YMCA officially changes its name to the Jerry Long Family YMCA.

This honor comes to Jerry thanks to his tireless work as a community leader. He is someone who understands that making a positive difference in your community and helping your neighbors can start with the hard work and dedication of just one person.

His example of serving his community is inspiring, and this renaming is a much deserved honor. Congratulations to Jerry and his family, and thank you for your many years of giving back to Forsyth County and the communities there.

IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I'm privileged and honored to be recognized to address you here on the floor of the House of Representatives, and I appreciate the opportunity to, I think, help enlighten you and the Members that are listening in and anyone who might be observing this process that we have in the House of Representatives.

In this country, there is a limited amount of time that we can debate here on the floor. And as things churn through, sometimes we don't come back and revisit subject matter, but I think it's necessary to establish the perspective that fits into the broader picture.

The perspective that I intend to address tonight is the perspective of immigration, and that debate has gone on in this country for a number of years. It was brought up by Pat Buchanan as a candidate for President back in the 1990s. He said he would hold congressional hearings on immigration if he were elected President of the United States. He did a lot to help galvanize and bring up the issues that are important to this country to the forefront. And since that time, people like Tom Tancredo, and probably before that time, actually, came to this floor and raised the issue of immigration and the rule of law over and over again.

Eventually, the American people began to look at the circumstances of millions of people that are in the United States illegally, their impact on this economy, this society, and this culture.

As intense as this debate got in 2006 and 2007, it got so intense, Mr. Speaker, that as the Senate began to move on a comprehensive amnesty bill that was bipartisan in its nature, however weak it was in its rationale, it had the support of the President of the United States at that time, George W. Bush, and it had the support of leaders of the Democrat and the Republican Party in the United States Senate, and as well as leaders in the House of Representatives, Mr. Speaker. And yet the American people rejected the idea of amnesty in any form, whether it be comprehensive or blanket amnesty.

Well, here we are again, Mr. Speaker. Here we are again with a transformational issue that is slowly being brought to the American people, and I'm here to say, let's pay attention. My red flag is up, and I have watched the transition of issues that have unfolded since, actually for years, but intensively unfolded since the beginning of the Obama Presidency.

And these issues unfolded in this fashion, and perhaps I'll go back and revisit them in some more detail. But the American people did go to the polls a year ago last November and suspended majorities and actually expanded majorities for Democrats in the United States Senate and in here in the U.S. House of Representatives, and they elected a President who fit their mold as a party member, a Democrat, a very liberal Democrat. In fact, President Obama, in the short time that he served in the United States Senate, had the most liberal voting record out of all 100 U.S. Senators. So they elected, I think it's not even close to arguable, the people in the United States elected the most liberal President in the history of this country.

And while there wasn't a legitimate debate in the Presidential race that had to do with immigration, because neither candidate really wanted to touch the issue, they knew that they were at odds with the American people on immigration. John McCain knew that, and he didn't bring up the subject after the nomination, at least not in a substantial way. I couldn't say that it never happened. And Barack Obama knew the same thing and didn't bring immigration up in a substantial way during the Presidential campaign after the nominations.

And so this Nation went forward with discussions about national security, about economic development, discussions about energy, but not discussions about immigration. Here we are today, a year and a month after President Obama was elected, and we have seen these big issues come through this Congress. And here is the sequence of events. Mr. Speaker, that has taken place, and I invite anybody to challenge me on the facts of these, but it is this history.

During the Bush administration, we had the beginning of the first call for TARP funding. That was the beginning request that began by my mental marker here, chronologically, September 19, 2008, when Secretary of the Treasury at the time, Henry Paulson, came to this Capitol and asked for $700 billion. All of it, of course, would be borrowed money. All of it would have to be paid back, and the interest on it, and all of it would have to be paid back, and the interest on it, by taxpayers and by our children and their grandchildren, presuming we would be able to retire our national debt in that period of time. Or it might take more generations, Mr. Speaker. $700 billion in TARP, this Congress approved half of it then, and I believe that it was actually into October, the early part of October 2008, delayed the other half, the other $350 billion to be approved by a Congress to be elected later and signed into law by a President that was elected later. That began September 19, 2008. $700 billion in TARP funding, partly before that, mostly after that, became the sequence of events then.

As the described downward spiral and threat of economic crisis of global proportions came at us here in this Congress and it was spread around the globe, causing nation after nation to react in one fashion or another, we saw most of it under the hand of President Obama, the nationalization of three large financial institutions, Freddie Mac, AIG, the large insurance company, General Motors, Chrysler, all of that swept through in a period of...
time of approximately 1 year. And at the
tail end, framing the nationaliza-
tion of those eight huge entities that
represent about one-third of the pri-
vate sector profits in the United
States, framed on the other end of that
time-fund effort on the part of the
White House and those who sup-
ported that, was a $787 billion eco-
nomic stimulus plan. All of this just
raced us towards the nationalization
of an economy, the socialization of our
economy.

The American people looked at that,
and it went so fast that they didn’t be-
thieve they had the expertise. They
trusted Wall Street. They trusted Big
Business in America, and they be-
thieved, as I did for a time in my adult
life, that Wall Street was looking out
for the foundations of free-enterprise
socialism so that over the long term
they could continue to do business in
a free-market environment to be able
to buy, sell, trade, and make legitimate
gains through the wealth that was
pushed through this Congress. The cap-
and-tax, or cap-and-trade, or cap-and-tax,
pass off the floor of the House of Rep-
resentatives and a hurry-up rush to judge,
proposing a model that could not be
sustained, debated, or argued in any
logical fashion that has to do
with economics, and neither can the
science be defended, especially in light
of the emails that have been dumped
onto the Internet in the last week or
two.

And we’ve seen at least one resigna-
tion, Phil Jones, one of the scientists
promoting the climate change argu-
ment. The change actually went from
the words “global warming” to the
phrase “climate change,” because obvi-
ously they can’t show the warming of
the globe over the last decade in the
fashion that they predicted at least.

All of this happened and we saw town
hall meetings fill up across America
during the month of August and early
September. Hundreds and hundreds of
town hall meetings. Hundreds of thou-
sands of Americans came up and filled
town hall meetings, and they filled
up the public squares, and they
stepped up and resisted the idea of
a government-run health care system
of socialized medicine in America.

Now the American people are start-
ing to get some traction. They can see
the pattern. They voted for change.
They didn’t know what the change was,
Madam Speaker. And now they have a
pretty good idea of what has been in store for us, and they reject it. It’s why they filled the Capital
and filled up the town hall meetings.

But what we’ve seen so far is this in-
tensity, this resistance to a national health
care act, the resistance that brought
somewhere between 20,000 and 60,000
people here to this Capitol to be out-
side this west side of the Capitol on the
Thursday before the final vote. And
some of those people that came here on
Thursday got on a plane and flew back
to their hometown, landed, and they
saw that they had a request to come
back to the Capitol to do this again on
Saturday, to do our very level best to
dump out all of our energy to kill this
socialized medicine bill.

That’s the American people mobi-
lized, Madam Speaker. The American
towel资本主义 have risen up, and
they have carried their flags into city
capitals of the States, and they have
seen that they had a request to come
to this city just a few weeks ago to resist
socialized medicine. They came from
every single State, including Alaska
and Hawaii. And that mobilization of
the American people that are deter-
mined to defend this country and the
values that made this a great Nation is
only a smaller part of the energy that’s
out there. If this President’s success
majority and this Congress, this Pelosi
majority and the Harry Reid majority
down the hallway through the center of
the Capitol in the United States Sen-
ate, if they decide they want to try to
have comprehensive amnesty to over-
haul the immigration laws in the
United States of America, rather than
enforcing them, we’ve seen nothing yet
so far this year to what we will see if
they try to bring amnesty and force
that down the throats of the American
people.

The lines have been drawn. The
American patriots have stepped up.
They understand what’s going on. This
is about the rule of law. At the core of
this argument on the part of the
American people, the American
organizations across America were
nationalized by the Federal
Government, and the $787 billion economic
stimulus plan, all of that came at the
American people faster than they could
react and faster than they could under-
stand. And they were not simple
people could look at that, describe it in
standing of them that the American
American people faster than they could
race down this path
confidence necessary to rise up and
stand. And they were not simple
American people rooted in the productivity increase of
the American workers and the Ameri-
can economy. Well, it didn’t turn out
to be necessarily the case that clearly.

But what was unfolding, $700 bil-
lion in TARP, that might huge national
entities of the private sector that were
nationalized by the Federal Govern-
ment, and the $787 billion economic
stimulus plan, all of that came at the
American people faster than they could
react and faster than they could under-
stand. And they were not simple

American people faster than they could
understand them. It took
long to explain. It was harder for the
American people to get caught up, and
it was hard for Members of Congress in
the same fashion to understand the
nuances and the details with the level of
confidence necessary to rise up and
say, Hold it. That’s it. We’ve got to
stop. We cannot race down this path and
leap off the abyss into the social-
elized economy. But that is where we
have gone, Mr. Speaker.

The American people started to catch
up when they saw cap-and-trade being
pushed through this Congress. The cap-
and-tax legislation that taxes every bit
of energy in America and transfers
wealth from one group of people in
America to another group upon which
they understood that. It came so fast they
couldn’t get mobilized very much.

Meanwhile, while this was going on,
organizations across America were
spontaneously growing up out of the
prairie, out of the mountains, out of
the western States and off the east
coast. People that love this Constitu-
tion, love fiscal responsibility and free-
market capitalism have risen up, and
they have carried their flags into city
after city, and they have jammed the
capitals, and they have jammed this
United States Capital.

And when you look out across that sea
of people, you will see represented
there, Mr. Speaker, American flags, one
after another after another, patri-
otic Americans, any one of which I
would expect to see at my own church
picnic. And among those American
flags, you will see yellow “Don’t tread
on me” flags. These are the Americans
that is also political power as well as an
economic greed in this country.

All of that has taken place. The
American people have mobilized. By
the end of July of 2009, this year, they
had seen all this, and they saw cap-and-trade, or cap-and-tax,
and leap off the abyss into the social-
elized economy, Mr. Speaker.

And the rule of law, Madam Speaker.
It’s rooted in a lot of things.

It’s one of the things that made this a
great Nation is the respect for the rule of law. A Nation cannot be a Na-
tonless it defends the rule of law.

And we have been so proud of the rule
of law in America. When I went home
over Thanksgiving vacation, I arrived
on a Friday morning and I went to Sioux
City. One of the things I did that day
was to go to a naturalization ceremony
at the Federal building in Sioux City. I
have spoken to the naturalized groups
there a number of times. There were 37
new Americans that took the oath of
allegiance to the United States on that
day. They were from 11 different coun-
tries that I counted, perhaps a couple
of more. These are people that today are
as much an American citizen as the
residents of 1600 Pennsylvania Avenue,
or the residents in my house. I wel-
come the legal immigrants that come
into America, that follow the law, that
come here, lawfully, to have access to
this American dream, because when
they come here, they will be safe for
others. The vitality that we have got-
ten from every donor nation is the
cream of the crop off of every donor
civilization. It’s one of the things
about being an American that’s unique.

We’re not just an appendage of Western
Europe or the other countries that
have contributed people to come to
the United States and become Americans.
We have a unique vitality, Madam
Speaker. It’s rooted in a lot of things.

We have the rule of law, the pillars of American exceptionalism.
Among them are free enterprise, capi-
talism and property rights and free-
dom of speech, religion, assembly and
the press and the right to keep and
bear arms; and also, the right to be
judged by a jury of your peer in the
world, you’ll get the same level of justice that
you get if you’re the poorest man in America. If Bill Gates comes before that court, before the Federal court in Sioux City, Iowa, he’ll be judged on the same standard as the poorest person in that room that day, or the poorest person who has tried to pull something off, so they didn’t have a limit? Voluntary return 28 times, no consequences?

So I asked those questions: What do you do when you have these numbers that run up, even a second time, even a first time? I’d say zero tolerance. Let’s get the resources down there and have zero tolerance: punish everybody to the maximum extent of the law and see what kind of a deterrent effect we can establish. But that’s not the case. And when they sometimes have moved people up or resources down there and tried to get them a stiff sentence to punish them, at least in one case, the judge released the individual for time served.

What a demoralizing exercise to go to work every day, put on the uniform of the border patrol and go out and pick up individuals; you catch them and a contractor hauls them, they’re processed through the station and hauled back to the border where they go back to Mexico to be caught again, and around it goes, and around it goes, and around it goes, and we call that enforcement of immigration law.

But at least, Madam Speaker, we have immigration law. At least it’s against the law to come into the United States, and the question is, do we have standards that we have; and at least we have penalties that we can impose against the people that do. But we’re here in a Congress that looks like it has the will to start this idea again, this comprehensive amnesty argument again, that if people can get into the United States and they express that they want to stay here, that we should just say, ‘We’ll give you amnesty and we’ll give you a path to citizenship because we don’t have the will to enforce the law.’

And this argument, this specious, baseless argument that’s been made by this side of the aisle over and over again, and by some on this side of the aisle too, Madam Speaker, that somehow we can’t get along without having immigrants, legal and otherwise, and actually they say especially illegal immigrants, to do the work that Americans won’t do. What an offense to the people that are hardworking in America.

Americans are the majority of every single profession out there. And I mean Americans, legal workers in America, are the majority of every single profession out there with the exception of agricultural and farm workers. Everybody else is predominantly Americans. Yet they’ll say there are jobs Americans won’t do. Well, what jobs? Tell me what jobs?

JOHN MCCAIN said, well, Americans won’t pick lettuce and offered $50 an hour. I’d have lost my whole construction crews. They’d have gone down there and picked lettuce for $50 an hour instead of hauling dirt for the price we pay them, which isn’t bad, by the way. That argument that there are jobs that Americans can’t fill is baseless and pure conjecture. Jobs that must be done doesn’t have a foundation. Americans will do these jobs over and over again. And if there’s a
job that Americans won’t do, let me de-
scribe to you the most difficult job
there is. The most dangerous, the dirti-
est, the most stressful, the riskiest,
hottest, dustiest, dirtiest, nastiest job
to do is rooting terrorists out of places
like Failujah or Karbala or Ramadi, or
Iraq, or Afghanistan. We had the mar-
ines get in line to go down and mine
mill and generation after genera-
tion, and do these jobs without being par-
teachers made then. Today, that same
job paid about the same as a school
plant, and the only reason you had to
know somebody to get a job was be-
born Americans. And when they step
 immigrants or else they’re natural-
lower-skilled jobs. That’s to the det-
time is nearly gone in America
to work in these jobs that are legal. They’re legal
immigrants or else they’re natural-
born Americans. And when they step
steel mill or whether it’s the packing plant
or food processing or whatever it might be,
and if you look to their right and
see someone whom they suspect is
illegal, and may well know that they
are, and they look to their left and
see someone in the same situation,
expect is illegal, or know that they are,
they need to understand that on
their right and left likely are jobs that
Americans would be doing if those posi-
tions weren’t taken by those who broke
into this country illegally, who over-
stayed their visas, Madam Speaker.

Here we are with the President of the United States tomorrow having his jobs summit at the White House. And there you will see a collection of Keynesian economists, the kind of brains that brought about all these things that I’ve talked about, from TARP funding to the nationalization of the investment banks and AIG and Fannie Mae and Freddie Mac and Gen-

Now where does wealth come from? It
comes from the production of goods and
services, first, that are essential to the
survival of mankind, to the production of goods and services that improve the productivity of those goods and services that are essential to the survival of mankind.

The second level is the disposable
income. The third level is the disposable
income that comes from the survival of mankind and, second, to the production of the necessities of life. And so that’s the disposable
income. That’s the income we use to add
those things to our quality of life that
allow us to go to Disney World, to go
on vacation, travel around. Those really are not just the necessities of the econ-
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on vacation, travel around. Those really are not just the necessities of the econ-
omy.
and other political subventions come in and skim the cream off that production out of the private sector that I've just described.

And then you have people like those who have been appointed by the President, who sit back, get this thoughtful look on their face, and they think, Let me see, if I could borrow a few hundred billion dollars from the Chinese and promise to pay interest on few hundred billion dollars, then I could drop this money in and I could do a few hundred billion dollars' worth of patronage—patronage jobs that will call for more political loyalty and the government jobs that are temporarily created by the taxation and the borrowing that takes place.

Never mind about 4 years from now or 8 years or a decade or two or a generation from now. We'll just borrow that money now and drop this into the economy and give this big, giant economic chain letter a spin. That's what's been going on, but it has gone into over-drive in the last year. And while this is going on, we have this immigration policy that's becoming more and more errant in its philosophy and its results.

I've talked about the lack of will to enforce immigration law just by illustrating what we're doing. We're doing catch-and-release as opposed to catch-and-release. We're just returning them to the border and releasing them there. So catch-return-release is a better way to describe what is going on with immigration law in the United States. We have a Secretary of the Department of Homeland Security that has essentially said, I'm not going to go out and do raids on employers, even if I know there might be thousands there that are working there illegally. She's essentially said that she just wants to go in and find the employers that are violating immigration law.

Now, I think we should do that; but I think when we encounter people that are in this country illegally, whether they're working or whether they aren't, we have an obligation when we encounter people unlawfully present in the United States to take them back and put them where they're lawfully present. All we're doing is putting people back into the condition they were in before they broke the law. Deporting someone who violated immigration law in the United States is the equivalent of catching—and just say you catch a bank robber and he's got the money and you say, Hold it, you're going to have to give up the money and I'm going to take you outside the door of the bank and turn you lose those. That's the equivalent of deportation.

Any nation that doesn't have the will to put people back in the condition they were in and the location they were in before they broke the law on immigration cannot sustain any kind of enforcement whatsoever. It's predicated on the ability to return them to where they came and keep them out. That's why. Not only do we need to use all levels of law enforcement; we need the 287(g) program to be refurbished again to what it was before it was distorted by the Secretary of Homeland Security for the purposes, I believe, of jerking the 287(g) local law enforcement cooperation out of understandable rug out from underneath Sheriff Joe Arpaio down in Maricopa County. It was one of the strong motivations that took place.

We haven't had a Nation with a rule of law, we have got to have cooperation at all levels of government with all laws. We cannot have local law enforcement take a position that they don't have the authority to enforce immigration law. Of course they do. The Attorney General should know that. There's an Attorney General's opinion that supports it; a previous Attorney General actually under Ashcroft. There are several Federal court cases that support the authority and the jurisdiction of Federal immigration law.

And I could drop those all into the record here tonight, Madam Speaker. They are a matter of fact here in America, no matter how they have tried to distort the open borders people don't want to enforce immigration law. They want to see a greater number of people come into the United States, and they want to empower themselves politically with the masses of those that are here illegally.

But they're running up against a little problem, Madam Speaker. This problem is the growing problem of unemployment in America: the pressure on our economy—the pressure on our economy that's watching us lose, over the last month, 190,000 jobs. We lost 190,000 jobs last month that were eliminated by the downward spiral of our economy. During the same period of time our Federal Government saw fit to approve temporary work permits, those are green cards—for legal immigrants of 75,000 per month.

Now, if you look at these numbers, these numbers work like this: there are approximately, according to the Pew Hispanic Center, 8 million illegals working in the United States. I think the number is greater than that. These numbers can be verified, I believe, by solid analysis. It's not under that unless the suppression of the economy was really what historically happened over the last few months, and it may have actually dropped as far as 7 million. But their number is 8 million.

The second number is 75,000. We issued in October of this year, the Federal Government, 75,000 working permits for immigrants; 75,000 new illegal immigrant workers in just one month. Seventy-five thousand. That's an actual rate of 900,000 new working legalized in the United States of America while we're losing 190,000 jobs a month. This Administration has taken a basis erasing this fact and I'm just extrapolating over the last month because we don't know what the future is going to bring, Madam Speaker— but I extrapolate this. We lost 190,000 jobs last month. That's 2,800,000 jobs lost at that rate. Those jobs gone, disappeared. But at the same rate, 900,000 jobs taken up by legal immigrants, not to count the illegal immigrants, that's what.

So we had a net annual loss of jobs of about 1.1 million, 380,000 net loss of jobs as a result of the 900,000 green cards. We have 8 million, perhaps as low as 7—but 8 million illegal workers in America. You add that to the number that you have a pressure on this economy that is just an awesome thing to think that we have a President of the United States that declared that his stimulus plan was going to, Madam Speaker, he said—and I'm almost embarrassed to repeat this—save or create 3.5 million jobs by September of 2010. I believe that's the date that he gave in that. Save or create 3.5 million jobs by September 2010, if we just put another $787 billion into the economy, which I think is what happens if this is approved and authorized in one fashion or another. However it was used is another story.

So a government, led by the White House, that was going to save or create 3.5 million jobs now has to admit that, according to the CBO, you can't determine what number of jobs have been lost and what jobs have been saved. And I always knew that those were pretty slippery words. It's hard to pin down a definition when you say 'save or create.' But on that day—in fact, that moment—when I heard the language from the President that he was going to save or create 3.5 million jobs with the $787 billion, my instantaneous response was, as long as there are 3.5 million jobs left in America, they will be the jobs the President points to and says, See, those are the jobs that I salvaged with the $787 billion stimulus plan.

That's how this language works. If you're going to create jobs, you should be able to quantify how you're going to do that, and you should lay out the cost per job to create them. If you're going to save jobs, how do you invest money in saving a job? I suppose you could go to a company and say, Listen, we're going to buy up all of this product that you're producing because you think it's going to go away and you're going to lose your job. Or you could buy this product we wouldn't buy otherwise is going to save these 1,000 jobs that you have. It is pretty hard to measure.

The Federal Government didn't really do much analysis. They just set up this Web site. This Web site, Madam Speaker, is recovery.gov/ transparency/statesummaries, and the list goes on. Well, I didn't look at all 50 States. I went as far as I could before I actually had the time to look at this point. This is the Web site. Not only does it create jobs that certainly don't exist, but it also creates congressional
Abel Valenzuela, Jr.—he is a professor that's yesterday—titled “Unemployed illegals, competing for jobs that the day labor centers right next to cans, United States citizens, line up at what's taking place: Day labor centers dug holes and filled them back up figuratively a little bit for his sense of humor and for was sounding facetious, but, giving a with garbage. There, and then I will fill that coal mine up with garbage—this was before the EPA was created, by the way, Madam Speaker—and turn the entrepreneurs loose to go dig the money up out of the holes that were drilled in the bottom of the coal mine that was filled with garbage.

That was Keynes' idea, and I know he was sounding facetious, but, given a little bit for his sense of humor and for his sense of accuracy, because we have spent a lot of money in this country, dug holes and filled them back up figuratively without putting the money in it, just put money in the hole.

Do Americans want jobs? Absolutely they do, Madam Speaker. And here's what USA Today said: Day labor gathering right alongside group of illegals who have, some of them, decided to go back home because of the lack of opportunity here. The unemployment rate is 10.2 percent. Seven to eight million working illegals, as I said. That's about 15.7 million unemployed, and Madam Speaker. If you add to that the number of illegitimate workers in America who are unemployed and, by definition, are looking for a job, there is another 5.5 million or more who have exhausted their unemployment benefits who don't quite fit the definition that are looking for a job.

There are more than 20 million Americans that want a job today. The American workforce, of 154.4 million of our total workforce, there are over 70 million Americans of working age who are not working. Over 70 million. We could tap into a workforce of more than 70 million people of working age that are just simply not working because the wages don't pay enough, the benefits are too little. Maybe they're independently wealthy. Maybe they're in between jobs, but they're all hirable if you make a good enough offer.

These are Americans that will work. There are 70 million nonworking Americans of working age, 7 million to 8 million working illegals, and they tell us that they are jobs Americans won't do, and we won't possibly run our economy unless we have these millions of illegals who are here, the lowest of the want to give them amnesty and legalize them?

All we have to do, Madam Speaker, is hire 1 out of 10 of the Americans who are of working age and not in the workforce, put them into those jobs, and we could easily replace—by hiring 10 percent of the nonworking Americans of working age, we could replace every illegal in America, according to these numbers, that are produced by the Pew foundation. If it's double that, it's 15.7 million illegals. We're looking at more than 20 million Americans that are looking for work. I think this is an easy solution for us. And by the way, we are wiping out 900,000 jobs a year because of legal immigration, green cards that we're granting at the rate of 75,000 per month. That number is 780,000 so far this year.

Before the recession began, the Federal Government issued 830,000 green cards in the previous year. Last year, during the first year of the recession, the government granted 675,000 new green cards and we're at the pace to go to 900,000 or more this year. There were 900,000 jobs granted to people who were—at the time, the card was advanced—not Americans, while Americans are lined up 20 million deep. We're tripping out almost 1 million jobs a year because of the legal immigration, and we know that there are 7 million to 8 million or more jobs that are taken by illegals, and we know that if we enforce the job—if we enforce a law for every illegal that's removed from a job, it opens up a job slot for an American to step into.

Madam Speaker, any sane nation would go after this enforcement. They would adjust their immigration policy to reduce the illegal immigration because of the records that we have. Here is what's going on in this chart, Madam Speaker. The workforce enforcement free-fall—what we've seen happen is, the unemployment has gone up 58 percent overall. At the same time this happened, here is the enforcement that has gone down. Department of Homeland Security administrative arrests are down 68 percent; criminal arrests are down 60 percent; criminal indictments are down 58 percent, almost reflecting the same; criminal convictions are down 63 percent. This whole level is down roughly 60 percent or a little bit more in the enforcement of our immigration laws, while unemployment is up almost the same thing, almost 60 percent.

What nation that needs a sound economic policy would go down this path of reducing its enforcement of immigration law while it watched unemployment go up to 10.2 percent and rising to 15.7 million by definition unemployed, more than 20 million altogether, and still we grant green cards at the rate of 900,000 a year. And every one of them supplicants—if they go to work, they supplant a job an American that's doing other jobs to tolerate. I'll say, tens of millions of illegals in America who come here and—yes, I know everybody has a dream, but everybody can't live in the United States of America. That is the bottom line. We can't help the world if we're on the lifeboat. That's what will happen.

I'm for a tighter labor supply, Madam Speaker. I'm for the kind of labor supply that will allow that person who grew up in this country or comes legally to this country to go to work and earn a living and be able to claim a salary and benefits package that they can live on, that they can
raise a family on. And yes, today it takes two workers in a family to make this happen. Mom and dad to raise the kids, working together and making ends meet as best they can.

But that’s not really possible today for so many undocumented Americans. Their dreams have been taken away by illegal immigration. And somehow, somewhere in America thousands of times over, over Thanksgiving and coming up for Christmas, there will be a brother, a sister, or a little one, a brother or sister, siblings sitting around the table, and they’ll say grace and ask the blessings on their turkey, and they’ll start to talk as they eat, and somebody will be unemployeed. And their brother or sister will have a job, and they’ll understand that there are people who are in the United States illegally that are filling those slots that they could have, and this discussion, which becomes a nationwide discussion, the rejection of amnesty starts to swell.

As the subject is brought forward here before this Congress—if it is—you will see the American people rise up, and their rejection of amnesty that we saw in 2006 and ’07 will be child’s play compared to the anger of the American people who see themselves employed, 20 million or more, watching them being replaced by legal immigrants at the rate of almost 1 million a year and watching 8 million, or maybe twice as many, illegals working in America, taking jobs that Americans will do.

In fact, taking jobs, according to the USA Today article that I referenced, that Americans are standing in line to do right next to people—that if I needed to come and hand out the work permits, they would be compelled to deport many of these workers. This Nation does not have a logical and coherent enforcement of immigration law.

One of the things we need to do for a tool for the Speaker, is to pass my New IDEA Act. The acronym is this: The New Illegal Deduction Elimination Act. It brings the IRS into this so that the IRS—it clarifies to the IRS that wages and benefits are not deductible for income tax purposes. It allows the IRS do the audit and deny the business expense of wages and benefits paid to illegals, which takes—when the interest and the penalty and the tax liability that accrues from that decision at a 34 percent rate, will take your $10 an hour illegal up to $16 an hour.

Employers will understand that they would rather go with the legal worker at $13 or $14 an hour than the illegal that could cost them $16 an hour, and we have the IRS into this. They love enforcing their work. I know that. So we bring the IRS into the mix, and they would be required under the New IDEA Act to cooperate with the Social Security Administration and the Department of Homeland Security. We can shut down this jobs magnet. We can control this border. We can reestablish the rule of law in America. We can reinvigorate this economy, and we can produce a tight enough labor supply that the wages and benefits paid to our workers, whatever their education level is—if they’re willing to work, they need to be able to sustain themselves in this society.

We’re moving away from it today. We can move this back. We can refurbish the middle class in America. That’s one of our charges during this time. It’s one of our opportunities during this time, Madam Speaker. And I urge that you and everyone in this Congress bring special attention to the preservation of the rule of law which is more important than our economy is today in this country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Larsen of Washington (at the request of Mr. Hoyer) for after 1:30 p.m. today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders hereof, was granted to:

(Revised Members (at the request of Mr. McGovern) to revise and extend their remarks and include extraneous material:)

Ms. Lee of California, for 5 minutes, today.

Mr. McGovern, for 5 minutes, today.

Ms. Woolsey, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

Mr. Doggett, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

Mr. Grayson, for 5 minutes, today.

(Revised Members (at the request of Mr. Poe of Texas) to revise and extend their remarks and include extraneous material:)

Ms. Poe of Texas, for 5 minutes, December 8 and 9.

Ms. Ros-Lehtinen, for 5 minutes, today and December 3.

Mr. Jones, for 5 minutes, December 8 and 9.

Mr. Burton of Indiana, for 5 minutes, today, December 3 and 4.

Mr. Moran of Kansas, for 5 minutes, today, December 3, 4, 7, 8 and 9.

Mr. Broun of Georgia, for 5 minutes, today.

Ms. Foxx, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1599. An act to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

S. 1860. An act to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms.

ADJOURNMENT

Mr. King. Madam Speaker, I move that the House do now adjourn.
4797. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s Uniform Resource Locators (URLs) for reviewing documents and unresolved comments to 28 regulatory programs; to the Committee on Energy and Commerce.

4798. A letter from the Assistant Legal Advisor, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112(b); to the Committee on Foreign Affairs.

4799. A letter from the Secretary, Department of the Treasury, transmitting a six-year plan for the national emergency with respect to Iran that was declared in Executive Order 12705 of November 19, 1979, pursuant to 50 U.S.C. 1705(c); to the Committee on Foreign Affairs.

4800. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the government of Cuba to comply with the United States-Cuba September 1994 “Joint Communiqué” and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 “Joint Statement”, together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

4801. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting a Quarterly Report on reconstruction efforts in Afghanistan, pursuant to Public Law 110-181; to the Committee on Foreign Affairs.

4802. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4803. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board’s final rule — Uniformed Services Accounts; Death Benefits; Court Orders and Legal Processes; Trust, Investment, and Administration of Thrift Savings Plan received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4804. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board’s report entitled “Addressing Poor Performers and the Law”; to the Committee on Oversight and Government Reform.

4805. A letter from the Director, Office of Management and Budget, transmitting a report pertaining to the President’s Budget for the United States Government: Fiscal Year 2010”; pursuant to 4 U.S.C. 5306(2); to the Committee on Oversight and Government Reform.


4807. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the 2007 annual report on rearing salmon and hatchery operations for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Natural Resources.

4808. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the “21st Century Department of Justice Appropriations Authorization Act”, related to certain sets of Federal laws which apply to fiscal year 2008; to the Committee on the Judiciary.

4809. A letter from the Program Analyst, Development of Transportation, transmitting the Department’s final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (Docket No.: 30695; Amdt. No. 3347) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4810. 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.: 30695; Amdt. No. 3347) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.


4812. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Rolls-Royce Aeronauticas, S.A. (CASA), Model C-212-CB, C-212-CC, C-212-CD, and C-212-CE Aircraft (Docket No.: FAA-2009-0890; Amdt. No. 36-A) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4813. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department’s final rule — Establishment of Class E Airspace: Chathal, AK (Docket No.: FAA-2009-0321; Airspace Docket No. 09-AAL-6) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4814. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Rollis-Royce plc (RR) RB211-535E4 Series Turbofan Engines (Docket No.: FAA-2009-0867; Directorate Identifier 28-ANE-25-AD; Amendment 39-16037; AD 2009-20-14) (RIN: 2120-AA66) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4815. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives: Boeing Model 737-300 and 737-400 Series Airplanes (Docket No.: FAA-2009-0429; Directorate Identifier 2008-NTM-15-AD; Amendment 39-16037; AD 2009-20-14) (RIN: 2120-AA66) received October 20, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.
for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUCKLEY (for himself, Mr. AXIN, Mr. CARNAHAN, Mr. GRAVES, Mr. HILL, Mr. SULLIVAN, Mr. ISRAEL, Mr. WILSON of South Carolina, and Mr. CARSTEN):

H.R. 4177. A bill to provide emergency disaster assistance to certain agricultural producers that suffered losses during 2009, to provide emergency disaster assistance to certain livestock producers that suffered losses during 2008 or 2009, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Appropriations, for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEAVER (for himself, Mr. FRANK of Massachusetts, Mr. MOORE of Kansas, Mr. PAUL, Mr. WATT, Mr. MURPHY of Florida, Mr. DOCTER, Ms. CAPITO, and Mr. BACHUS):

H.R. 4178. A bill to amend the Federal Deposit Insurance Act to provide for deposit restricted qualified tuition programs, and for other purposes; to the Committee on Financial Services.

By Mr. CONVERS (for himself, Mr. JOHNSON of Georgia, Ms. LEW of California, and Mr. MASSA):

H.R. 4179. A bill to amend the Internal Revenue Code of 1986 to keep Americans working by creating a refundable work-sharing tax credit that stimulates demand in the private sector labor market and provides employers with an alternative to layoffs; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Mr. MORAN of Virginia, Mrs. CAPPS, Ms. BERYL of Kentucky, Mr. NORTON, Mr. STARK, Ms. WATSON, Ms. EWARDS of Maryland, Mr. GRJALVA, Mr. GRAYSON, Ms. CHU, Mr. MEeks of New York, Mr. CUMMINS, Mr. HALL of New York, Mr. ACKERMAN, Mr. SPEIER, Ms. LORETTA SANCHEZ of California, Mr. ELLISON, Mr. DINGELL, Mr. BLUMENTHAL of Pennsylvania, Mr. WOOLERY, Ms. KLIJAN of Michigan, Ms. CLARK, Ms. PINGREE of Maine, Ms. HIRONO, Mr. FILNER, Mr. ABERCROMBIE, and Mr. WELSH):

H.R. 4180. A bill to amend title 10, United States Code, to include the disclosure of sexual orientation by a member of the Armed Forces to a Member of Congress as a lawful and protected communication and to prohibit retaliatory personnel actions against members of the Armed Forces who make such disclosure; to impair the exercise of a Congressional hearing or who testify, for or against, the policy concerning homosexuality in the Armed Forces; and to the Committee on Armed Services.

By Mr. BISHOP of Utah:

H.R. 4181. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes; to the Committee on Education and Labor.

By Mrs. LOWEY:

H.R. 4192. A bill to amend the Homeland Security Act of 2002 to limit the number of Urban Area Security Initiative grants awarded and to clarify the risk assessment formula to be used when making such grants, and for other purposes; to the Committee on Homeland Security.

By Mr. MCDERMOTT (for himself, Mr. BOLSON of New York, Mr. CONVERS, Mr. Sires, Mr. ACKERMAN, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. LEWIS of Georgia, Mr. CAPUANO, Ms. DELAURIE of Massachusetts, Mr. MICHAUD, Ms. WOOLERY, Mr. GELLYVA, Mr. KILDEER, Mr. LEVIN, Mr. CARDOZA, Mr. BERKLEY, Mr. ELLISON, Mr. DEFAZIO, Ms. PINGREE of Maine, Mr. LANGEVIN, and Ms. MCCOLLUM):

H.R. 4183. A bill to amend the Assistance for Unemployed Workers and Struggling Families Act to extend the qualified tuition deduction; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4184. A bill to amend the Internal Revenue Code of 1986 to make permanent the temporary extension of programs providing unemployment benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 4185. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from Social Security tax coverage; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. HERGER, Ms. HEISENTHAL SANDLIN, and Mr. BRALEY of Iowa):

H.R. 4186. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. RODRIGUEZ (for himself, Mr. CUMMINGS, Mr. VAN HOLLLEN, Mr. RUPPERSBERGER, Mr. BARTLETT, Mr. HOVER, Mr. KRAVOL, Mr. CASTLE, Ms. MURPHY of Maryland, Mr. CONOLLY of Virginia, Ms. NORTON, Mr. SCOTT of Virginia, Mr. MORAN of Virginia, and Mr. HOLDEN):

H.R. 4187. A bill to amend the Water Resources Development Act of 1996 to make modifications to the Chesapeake Bay environmental restoration and protection program; to the Committee on Transportation and Infrastructure.

By Mr. SESTAK (for himself, Mr. PALLONE, and Mr. GELLYVA):

H.R. 4188. A bill to authorize appropriations for brownfields site assessment and cleanup, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself, Mr. ALBADR, Mr. ASHER, Mr. BACA, Mr. BAIRD, Mr. BARROW, Ms. BEAN, Mr. BISHOP of Utah, Mr. BOREN, Mr. BOSWELL, Mr. BOUCHER, Mr. BOYD, Mr. CHUNDELL, Mr. CHILDERS, Mr. CONAWAY, Mr. COOPER, Mr. COSTA, Mr. CUELLAR, Mr. DAVIS of Tennessee, Mr. DAVIS of Alabama, Mr. DINGELL, Mr. DONELLY of Indiana, Mr. DOYLE, Mr. ELLSWORTH, Mr. ETHRIDGE, Mr. GONZALEZ, Mr. GORDON of Pennsylvania, Mr. GRIFFITH, Mr. HERSHEY SANDLIN, Mr. HILL, Mr. HODES, Mr. HOLDEN, Mr. INSELBERG, Mr. ISRAEL, Mr. KIND, Mr. KRAVOL, Mr. LAZURR of Connecticut, Mr. MELANCON, Mr. MICHAUD, Mr. MINGIC, Mr. MITCHELL, Mr. MOORE of Kansas, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. NAY, Mr. RODD, Mr. SALAZAR, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SHULER, Mr. SMITH of Washington, Mr. SPATZ, Mr. TANNER, and Mr. UPTON):

H.R. Res. 942. A resolution commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup; 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. 43: Mr. TIM MURPHY of Pennsylvania, Mr. THORNBERY, Mr. REMBER, and Mr. ACKERMAN.

H.R. 223: Ms. CHU.

H.R. 233: Ms. BEAN.

H.R. 305: Mr. POLIS of Colorado.

H.R. 432: Mr. COSTA.

H.R. 470: Mr. SOUDER.

H.R. 482: Mr. HINCHEY.

H.R. 537: Mr. GRIELACH.

H.R. 571: Ms. WOOLERY.

H.R. 606: Ms. WATSON.

H.R. 646: Mr. JOHNSON of Georgia.

H.R. 690: Mr. ADLER of New Jersey.

H.R. 699: Mr. MORAN of Virginia.

H.R. 725: Mr. BACA.

H.R. 734: Ms. RICHARDSON.

H.R. 793: Ms. SLAUGHTER.

H.R. 768: Mr. LULIAN.

H.R. 847: Mr. MARKEY of Massachusetts.

H.R. 916: Ms. BALDWIN and Mrs. CAPPS.

H.R. 930: Mr. MORAN of Virginia.

H.R. 960: Mr. PIERLUISI and Mr. CONOLLY of Virginia.

H.R. 1045: Mr. PIERLUISI and Mr. CONOLLY of Virginia.

H.R. 1204: Mr. SPRATT.

H.R. 1215: Ms. WATSON.

H.R. 1230: Mr. CLEAVER.

H.R. 1236: Ms. SLAUGHTER.

H.R. 1318: Mr. McMULLEN.

H.R. 1362: Mr. FRANK of Massachusetts.

H.R. 1403: Mr. PERRILLO and Mr. PITTS.

H.R. 1585: Mr. MORAN of Virginia and Ms. PURDUE.

H.R. 1623: Mr. MCCOTTER and Mr. MARCHANT.

H.R. 1658: Mr. BILBAY.

H.R. 1797: Mr. TERRY.

H.R. 1869: Ms. BERYL of Kentucky, Mr. WALTZ, Ms. TSONGAS, Ms. GIFFORDS, and Mr. LEWIS of Georgia.

H.R. 1980: Mr. CARNAHAN.

H.R. 1974: Mr. SCOTT of Virginia and Mr. WOLF.

H.R. 2006: Mr. Bishop of Georgia, Mr. DEFAZIO, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2068: Mr. WOLF.

H.R. 2074: Mr. NADLER of New York, Mr. JOHNSON of Georgia, Mr. HONDA, Mr. SINES, Mr. SCHIFF, Ms. MCCOLLUM, Mr. TONKO, Mr. BRALEY of Iowa, Mr. GELLYVA, Mr. MASSA, Mr. DAVIS of Illinois, Ms. CORINE BROWN of Florida, Mr. TSONGAS of Maine, and Mr. PASTOR of Arizona.

H.R. 2105: Ms. SLAUGHTER.
H.R. 2112: Mr. CAPUANO.
H.R. 2138: Mr. COHEN.
H.R. 2156: Mr. YOUNG of Alaska.
H.R. 2239: Mr. BERNMAN.
H.R. 2240: Mr. LOWEY.
H.R. 2246: Mr. HINOJOSA.
H.R. 2254: Mr. ADLER of New Jersey, Mr. HOLDEMAN, Mr. INGLIS, Mr. BUCHANAN, Mrs. NAPOLITANO, and Ms. CHU.
H.R. 2276: Mr. KENNEDY.
H.R. 2239: Mr. FRANK of Massachusetts.
H.R. 2277: Mr. PRICE of North Carolina and Mr. CASTLE.
H.R. 2405: Mr. SCHOCK.
H.R. 2425: Mr. PETERSON.
H.R. 2426: Mr. BLUMENTHAL.
H.R. 2476: Mr. MCKEON.
H.R. 2478: Mr. BACA and Mrs. BLACKBURN.
H.R. 2490: Ms. DELAUR, Mr. LANDEN, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. HIGGINS, and Mr. HARE.
H.R. 2492: Mr. SCHIEFF.
H.R. 2531: Mr. J. JACKSON-Lee of Texas, and Mr. ROTMAN of New Jersey.
H.R. 2565: Mr. Cassidy.
H.R. 2578: Mr. DEGUE, Mr. BISHOP of New York, and Mr. HOLT.
H.R. 2575: Ms. KILROY.
H.R. 2708: Mr. FALLONE, Mr. TOWNS, Mr. ACKERMAN, Mr. SERRANO, Mr. WEINER, and Mr. HONDA.
H.R. 2807: Mr. POLIS of Colorado.
H.R. 2917: Mr. OBERTHAR.
H.R. 2950: Mr. MCDERMOTT.
H.R. 2982: Ms. DEGETTE.
H.R. 2986: Mr. POLIS of Colorado.
H.R. 3086: Mr. CARNAN, Mr. TUTTUS, and Ms. DELAUR.
H.R. 3091: Mr. GONZALEZ.
H.R. 3020: Mr. TEAGUE.
H.R. 3077: Mr. GENE GREEN of Texas and Mr. GENE GREEN of Texas.
H.R. 3095: Mr. MCNERNEY.
H.R. 3057: Mr. JOHNSON of Georgia, Mr. GRIJALVA, Mr. CUMMINGS, and Ms. SHEA-PORTER.
H.R. 3098: Mr. STARK and Mr. GRIJALVA.
H.R. 4000: Mr. CHABOT.
H.R. 4053: Ms. MADDOX.
H.R. 4058: Mr. MCNENNY.
H.R. 4067: Mr. THOMPSON of Missouri, Mr. GRIJALVA.
H.R. 4083: Mr. KILDER, Mr. EHRLERS, and Mrs. MILLER of Michigan.
H.R. 4092: Ms. JACKSON-Lee of Texas, Ms. NORTON, Ms. CLARKE, and Mr. J. JACKSON-Lee of Texas.
H.R. 4099: Mr. CARNAN.
H.R. 4100: Mr. CHABOT.
H.R. 4116: Ms. JENKINS, Mr. KIRK, and Mr. PETERS.
H.R. 4120: Mr. CARNAN.
H.R. 4127: Mr. KLINE of Minnesota.
H.R. 4131: Mr. MASSA, Ms. JACKSON-Lee of Texas, and Mrs. CARR.
H.R. 4135: Mr. BISHOP of New York and Mr. CARR.
H.R. 4140: Mr. SERRANO.
H.R. 4148: Mr. FATTAN and Ms. DELAUR.
H.R. 4154: Mr. ETHERIDGE, Mr. MICHAUD, Mr. COOPER, Mr. BERRY, Mr. MELANCON, Mr. MOORE of Kansas, Mr. MILL, Mr. HERSHEY and Mr. BERRY.
H.R. 4156: Mr. MORAN of Virginia and Mr. POLIS of Colorado.
H.R. 4163: Mr. MCCOY.
H.R. 4168: Mr. JENSEN, Mr. GRIJALVA, and Mr. LUJAN.
H.R. 4171: Res. 50: Mr. NELSON of Florida.
H.R. 4176: Mr. COOPER, Mr. MELANCON, Mr. MOORE of Kansas, Mr. MILL, Mr. HERSHEY and Mr. BERRY.
H.R. 4183: Res. 35: Mr. ROSBELL, Mr. BERRY, Mr. MOORE of Kansas, Mr. TAYLOR, Mr. DROPESACK, Mr. EDWARDS of Texas, Mr. ROYCE, Mr. MELANCON, Mr. BOREN, and Mr. LIPINSKI.
H.R. 4185: Mr. SCHNEIDER.
H.R. 4186: Mr. HARRIS.
H.R. 4187: Mr. WOLFGANG.
H.R. 4188: Mr. LOEBSACK.
H.R. 4190: Mr. REED.
H.R. 4191: Ms. SCHUTZ.
H.R. 4192: Mr. SHULER.
H.R. 4193: Mr. NELSON.
H.R. 4194: Mr. SMITH.
H.R. 4195: Mr. SCALISE.
H.R. 4196: Ms. VAN HOFSTADT, Mr. NELSON, Mr. SALERNO, and Mr. WAXMAN.
H.R. 4197: Mr. PEARCE.
H.R. 4198: Mr. WITTMER.
H.R. 4199: Mr. SMITH.
H.R. 4200: Mr. ROSS.
H.R. 4201: Mr. CURTIS.
H.R. 4202: Mr. SCHWEITZER.
H.R. 4203: Mr. LIPINSKI.
H.R. 4204: Mr. RUCKER.
H.R. 4205: Mr. VAN HOFSTADT.
H.R. 4206: Mr. SMITH.
H.R. 4207: Mr. GARRARD.
H.R. 4208: Mr. NELSON.
H.R. 4209: Mr. WELCH.
H.R. 4210: Mr. SMITH.
H.R. 4211: Mr. SCHNEIDER.
H.R. 4212: Mr. KOCH.
H.R. 4213: Mr. DAVIS.
H.R. 4214: Mr. BAKER.
H.R. 4215: Mr. JOHNSON.
H.R. 4216: Mr. GRIFFITH.
H.R. 4217: Mr. BARTLETT.
H.R. 4218: Mr. DAVIS.
H.R. 4219: Mr. ROCHFORD.
H.R. 4220: Mr. SMITH.
H.R. 4221: Mr. SMITH.
H.R. 4222: Mr. SMITH.
H.R. 4223: Mr. SMITH.
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