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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
February 25, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Lord God, our strength and our salvation, touch us with the flame of Your love. Let it burn out self-interest, that our heartfelt dedication to public service of Your people may be transformed into deeper commitment.

Free this Congress to be Your sterile instrument to heal this Nation and restore its vitality.

May our accomplishments give You alone, Lord, all the glory, both now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from 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 PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

CONGRESS IS BEGINNING TO WORK TOGETHER

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

Mr. ALTMIRE. Mr. Speaker, the American people have demanded that Congress begin working together to solve this Nation's problems, and we have done just that.

On Monday, our friends across the Capitol, in the other body as we say, passed their version of the jobs bill by a vote of 70–28. We, in this House, have already passed a different version, and yesterday we passed by an overwhelming bipartisan vote of 406–19 a long overdue elimination of the antitrust exemption that health insurers have enjoyed for decades. We hope our friends in the other body will join us in a similarly bipartisan vote to send that bill to the President.

And today a bipartisan group of congressional leaders meets at the White House to discuss ways to bring down the cost of health care for every family and every business in America. While we're not yet finished, and there's clearly much work yet to be done, Congress this week has made great strides in moving forward on the issues that are of most concern to the American people.

IN RECOGNITION OF BLACK HISTORY MONTH

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

Mr. TERRY. Mr. Speaker, I rise today during Black History Month to recognize many important contributions African Americans have made to our Nation. We especially honor the extraordinary people who continue to shape our community and our great Nation. The Omaha area is blessed with thousands of successful and talented African Americans, and today I would like to recognize four individuals: Frank Hayes, Phyllis Hicks, Dr. Mary Clinkscale and Dr. Herb Rhodes.

Frank Hayes is a CPA who owns his own business. He is also a founding member and the first president of the 100 Black Men organization, which is dedicated to improving the lives of youth.

Since 1967 Phyllis Hicks has run the Salem Stepping Drill Team and continues to be a volunteer and chief fundraiser for this group. Through her outreach, she has helped many youth overcome obstacles.

Mary Clinkscale, Dr. Mary Clinkscale, or Dr. C, as she's commonly referred to, is the administrator of the Great Beth-el Temple where she has planned, produced and directed more than 250 theatrical productions and presentations, including a performance to prelude The Tuskegee Airmen.

Dr. Herb Rhodes is a lifetime member of the Omaha business community. He was featured in 1975 in Ebony magazine which highlighted successful African Americans who were leading the way in business.

OUR HEALTH CARE SYSTEM

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

Printed on recycled paper.

Mr. WALZ. Mr. Speaker, I rise today to applaud the House, the Senate and the President for having the courage to attack the important issue of health care. I also want to recognize that the legislation passed by this House in November takes a huge leap forward in addressing the issue of paying for value in health care.

The current payment system rewards volume and quantity rather than quality and outcomes. We waste hundreds of billions of dollars every year on tests and procedures that do not improve patient health. We need to change the incentive system. We need doctors and hospitals to work together to coordinate care based around patient need.

In my district in southern Minnesota, the Mayo Clinic has done exactly that. There are other institutions around the country that also provide high-quality, low-cost, efficient care. This is the one issue that both sides can agree on.

Yesterday in Roll Call, led by the Mayo Clinic, the Chamber of Commerce, Cleveland Clinic and other insurers, they stated: reforming health care in America will not become easier with the passage of time. We encourage all stakeholders, government officials, patients, families, insurers, doctors and nurses to work together to pass reforms that provide quality, affordable health care for Americans. This is the path to true health care reform that will strengthen our economy, take care of America's families, and grow jobs.

AMERICAN HEALTH CARE 1; CANADIAN HEALTH CARE ZERO

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

Mr. POE of Texas. Mr. Speaker, the Canadian Premier of Newfoundland, Danny Williams, snuck into the United States recently for some stealth health care. Now, why would the Canadian Premier come to the United States for heart surgery? Because his life depended on it.

''My heart, my choice, my health'' he proclaimed. When it came down to it, he didn't trust his life to Canada's government-run health care system. Imagine that.

The Canadian Premier said after the very successful American heart surgery, ''I did not sign away my right to get the best possible health care for myself when I entered politics.''

The American people have said they don't want to be forced into signing their lives away with government-run health care either. When life and death decisions are put in the hands of government bureaucrats, it's unhealthy for everybody.

Just ask the Canadian Premier. When it came down to a matter of his own life or death decision, the Canadian Premier chose private health care and American heart surgeons over the Canadian nationalized system.

Sounds like ''private health care for me, but not for thee.''

And that's just the way it is.

HONORING THE LIFE OF PETER STRAUSS

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

Mr. DRIEHAUS. Mr. Speaker, last week Cincinnati lost a committed public servant and a valued friend when Pete Strauss passed away.

Pete served on the Cincinnati City Council from 1981 until 1993, serving part of that time as the city's vice mayor. More than just a politician, Pete was a leader, a person who truly embodied the virtues of leadership. He sought office not out of personal ambition, but from a desire to improve the lives of those in our community. He served Cincinnati, not with a political or partisan agenda, but to get results for the people and city he represented.

When I was a young man with a growing interest in government, I and many others like me looked up to Pete Strauss as the kind of public servant we have since aspired to become.

Pete's character was beyond question, and his bravery was exhibited in his courageous fight against Parkinson's. He will be dearly missed by his wife, Kitty, his sons, Mike and Matt, and all of the city that he loved and served for so long. Thank you, Pete.

AMERICAN CONSERVATION AND CLEAN ENERGY INDEPENDENCE ACT

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, in today's news, the Chairman of the Federal Reserve, Ben Bernanke, warned that huge deficits and borrowing place us at risk for high inflation and high interest rates.

Add this to the high unemployment, borrowing from China and buying huge amounts of oil from OPEC, and we have to recognize we've got a mess on our hands.

But there is a solution. We can create jobs and grow our economy without raising taxes. It is the bipartisan American Conservation and Clean Energy Independence Act, H.R. 2227. This bill uses the trillions of dollars from oil and gas exploration off our coast to drive conservation and new technologies to improve energy efficiency; develop clean-energy generation and infrastructure; rebuild America's inefficient transportation system; and clean our air and water. Not only will we be creating a clean energy future, but creating millions of good-paying jobs for years to come.

The news tells us of how things are, but that's not how it has to be. Join me in supporting the American Conservation and Clean Energy Independence Act.

HUMANITARIAN AID FOR HAITI

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

Mr. HIMES. Mr. Speaker, despite the economic pain felt by so many American families, we've seen something truly amazing in the extent to which Americans have come together to address the tragedy of our brothers and sisters in Haiti.

I'm proud to stand here this morning to highlight two organizations based in my district who have done wonderful work. Save the Children, Westport, Connecticut, run by Charlie McCormack, has 50 people on the ground that have touched half a million Haitians with medical, food and other sorts of aid. Americare is based in Stanford, Connecticut, and run by Curt Welling. The earthquake had barely stopped before they had teams on the ground providing medical relief; and they have pledged $50 million to rebuild the Haitian health care system.

I rise today to highlight, to honor and to thank these two wonderful organizations and to urge them to keep up the good work. Thank you, Save the Children, thank you, Americare, for all that you have done.

HONORING RESERVE OFFICERS ASSOCIATION'S CHAPLAIN OF THE YEAR

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

Mr. CAO. Mr. Speaker, I rise today to congratulate Chaplain Phillip ''Endel'' Lee, Jr., the 2010 recipient of the Reserve Officers Association Chaplain of the Year Award, who is currently serving in my district.

I also congratulate him and thank him for delivering the opening prayer here on the floor of the U.S. House of Representatives on Tuesday, February 9, 2010. His prayer was powerful and moving and reminded us that we are ''Americans promoting freedom, responsible for our actions, and dedicated to the principles that made us free.''

Chaplain Lee has always been a beacon of hope to those facing immense tragedies. He rescued survivors off rooftops during Hurricane Katrina and prayed at Ground Zero with the families of victims of September 11.

I am proud to have Chaplain Lee serving in my congressional district. I thank him for his leadership in the spiritual rebuilding of Orleans and Jefferson Parishes, and I speak for all of us here when I thank him and his family's service to and sacrifice for this great Nation.

HEALTH CARE REFORM

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

Mr. MURPHY of Connecticut. Mr. Speaker, the people I represent in Connecticut, those who buy their health

insurance on the individual market, are bearing the burden of a 20 percent rate hike in a recession.

Who's getting this 20 percent? It's not the patients, it's not my doctors, it's not my hospitals.

This fact screams for the need for national health insurance reform, reform that drives down health care costs for everyone, and asking those who make the biggest bucks off the system to take a little bit less.

Today President Obama is going to convene Members of both parties in a televised forum to sit down and try to fix our health insurance mess. And I'm hopeful that our Republican friends will finally bring some ideas that will change this status quo for individuals in my district, seniors and small businesses across the Nation. Instead of empowering these insurance industry rate increases, they should work with us to stop them.

I'm not naive. This may not happen today. But I'll tell you this: people in Connecticut will be watching.

HEALTH CARE SUMMIT

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

Mr. HERGER. Mr. Speaker, the President continues to ignore the American people's fundamental rejection of this health care bill. He needs to listen to the American public when they say ''no'' to Big Government and ''no'' to government-run health care. Yet, his proposal is more of the same government intrusion and high taxes that have been the dominant things of his health care plan since day one.

By refusing to change his plan, the President is demonstrating that today's summit and his rhetoric about working with Republicans to find solutions are purely for show.

Mr. Speaker, it's time to start over and allow the public to have a seat at the table.

□ 1015

ORLANDO ZAPATA TAMAYO

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

Mr. SIRES. Mr. Speaker, I rise today to share my deep sadness over the loss of a human prisoner of conscience, Orlando Zapata Tamayo, held by the Cuban regime.

Orlando Zapata Tamayo was first arrested in March of 2003 for participating in a hunger strike to demand the release of Dr. Oscar Biscet and other prisoners of conscience. Since his initial arrest and unwarranted imprisonment, the regime consistently increased Zapata's prison term to 47 years.

While in prison, Zapata endured frequent beatings and unimaginable living conditions. On December 3, Mr. Zapata began a hunger strike to protest the human rights violations and the repeated beatings by the Cuban authorities. After an 83-day hunger strike, Orlando Zapata Tamayo passed away on Thursday, February 23, 2010, with his mother at his side.

In mourning the death of Orlando Zapata Tamayo, I urge my colleagues to listen to his message of freedom and respect for human life. As the atrocities he fought against remain the reality of Cuba today, we must continue to fight for human rights and the release of all political prisoners.

SNOHOMISH COUNTY AUTO THEFT TASK FORCE

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

Mr. LARSEN of Washington. Mr. Speaker, today I rise to recognize the Snohomish County Auto Theft Task Force for its success in combating vehicle theft in my district.

Recently, the task force was recognized as the top auto theft recovery team in Washington State by the Washington Auto Theft Prevention Authority. While vehicle thefts across the State decreased 20 percent in 2009, Snohomish County led the way with a remarkable 29 percent decline.

The Snohomish County Auto Theft Task Force is an example of law enforcement agencies working together to make a difference in our community. The Snohomish team is made up of detectives from the Monroe, Marysville, and Lynnwood police departments; the Washington State Patrol; the Snohomish County Sheriff's Office, the Snohomish County Prosecutor's Office, and, most recently, the Tulalip Tribes.

Through this partnership, the task force disrupted the operation of 26 chop shops and theft rings over the past year alone—tracking down stolen vehicles, arresting those responsible, and helping make sure the bad guys were convicted.

Since forming in 2008, the Snohomish County team has convicted over 100 people and recovered 82 vehicles with an estimated value of $1.5 million along with $337,400 worth of stolen property.

At a time when budgets are stretched thin, we should not forget the needs of law enforcement or of the work of our prosecutor's office in making sure these folks are behind bars.

ANTITRUST EXEMPTION REPEAL

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, yesterday the House took a major step forward by repealing the antitrust exemption for health insurance companies. For more than 65 years, insurance companies have been able to play by a different set of rules, and the result has been disastrous for my constituents and for families across the country.

Americans deserve choices. They deserve the ability to pick the health plan they want at an affordable price, but because of these health insurance exemptions from antitrust, they were denied that trust. Insurance companies have been shielded from legal liability for price fixing, for sabotaging their competitors in order to drive them out of the market. In most industries, these behaviors would be unacceptable, but for the insurance industry, it's just another play in the book.

I have been a long and strong proponent of repealing this antitrust exemption. I'm thrilled that the House acted in such a bipartisan fashion to do so, and I urge the Senate to quickly pass this legislation so that all of our constituents can have a choice.

MILITARY FAMILIES JOB CONTINUITY ACT

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

Mrs. DAHLKEMPER. Mr. Speaker, every year our servicemembers across the country receive permanent change-of-station orders, having to relocate their families to meet the needs of our national defense. In the process, military spouses often have to put their careers on hold.

My new legislation, the Military Families Job Continuity Act, offers a $500 tax credit to any military spouse who has to renew or transfer a professional license when a permanent change-of-station order takes their family across State lines. This tax credit will ease the stress of transfers and help military spouses quickly reenter the workforce.

I urge my colleagues to renew our commitment to our soldiers and to our soldiers' families by supporting the Military Families Job Continuity Act.

NATIONAL TEACH AG DAY

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

Mr. CHILDERS. Mr. Speaker, I rise today in support of National Teach Ag Day. I have introduced a bill, House Resolution 886, to honor our Nation's agriculture educators and to support National Teach Ag Day on this day, February 25, 2010.

At a time when there is a nationwide teacher shortage in ag education and many agricultural education programs are suffering from the lack of qualified teachers, I feel it's important to encourage students to explore careers as teachers in agriculture. These teachers work hard to ensure that over a million American students receive an ag education as part of their curriculum.

Ag educators work hand in hand with community groups like FFA to strengthen communities. Our Nation's food supply depends on our continued support of the entire agriculture industry. Encouraging students to pursue

agriculture education is one way to help secure our food supply.

I urge you to join me and many of our colleagues, as well as the NAAE, on behalf of the National Council for Agricultural Education, in supporting America's agricultural educators and students on this day, National Teach Ag Day.

BIPARTISAN EFFORT FOR JOB CREATION

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

Mr. DREIER. Mr. Speaker, we all know that most of the political eyes and other eyes are focused down at the Blair House right now as the health care summit has just gotten underway, and my friend from Fort Lauderdale and I are going to begin the floor management of the very, very important intelligence authorization bill focused on our Nation's security.

But we can't forget what issue is in the forefront of the minds of most Americans, and that is getting our economy back on track, focusing on job creation and economic growth. And we've just gotten the news this morning that there has been an unfortunate 12 percent increase in the jobless claims, and we continue to have mixed reports on where we are with the economy.

It seems to me, Mr. Speaker, that it's absolutely imperative for us to work in a bipartisan way to put into place true private sector job creation incentives, and by that I mean utilizing the bipartisan effort that was, in the last half century, utilized by John F. Kennedy in the early 1960s and Ronald Reagan in the 1980s. And I believe that if we were to implement those kind of policies, Mr. Speaker, we would see the kind of job creation that the American people are seeking.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENTS TO H.R. 3961, MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111–420) on the resolution (H. Res. 1109) providing for consideration of the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1105 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1105

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Permanent Select Committee on Intelligence or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. After passage of H.R. 2701, it shall be in order to consider in the House S. 1494. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2701 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment to S. 1494 and request a conference with the Senate thereon.

SEC. 4. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of February 26, 2010.

SEC. 5. It shall be in order at any time through the legislative day of February 26, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

□ 1030

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

(By unanimous consent, Mr. HASTINGS of Florida was allowed to speak out of order.)

ANNOUNCEMENT REGARDING PATRIOT ACT AUTHORITIES

Mr. HASTINGS of Florida. Mr. Speaker, I rise to inform Members that the Intelligence Committee has received a classified document from the Department of Justice that is related to the PATRIOT Act authorities currently set to expire at the end of the month.

The House may consider a 1-year extension of the PATRIOT Act today so the Intelligence Committee will be making this document available for Member review in the committee offices located in HVC–304. Staff from the Intelligence and Judiciary Committees, as well as personnel from the Justice Department and with the Office of the Director of National Intelligence, will be available to answer any questions that Members may have. Members who want to review the document should call the Intelligence Committee to schedule an appointment.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California, my good friend, Mr. DREIER. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days with which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, the resolution, as announced by our Clerk, provides for consideration of H.R. 2701, the Intelligence Authorization Act for fiscal year 2010, under a structured rule. The resolution waives all points of order against consideration of the bill except those arising under clause 9 of rule XXI. The resolution provides 1 hour of debate on the bill, makes in order only those amendments printed in the rule, and the resolution waives all points of order against such amendments except those arising under clause 9 or 10 of rule XXI.

The resolution provides one motion to recommit with or without instructions and provides that the Chair may entertain a motion to rise only if offered by the Chair of the Intelligence Committee or his designee and provides that the Chair may not entertain a motion to strike the enacting words of the bill.

The resolution provides for a motion to consider the Senate bill and substitute its text with the text of H.R. 2701 as passed by the House. The resolution waives all points of order against the Senate bill and its consideration. It also makes in order a motion that the House insist on its amendment and request a conference with the Senate and waives all points of order against such motion.

The resolution waives a requirement of clause 6(a) of rule XIII for a two-thirds vote for same-day consideration of a report from the Rules Committee through the legislative day of Friday, February 26. It also permits the Speaker to consider motions to suspend the rules through the legislative day of Friday, February 26. The Speaker shall consult with the minority leader on the designation of any matter under this authority.

Mr. Speaker, I rise today in strong support of the rule providing for consideration of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010.

As vice chairman of the House Permanent Select Committee on Intelligence, I know that the intelligence community is the first line of defense against terrorists, proliferators of weapons of mass destruction, and other rogue elements who wish to do us and our allies harm here at home and across the globe.

This legislation provides policy guidance for 16 agencies of the intelligence community while also improving oversight and helping to prevent disastrous consequences that faulty intelligence and a misinformed Congress can have on national security.

Mr. Speaker, I have the honor and privilege of meeting many of our intelligence professionals in over 50 countries around the world during my oversight travel as a member of the Intelligence Committee. I cannot overstate how much I and the members of the committee, and I am sure all Members of this body, appreciate them and are humbled by their service. Their dedication and commitment became more evident when seven Americans made the ultimate sacrifice during a terrorist attack in Khost, Afghanistan, this past December.

But the attempted terrorist attack on Northwest Flight 253 on Christmas Day was a startling reminder to all Americans that in spite of our best efforts we are still under attack, and we still have much work to do to get it right. The constant threat from violent extremists reinforces that now more than ever, and we must give the intelligence community the resources and flexibility it needs to thwart the continuing and emerging threats to United States national security.

For the last 4 years, our country has gone without an intelligence authorization bill. I find it very distressing that the House Intelligence Committee, which was created to ensure proper oversight and accountability of our intelligence community, has worked diligently every year to pass a bill but has not seen one signed into law in recent years.

As we have seen, the intelligence community is in dire need of independent oversight. Sadly, when we created the Director of National Intelligence, we did not create an independent Inspector General. This bill would remedy that flaw by making clear that the Inspector General does not serve at the whim of the Director of National Intelligence and also has an independent responsibility to keep Congress informed.

Some of my colleagues on the other aisle have argued against the creation of a new Inspector General. I would respectfully disagree with their assessment. It is clear that this provision will help to streamline and coordinate oversight.

This bill also contains a provision in the manager's amendment providing sensible reforms to the Gang of Eight process. As vice chairman of the committee, I have seen that process abused in the past, and I am glad that we are taking a careful step towards reform. I believe that the administration has a statutory and constitutional duty to keep members of the Intelligence Committee, all members of the Intelligence Committee, fully informed on certain intelligence matters. Therefore, by reforming this process, the bill enhances transparency and bolsters Congress' capacity to conduct important oversight.

The bill also clarifies the responsibility of the Director of National Intelligence to cooperate with GAO investigations initiated by Congress. GAO can provide the Congress with valuable expertise and assist with oversight functions, especially in areas of auditing and security clearance reforms.

I have stated time and time again that the intelligence community is not diverse enough to do its job of stealing and analyzing foreign countries' secrets. Diversity is a mission imperative. When I came on this committee, I came on after the legendary Lou Stokes, who served on this committee and advanced many measures that are in law today dealing with intelligence. My good friend and my good friend from California's good friend, Julian Dixon, who has departed life, carried that banner, as did SANFORD BISHOP when he was on this committee.

I, along with many other members of the committee, particularly Chairman REYES, ANNA ESHOO and others countless throughout the years, JANE HARMAN included, we have fought for continuing diversity on this committee. We need people who blend in, speak the language, and understand the cultures in the countries that we are targeting.

As my colleagues on the committee and I have mentioned on many occasions, when the intelligence leadership comes to testify, we don't see a lot of diversity at the table. We don't see enough women at the table. It is time for the community to get serious about improving diversity for the sake of our national security.

A real diversity effort means more than just staging recruitment drives at colleges with a lot of black students or Latino students. Diversity means hiring, hiring more Arab Americans. It means hiring more Iranian Americans, more Pakistani Americans, more Chinese Americans and more Korean Americans. If the intelligence community is to succeed in its global mission, it must have a global face.

I have offered an amendment on diversity in the intelligence community to the underlying bill. My amendment contains a requirement for the Director of National Intelligence to report to Congress on a comprehensive plan to improve diversity in the intelligence community. It calls on the Director to report on specific implementation plans for each element agency in the community. It also requires information on plans to improve minority retention, not only at the junior and mid-grade levels, but at the senior and management levels as well.

Finally, it requires that the Director of National Intelligence report to the congressional Intelligence Committees on the efforts being made with diversity training and how improvement in diversity will be measured. This amendment, along with many other important provisions in this bill, will make our intelligence community more effective, more efficient, and more accountable.

Given the immense security challenges facing our Nation, it is vital that Congress pass this legislation so that we may continue to fulfill our commitment to the safety and well-being of the great American people.

I reserve the balance of my time.

Mr. DREIER. I yield myself such time as I might consume.

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

Mr. DREIER. Mr. Speaker, let me first express my appreciation to my friend from Fort Lauderdale, a member

of both the Rules Committee and a distinguished member of the Permanent Select Committee on Intelligence.

Mr. Speaker, last Christmas Day, as we all know, when a passenger boarded Northwest Airlines Flight 253 headed for the Detroit Metro Airport, the issue of national security once again came to the forefront, to the top of the agenda for everyone in our country. This is, of course, never, never far from our minds. But in recent months, as several high-profile terrorist plots have been thwarted, the tragic shooting at Fort Hood had taken place and our troops continue to fight two wars, we know that the threat of attacks on Americans remains a very real threat to us.

What was so shocking and revealing about the attempted attack on Christmas Day was not that al Qaeda remains a threat. This much we all know. What was most troubling to the American people was the revelation that key information was available that could have prevented Umar Farouk Abdulmutallab from ever boarding that plane in the first place.

Last month, December 25, as everyone, including the President has acknowledged, the system failed us. If not for the perpetrator's failure to properly detonate the device and the heroic acts of his fellow passengers, this attempted attack would have become a horrible, horrible tragedy. It was not careful intelligence gathering, analysis, and coordination that saved the people on that plane; it was luck and the quick thinking on the part of those very courageous passengers.

Mr. Speaker, the American people rightly began, immediately after Christmas, on Christmas Day and thereafter, to ask questions about what is being done to address this failure that allowed Abdulmutallab to board that plane. What exactly what wrong? How can we fix the system? What can we do to ensure that this kind of failure never, ever happens again.

Now, in light of these questions, it would seem appropriate that today we would be considering our annual intelligence authorization bill. Now is the time to compile the lessons learned from the attempted attack on Flight 253, the Fort Hood shooting, the numerous arrests of would-be terrorists like Najibullah Zazi and David Headley and the continued items that obviously we don't hear about out there.

□ 1045

Now is the time to take, Mr. Speaker, these new insights and reform our intelligence agencies and policies to better protect our homeland and the American people, and that has to remain the top priority. That is where all of the attention should be focused. And yet, inexplicably, we are considering a bill today that is nearly 8 months old. This legislation was reported out of committee in June of last year. It was written before any of these recent attacks and attempted attacks took place, before any of these new revelations of flaws in our system and before any analysis was conducted on how to fix them.

Mr. Speaker, unfortunately, the Democratic majority's decision to bring up this hopelessly outdated bill is made all the more inexplicable by the fact that it was known to be a seriously flawed bill even back in June when it was being finalized. In fact, Mr. Speaker, the Obama administration released a scathing criticism of this legislation and even issued a veto threat.

According to the Statement of Administration Policy from July 8 of last year: ''The administration has serious concerns with a number of provisions that would impede the smooth and efficient functioning of the intelligence community and that would raise a number of policy, management, legal and constitutional concerns.'' That is the Statement of Administration Policy.

The statement went on to elaborate on the bill's flaws: the serious risk of compromising highly sensitive data, the new layers of bureaucracy, the impediments to building an intelligence workforce for the 21st century, the wasted resources. These were not the accusations, Mr. Speaker of political adversaries; these were the serious criticisms of President Obama. And they were leveled nearly 8 months ago before a whole host of new challenges made themselves apparent to us. If this was a flawed bill last July, as the President clearly defined it as being, it is now a flat-out dangerous bill.

I believe that the American people will be stunned to learn that the Democratic majority has chosen, with this legislation, to simply ignore the grave new concerns that have been raised in recent months. No lessons have been learned and no new solutions have been contemplated. The Democratic majority's bold approach is to take up an 8-month-old bill that wasn't even a good idea at the time and, as I said, was criticized harshly by President Obama.

The manner in which they are bringing this bill to the floor is just as troubling, Mr. Speaker. The Democratic majority will likely claim that a bipartisan amendment process has been allowed: five Democratic amendments were made in order, four Republican amendments, and three bipartisan amendments. But what these numbers mask is the fact that 21 Democratic amendments were included in the manager's amendments. This not only skews the process in a very partisan way, but it denies the Members of this body representing all Americans, representing Democrats and Republicans alike, the opportunity to vote on these 21 amendments individually based on their merits. We are denied the opportunity for transparency and scrutiny.

What's worse, Mr. Speaker, is that this rule has implications for legislation far beyond the intelligence bill at hand. This rule provides a blank check for the Democratic leadership to bring up any bill at any time today or tomorrow without a shred of transparency or even one moment of public scrutiny. This rule gives them carte blanche to take whatever legislative action they choose, entirely absent of any accountability.

And I've got to say, I was thinking about this last night when we were in the Rules Committee, to impose this kind of structure this early in a Congress—the second month of the second session of the 111th Congress—is beyond the pale. When such drastic and draconian measures are taken to shield their actions from all scrutiny, we can only ask ourselves, what exactly are they plotting? What exactly are they trying to hide from the American people?

Mr. Speaker, for the sake of the security of our homeland and for the sake of a return to the often-promised accountability and transparency, I urge my colleagues to reject this rule. What we need to do is we need to take a hard look at the intelligence failures that have taken place. Let's ask the hows and the whys and make the necessary reforms that will ensure that we never again have to rely on blind luck to protect the American people.

Mr. Speaker, perhaps most important of all, we must reject this attempt to shield the Democratic majority's actions from public view.

With that, I reserve the balance of my time.

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

You know, Mr. Speaker, I appreciate my good friend from California's desire to address Flight 253; but in my view, his complaints that the bill is outdated ignores the rule. The rule makes in order an amendment by Representative SCHAUER directed at the lessons of Flight 253.

Now, listen, the intelligence community, constituted of 16 elements, is organic. It is constantly in a state of change, and there is considerable coordination and collaboration regarding the globe, not just one airplane, not just one individual. And when you isolate one individual, like the person that was on Flight 253, you do have that anomaly to show that we are steadily being set upon. But that was mild by comparison to some of those incidents that never make it in the public realm.

I am reminded of the constant saying that success has a thousand fathers, but failure evidently doesn't even have a mother because anytime there is a failure, the whole community is set upon, while day after day after day, year after year after year they're stopping countless attacks on this country that go unnoticed, whether it be in the field of cyber, whether it be on the battlefield. We are constantly in that position. There have been hundreds of successes to protect our homeland security.

Mr. DREIER. Will the gentleman yield?

Mr. HASTINGS of Florida. Certainly I will yield to my friend.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me say that I completely concur with my colleague about this notion of our recognizing that day after day—and I had that in my opening remarks—day after day we are seeing the prevention of the kinds of attacks that we are all concerned about, and we congratulate and herald the intelligence community for that. I think that what we need to focus on is the Abdulmutallab situation, the Fort Hood shootings, and the Najibullah Zazi and David Headley arrests. These things have taken place since this bill had any kind of committee consideration last year. And all we are arguing is, yes, it's great that some amendments have been made in order—unfortunately, it's a very partisan item to have 21 amendments included in the manager's amendment—but we believe very strongly that the committee—and you know very well, having worked so hard on that committee, that a lot of work takes place in secrecy, understandably, that in dealing with these situations, that should happen before bringing a measure of this magnitude to the floor that even the President and so many others have acknowledged is flawed.

I thank my friend for yielding.

Mr. HASTINGS of Florida. Well, when you speak of the President's directions, there were several principal matters that the President referenced in his, as you put it, threatened veto. But the veto, more specifically, the principal objection was to the Gang of Eight restriction that many of us in the committee supported for the reason that we think—and thought—that each of the intelligence members should be advised by the President the same as those of the Gang of Eight.

You know, we use these terms around here. The Gang of Eight are the central players—the Speaker, the minority leader, the majority leader, and the committee Chairs and ranking members. That is who that small kernel of people are who receive specific information. I hope the public at least understands some aspect of that.

The point that I was trying to make and will continue to make is—let me give you a for example. In the last month, I have visited our intelligence operations in nine countries, including Saudi Arabia, Turkey, Israel, Jordan, Egypt, Ukraine, Germany, just to mention a few. In each of those places—and there were others that will go unmentioned—in each of those places I learned of immense success and reporting of successes coming back here to the intelligence community and to the President. Nobody talks about that in the newspaper. Nobody talks about that in this particular setting. You pick three incidents out of thousands of successes and point to a community's failures. I can't accept that.

For 10 years I have watched on this committee these people work their hearts out, Republicans and Democrats, under the leadership of—friends of mine and yours—Porter Goss, who led this committee, others long before Leon Panetta, and the other committees that don't even get mentioned at all because most people don't even know that they have intelligence operations. What would happen in this world, what would happen with our allies if we did not have the SIGNET? How would we be having the successes that we are having in Afghanistan today of picking off leaders of Taliban, leaders of al Qaeda?

All the time it seems to me that all that comes out as is, oh, they just took out another one, but it doesn't get played up. If one of them managed to get to Canada and to the United States, then that would be the biggest talk that we would have here in Congress. It's not fair, and fairness to the intelligence community is as deserving as any other parts of our bureaucracy that fail considerably, including this institution.

Mr. DREIER. Mr. Speaker, will the gentleman yield for just 1 second?

Mr. HASTINGS of Florida. I was going to yield my time, and I ask the gentleman to take his time, but I am more than happy to yield.

Mr. DREIER. I thank my friend for yielding. And Mr. Speaker, let me just say that I totally concur with absolutely everything my friend just said.

Mr. HASTINGS of Florida. Well, then, I will just take my time back, now that you agree with me.

Mr. DREIER. All I want to do is agree with you. So thank you very much.

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

Mr. DREIER. Mr. Speaker, at this time, I am very, very happy to yield 4 minutes to the very hardworking and diligent and thoughtful ranking member of the Select Committee on Intelligence, our friend from Clarendon, Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I appreciate the gentleman from California yielding to me.

I think it is important to step back and put this bill in a bit of context. The Intelligence Committee reported H.R. 2701 out of committee on June 26, 2009, by a vote of 12–9 and the Rules Committee first reported a rule for its consideration here on the floor on July 8, 2009. And yet, from July 8, 2009, until today there has not been time found on the floor to consider this measure. Now, we did find time to consider the Restore Our American Mustangs Act, we did find time to consider the Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act, we found time to consider the Castle Nugent National Historic Site Establishment Act for St. Croix, all under a rule—none of these even included suspensions—but we couldn't find time to have the Intelligence authorization bill in support of the very people that the gentleman from Florida and the gentleman from California are talking about who keep us safe.

What has happened over the past 7 months since this bill was reported out, as the gentleman from California mentioned, is that we have had a number of arrests and attempted attacks against our homeland; I count eight that have made the papers. Some of them we have stopped by the diligent work of our intelligence professionals. One of them at least was stopped by just pure luck. One of them was not stopped at all, and that was at Fort Hood, where a number of people tragically lost their lives.

In addition, in the last several months, the situation in Afghanistan has changed tremendously. We have had increased terrorist threats emanating from Yemen and Somalia and other places around the world. And yet for some reason intelligence was not a high enough priority, with the leadership of this House at least, to bring this Intelligence authorization bill to the floor.

In addition to that, I would say that a number of issues have been much discussed in the press and around the country that are very central to the efforts of those intelligence professionals to keep us safe. For example, the President said he was going to close Guantanamo Bay within 1 year; it hasn't happened. What's going to happen with those prisoners now? What happens if an American somehow joins a terrorist organization overseas? What are his rights and what are our responsibilities when we get into that situation?

□ 1100

Should there be a complete record of the briefings that were made to Congress about various antiterrorism matters or should those just be selectively leaked out as is happening now?

Another question: Should we automatically give the Miranda warning that says you have the right to remain silent when a non-U.S. person is obtained here in the United States?

Now, amendments on every one of these issues I've just mentioned were filed before the Rules Committee, and yet none of those amendments was made in order.

Why? We have these issues that are central to safeguarding the country. Yet the majority does not make those in order. What does it make in order? A number of reports, as we have discussed.

In addition, in the manager's amendment, there is a section that, I am afraid, illuminates for us all the approach that at least some people in this House are taking in this fight against terrorism. I do not believe it represents a number of the members of the Intelligence Committee, who see this every day; but in the manager's amendment are provisions that apply only to intelligence community professionals. The provisions say that they will go to jail for forcing one to do

something that is against one's individual religious beliefs.

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

Mr. DREIER. I am happy to yield to my friend an additional 2 minutes.

Mr. THORNBERRY. I appreciate the gentleman for yielding.

Now, remember, we can't have debates on serious issues regarding Guantanamo, Miranda rights and other things. What is hitting in this blizzard of reports are several pages which say, if our intelligence professionals try to get information from a terrorist in order to prevent future terrorist attacks and if they don't give him the proper amount of sleep, our intelligence professionals will go to jail.

If they do anything that violates how the terrorist sees his religious rights, without any standard of reasonableness, without any standard to judge it by—it's like, if the terrorist says, My religion requires me to have a Big Mac every day. If we don't give him that Big Mac, we are violating this provision, and our intelligence professionals will go to jail.

There are provisions which say subjecting a terrorist to prolonged isolation will cause our intelligence professionals to go to jail. How many county jails and State prisons in the country could operate under this standard? I would say none. This provision will treat terrorists more gingerly than those in our criminal defense system.

So, Mr. Speaker, unfortunately, what this rule does is it avoids the debates on the substantive issues. Yet there is this thread, which I don't believe the President seems to share—perhaps some in his administration do, and perhaps a few people in this Congress do—a thread of antagonism against our intelligence professionals which says we are going to prosecute them, as the Justice Department is investigating, and that we are going to send them to jail if they don't coddle these terrorists in the appropriate way.

I think that reflects a lack of seriousness with this measure, and that is sufficient reason to reject this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I have listened to my colleague, who is an absolutely brilliant member of the intelligence community, and he has provided continuing and dedicated service for the period of time that he and I have served on the committee together. There is one thing, I think, I know a little bit more about than he does, and that is our prison system, and that is for the reason that I participated, as a State and a Federal judge and then as a lawyer, in dealing with circumstances in our prisons.

Our colleague suggests that detainees are treated in a certain way, and those particular things—for example, food and the length of the hair or religious convictions—have been litigated ad nauseam in the United States. I can assure you that persons who are in custody in the United States find themselves able to access to the food that comports with their religious requirements and also the other circumstances.

One thing that is great about America is that we do have values, and one thing that is great about us in handling others, even much better than they even ever consider us, is that those values manifest themselves in the treatment of persons who are our enemies.

Now, I am going to try with this document here to put to rest this not-in-my-backyard argument that I continue to hear from my colleagues about Guantanamo.

I first want to commend to my colleagues H.R. 3728, the Detainment Reform Act of 2009, which I filed, and I would urge them to look at it and to look at the detention criteria and at the ways to process detainees, as well as the reporting requirements that transpire. I will not take the time now to go into detail, but that measure is sitting here, and any one of them can join it. I have no pride of authorship, and I've said to Members on the other side and on our side that, if there is something they can add or detract, then please do so.

Regarding where you put people whom we hold and somehow or another the thought being that we can't try people in our Federal system or, for that matter, if we have a situation where every detainee must be tried in military commissions, according to some, well, let me tell you some of the people whom we hold in one prison today.

According to the Bureau of Prisons, ADX Supermax in Florence, Colorado, has a capacity of 490 inmates. There are currently 445, leaving 45 cells available. I can assure you anybody in Guantanamo could be transferred here with no threat to Florence, Colorado. No one has ever escaped Supermax. Supermax officers are some of the best trained in the Nation, and current and former inmates include—let me just give you some of these people:

Anthony Casso, a mobster and former underboss of the Lucchese crime family, is at this prison. Wadih el-Hage, a coconspirator in the 1998 United States Embassy bombings, is in this prison. Matthew Hale, a white supremacist leader convicted of soliciting the murder of a Federal judge, is in this prison. Larry Hoover, the leader of the Gangster Disciples Nation, based in Chicago, is in this prison. Jeff Fort, the cofounder of the Black P. Stones gang in Chicago and the founder of its El Rukn faction, is in this prison. Omar Portee, the cofounder of the United Blood Nation, is in this prison and has never escaped. Theodore Kaczynski, the Unabomber, is in this prison in Colorado. Juan Matta-Ballesteros, the drug trafficker and coconspirator in the Enrique Camarena case, is in this prison. Zacarias Moussaoui—remember him? He was tried in our regular system as a coconspirator in the September 11, 2001, attacks. Guess where he is? In Colorado, in Supermax. Terry Nichols, the Oklahoma City bomber, is in this prison. Richard Colvin Reid, the Islamic terrorist, nicknamed the ''Shoe Bomber,'' who also came through our regular system under the aegis of the previous President, is in this prison. Eric Robert Rudolph, convicted of the 1996 Olympic Park bombing, is in this prison. Dwight York is in this prison. Ramzi Yousef, of the World Trade Center bombing, is in this prison.

Enough of this ''not in my backyard.'' We can hold these people.

H. Rap Brown is in this prison. Thomas Silverstein, convicted of murdering a Federal correctional officer, is in this prison. Luis Felipe, founder of the Almighty Latin Kings and Queens Nation, is in this prison. Howard Mason, a drug trafficker, who ordered the murder of Police Officer Eddie Byrne, is in this prison. A leading member of the Aryan Brotherhood, Barry Mills, is in this prison.

So what are you all talking about when you stand around and tell people that we can't hold people in this Supermax prison? We can hold them in Guantanamo. We can hold them in Supermax, and we can do everything that is required of us as a nation in order to protect ourselves in that regard.

Yet what has happened in this institution is you have given the American people a chance to believe that they should be afraid if you hold them in certain institutions in your neighborhoods. Well, they come through your neighborhoods an awful lot, and you evidently don't know about it. I, personally, am just a little tired of your not-in-my-backyard attitude about this particular system. We can hold terrorists, and we can hold criminals, and we've been doing it all of my adult career, and that's 50 years as a lawyer.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, let me just say that my friend from Gold River, California, has been attempting to engage in a colloquy with my friend.

I yield 3 minutes to the gentleman from Gold River, California (Mr. DANIEL E. LUNGREN), and I am sure that he will yield to the gentleman from Fort Lauderdale if he would like to respond in any way.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, the gentleman asked: Why?

Well, you know, it's not just in my backyard. I don't want them in any American's backyard. Guess what? The American people agree with me.

That's why Mr. KING and I went before your committee, to ask permission if we could possibly debate this issue on the floor. Everything you just said is part of a debate that could take place, and we could resolve it, but the Rules Committee decided, in their infinite wisdom, not to allow us to debate that on the floor.

Mr. KING's and my amendment did one simple thing. It said that those who are currently in or in the future

will be in Guantanamo Bay will not be transferred to U.S. sovereign territory for any trials. That is, they will stay at Guantanamo with the specially created courtroom that we have there—absolutely secure—under the Military Tribunal Act, which we, the Congress, passed in 2005.

I mean that's the answer to your question, but it must seem strange to the American people that the majority would be afraid, seemingly, to allow us to debate that with real consequence. You can allow us to debate that in the rule, knowing it has no consequence. The real consequence would be if we had an opportunity for the American people to actually be heard by way of legislation.

It is interesting that you did make in order the manager's amendment, which will give newly established rights, by way of penalty, to our members of the intelligence community if they would dare deprive one of these individuals of sleep or if they would isolate them for too long a period of time—neither one of them defined in the statute.

So what we have done is we have said we will continue to ignore the American people who have said loudly and clearly, We do not want Khalid Sheikh Mohammed and his confederates to come to New York. We do not want those in Guantanamo to come to the United States.

I find it strange that the gentleman from Florida would compare H. Rap Brown to a terrorist involved in a terrorist network. He doesn't understand—I know he does understand. I'm sure it was a rhetorical device the gentleman was using—the difference between someone who is an American citizen and the rights that he has versus someone who happens to be a noncitizen—in fact, an unlawful enemy combatant. There is a distinction that has always been known in our courts, and the idea that we are going to extend the full parity of constitutional rights to someone whose only connection with the United States is that that person was captured on the battlefield, attempting to kill Americans, is inconsistent with the history of this Nation and is inconsistent with all of the decisions of the Supreme Court.

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

Mr. DREIER. May I inquire of the Chair how much time is remaining on both sides before I yield to my friend from Gold River?

The SPEAKER pro tempore. The gentleman from California has 13 minutes remaining. The gentleman from Florida has 7 minutes remaining.

Mr. DREIER. I yield an additional 1 minute to my friend from Gold River, California.

Mr. DANIEL E. LUNGREN of California. So we have right now, taking place across the street from the White House, a summit on health care. We should be having a summit today on the intelligence community, in our effort against those who would wish to destroy us by terrorism. The way we act suggests to the American people this is not on the top of our priority list but on the bottom.

Later, we are going to have the rule on the PATRIOT Act. Why? Because, within a couple of days, three provisions of the PATRIOT Act are set to expire.

Monday, we rushed in here. We had an extra day of voting. What did we do? We worked to rid the country of the scourge of unnamed post offices. We were here to make sure that—man, we've got to find some more post offices to name.

Why couldn't we give additional time to allow amendments that are serious in nature and that the American people want us to deal with on this floor? But no. Once again, the Rules Committee has said we are not going to allow it, but we are going to incorporate in the manager's amendment an amendment which actually provides greater rights to those who are being held and put at jeopardy our intelligence community.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend on the Rules Committee, I would just like to comment regarding my good friend, Mr. LUNGREN's comments.

Mr. LUNGREN, there have been three people who have been convicted in military commissions, and two of them are already free. During that same period of time, under President Bush's administration and under in President Obama's administration, more than 300 people have been convicted in our civilian courts.

□ 1115

And you're correct. I was using the people in the Supermax to make the point no matter who they were, whether they were Zacarias Moussaoui, who certainly isn't an American citizen, or countless others, that we can hold them and that they can't escape. The fear some seem to think is that they would escape.

Mr. Speaker, I yield 1 minute to my colleague on the Rules Committee, the distinguished gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I won't take the 1 minute.

I'd say to my friend from California, in Colorado we were asked to take over the trial of Timothy McVeigh, who had blown up an office building in Oklahoma. He didn't do it in Colorado. But we said okay, we're part of this country. We're part of America. We have a responsibility. We don't know what kind of crazy people are going to come and try to disrupt or harm our judges, our people that worked in the prisons or the like, but we took that responsibility. We weren't afraid of that responsibility. And our judicial system, our Federal judges, handled that matter, I think, in a very fair, fine, and proper manner. We did it because that's who we are. And we've taken prisoners into our supermax who are terrorists by anybody's definition.

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

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. PERLMUTTER. We take responsibility for those things that Americans have to deal with. We don't like dealing with it. You don't like dealing with it. But we have to. So we're prepared. In our court system in America, whether it's in New York or Colorado or Texas or California, we have good judges. We have good people that work in our Bureau of Prisons. We can handle this.

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

I would first say in response to my good friend from Colorado, Mr. LUNGREN has just reminded me that the moment one of these individuals is on American soil, they have enhanced rights that they would not otherwise have.

I would like to engage in a colloquy with the very distinguished ranking member of the Select Committee on Intelligence to discuss one of the amendments that unfortunately will not see the light of day, that we will not have the opportunity to debate other than in the context of the overall manager's amendment, which included 21 amendments from our Democratic colleagues, including the McDermott amendment.

Now, the McDermott amendment, which was discussed by my friend from Clarendon, is an amendment that provides basically carte blanche, an opportunity for any individual, one of these barbarians, to claim for religious reasons that they are being mistreated. The moment I heard the word ''Big Mac'' come forward from my friend MAC THORNBERRY, I have to say who's my Big Mac, but I thought, my gosh, someone could actually claim that being denied a Big Mac would be cruel and unusual punishment? And I've got to say as I look at the litany of items on here, including exploiting phobias of the individual, I just don't understand it. And I wonder if my friend might further enlighten us on this.

I'm happy to yield.

Mr. THORNBERRY. I thank my friend for yielding.

Let's start with a bit of context. Remember, the Army field manual has been published so that terrorists all around the world know what we will and will not do to them. This will take it another step forward and actually give terrorists more rights, more consideration than ordinary criminals in our criminal justice system.

For example, it is not unusual, I suspect, for the FBI to interrogate someone accused of a crime, perhaps involving murder, to say you'd better cooperate with us or you may get the death penalty. That would be illegal under this amendment. As a matter of fact, the intelligence professional who says that under this amendment would go to jail for 15 years because you cannot threaten the use of force.

The gentleman's correct; there is no standard of reasonableness for what

they would classify as your religious practice, so I can classify as my religious practice anything I say. And the intelligence professionals have to coddle to that or they could go to jail. It is an outrageous inversion of our priorities, I think, Mr. Speaker, where we care more about coddling the terrorists than we do about protecting the American people.

Mr. DREIER. I thank my friend for his contribution.

He just reminded me that the speech that everyone heard, what was described as the ''Scott heard 'round the world'' when we saw Scott Brown elected to the United States Senate seat in Massachusetts, the line that came to the forefront was, I want to make sure that my tax dollars are expended on fighting against these terrorists rather than expending our tax dollars defending these terrorists. And the McDermott amendment takes and expends more time and effort and energy in defending them. And, unfortunately, the only discussion that we will have on this, Mr. Speaker, is during consideration of the rule because we're not going to have a chance to vote on this amendment other than its being included in the overall manager's amendment with 20 other amendments being included.

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

Mr. HASTINGS of Florida. Mr. Speaker, I continue to have to teach law here, and I never wanted to do that.

The language in the manager's amendment restates existing criminal law prohibitions like those in the Detainee Treatment Act and clearly establishes that the United States will adhere to the rule of law, and that's whether a person is in Guantanamo or whether they are in Colorado.

That said, at this time I yield 1 minute to the distinguished gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I would like to thank the chairman for his hard work on the underlying bill.

As a member of the House Armed Services Committee, I know just how important it is to focus on vulnerabilities in the global supply chain, and I'm glad that my amendment was included in the manager's amendment.

My amendment broadens review of global supply chain vulnerabilities to include the risks not only from counterfeit products but from original products. Considering the number of foreign state-owned or state-invested enterprises in the technology industry that manufacture products for our market, original products present serious risks to our defense and intelligence systems.

The amended review also assesses the impact of the provision of services by foreign-owned companies, which also creates vulnerabilities in the supply of parts and equipment, causing increased vulnerability to cyberattack on our intelligence systems.

I urge my colleagues to support the rule and the manager's amendment.

Mr. DREIER. Mr. Speaker, at this time I yield 3 minutes to a very thoughtful new Member who has expended a great deal of time and energy trying to ensure that we can at least have a debate on the issue of bringing terrorists onto U.S. soil, my friend from Peoria, Mr. SCHOCK.

Mr. SCHOCK. I thank my good friend from California for the time.

What a novel idea. The United States House of Representatives would debate the power of a good idea.

You know, in my short 1 year in this body, it's amazed me how many amendments have come before this body at a straight up-or-down party vote. Republicans vote one way and Democrats vote another.

We live within the confines of majority rule. It's something that our voters and taxpayers live with. It's something that we in this body live with. But I think there's something that almost everyone that I represent in my district abhors, and that is the notion that the power of a good idea is not allowed the form of debate in this body and is not allowed a straight up-or-down vote for each Member to cast his or her vote based on the best interests of their districts. And for that reason, Mr. Speaker, I offered three what I thought were thoughtful amendments specifically dealing with the proposal to move the much-talked-about Guantanamo Bay detention facility to my State in Illinois.

I might add, Mr. Speaker, that this wasn't just an idea that I had, but rather, I was joined by every single member of the Illinois delegation on my side of the aisle. They felt this was important enough to allow both sides to be able to debate this issue, both sides, each individual Member, a straight up-or-down vote.

Now, what is it that we wanted each Member to be able to vote on? Well, ladies and gentlemen, there's been much talk about moving all of these prisoners, close to 100 of them, from Gitmo to the center part of our country, in the Midwest, in Illinois, and the idea that somehow that will make us safer as a Nation by moving those terrorists to our country. Yet one of the questions that continually is asked of me, as well as my colleagues who represent the State of Illinois, is who are these people? What are their names? Why are they being held? What acts of terror have they attempted or committed against our country?

So our amendment was very simple. It said this: The American people ought to know what we know. If the American people are supposed to weigh in to their elected representatives to say, yes, we think it's a great idea for Guantanamo Bay to come to Illinois, don't you think they should have the information to make an educated decision? After all, I sat in this front row a year ago and listened to the Speaker of this House talk about how I was going to be a part of the most transparent and open government in United States history. Imagine being a part of the most transparent and open government in United States history. And yet today, ladies and gentlemen, taxpayers, voters, not just in the State of Illinois where these terrorists are supposed to be coming, but every American——

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

Mr. DREIER. Mr. Speaker, I yield 30 seconds to my friend from Illinois.

Mr. SCHOCK. Thank you. I'll wrap up.

Ladies and gentlemen, it's real simple. In the most transparent and open government in United States history, shouldn't the American people know what we know?

Mr. HASTINGS of Florida. Mr. Speaker, I'd inquire if my colleague has any remaining speakers. I'm the last speaker for this side, and I will reserve my time until the gentleman closes.

Mr. DREIER. Let me say to my friend that I anxiously look forward to his spellbinding closing remarks that I'm sure we'll all be able to benefit from, but I have one other speaker and then I'll close and look forward to sitting patiently and listening to my friend.

Mr. Speaker, at this time I am happy to yield 2½ minutes to a hardworking member of the Intelligence Committee, a veteran of the FBI, the gentleman from Brighton, Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, something fundamentally different has happened in the last year. We have fundamentally changed the way we deal with terrorists in the United States. We should absolutely fully have that debate on the policy of that switch. Why? Because it has had tremendous consequences.

Think about this: The CIA officers who, given direction by the Department of Justice, interrogated and debriefed and got some 70 percent of what we know about al Qaeda through their debriefings, are now being treated as criminals. Foreign-trained criminals are being brought to the United States and being treated as Americans.

The fact that we would take a terrorist off a plane who had just attempted to kill some 300 people and the people on the ground and say you have the right to remain silent—wrong. You don't. I need to know if there's anybody else out there. I need to know where the training camp was. I need to know a name of an airline you may have heard while you were training in a place like Yemen to come to the United States on a combat mission and kill Americans. They should be treated as enemy combatants. That's exactly who they are. And when you make this fundamental switch from a proactive intelligence approach to keep them at bay to a law enforcement effort to bring them to the United States, it will have negative consequences for the national security of the United States.

To not allow the amendments—I have had many and many of my colleagues here who had amendments to debate and talk about these very serious issues. There is a reason that they couldn't wrap up the fact that there was a shooting at Fort Hood and the Christmas Day bomber. There's a reason that happened. Because when you bring in law enforcement, it slows things down.

□ 1130

They stop providing information until their lawyer can cut their best deal possible. This can't be about lawyers in the back room cutting good deals for foreign-trained terrorists trying to kill Americans. It has to be about the protection of every citizen in the United States and our allies abroad. When we lose that focus, we will lose the ability to stop everyone that comes to these shores.

And if our new program is we are going to catch them at the airport by spending lots more money, we are going to lose this fight. We need to get them in Yemen, in Saudi Arabia, in the tribal areas of Pakistan, and wherever else they train, they finance, and they commit themselves to an act of combat to kill U.S. citizens.

Mr. HASTINGS of Florida. I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from California is recognized for 2½ minutes.

Mr. DREIER. Mr. Speaker, we all know where the eyes of the American people are focused right now, and it is not here on the House of Representatives. They are focused down across the street from the White House at the Blair House, where the health care summit is taking place. I have no idea how it is going. We have been managing this debate on an issue that is of paramount importance.

The five most important words in the middle of the preamble to the U.S. Constitution I regularly say are ''provide for the common defense.'' We need to recognize that this is priority number one, our Nation's intelligence. Umar Farouk Abdulmutallab, Najibullah Zazi, David Headley, these are names that have come to the forefront because these individuals pose a threat to the United States of America.

There is no issue that is more important for us to be focusing on. Mr. LUNGREN said earlier rather than having a 6-hour summit on the issue of health care, which we all acknowledge is important and needs to be addressed, the attention should be focused on national security. And unfortunately, it is not only not being focused on, but what we are doing here today is taking a flawed bill from July of last year, 8 months old, that was maligned and criticized by the statement of administration policy from President Obama, and what is it we have done? We have denied amendment after amendment.

Mr. SCHOCK's very thoughtful amendment to deal with the issue of should we give enhanced rights to these people who have perpetrated terrible acts against us? Bring them onto U.S. soil, which would make that happen? We think we should have a chance to debate that issue. Should we take the 21 amendments that our Democratic colleagues have offered, including my friend, Mr. MCDERMOTT, who has an amendment that dramatically enhances the power of those individuals who have either tried or have perpetrated terrible acts against us and provides them new defense?

Again I mentioned SCOTT BROWN earlier. And what resonated from his acceptance speech when he won the election was that we shouldn't be expending our taxpayer dollars on defending these terrorists. We should be expending our taxpayer dollars to fight to make sure they never, ever pose a threat against us. This is a terrible rule. It is a terrible rule because it denies the opportunity for debate. And the bill itself needs to be reworked by the Select Committee on Intelligence.

Mr. Speaker, we can do better. I urge my colleagues to reject it. Let's do the right thing.

Mr. HASTINGS of Florida. Mr. Speaker, this is a responsible bill that will enhance vital human intelligence collection, fill the critical gaps in our intelligence-gathering activities, authorize significant investment in our Nation's cybersecurity capabilities, as well as provide much needed reform by forbidding the CIA's practice of outsourcing interrogation to private contractors operating outside the law.

It is unfortunate that we live in a dangerous and different world, where we must always be vigilant of those who wish to cause harm to others. This bill is critical to addressing the many challenges we face within the intelligence community.

I want to take this moment of personal privilege to thank Chairman REYES and the staff of the House Select Committee on Intelligence, the Republican and Democratic staff, for their extraordinary hard work and dedication in helping to see this excellent bill to fruition.

Four years is far too long for the intelligence community to go without guidance from its oversight committees. I believe we should get an authorization bill passed and on the President's desk for signature into law. There is going to be added general debate. But when I listened to my colleague, who is my good friend, I kind of feel like that all of the labor on both sides, including speakers that I served with on that committee, Mr. THORNBERRY and Mr. ROGERS, we have worked very actively to get us to the position that we are in with reference to this authorization bill. There have been agreements and there have been disagreements. And there are always things that can be added.

The responsibility of the Rules Committee is to move the agenda. I am very proud of the fact that there is a summit on health care going on at the White House at the same time that we are discussing the authorization bill, and that I am getting ready to leave here and go to a jobs task force, which I believe is high on the minds of the American agenda, which proves that we really can do legislation, prepare legislation, chew gum and walk at the same time. We are an incredible lot of people we are, and just like that we can also secure this Nation, as this bill does in high kind.

But I am going to say to you all one more time, enough of the business about not in my backyard. If I didn't dispel it today, I will see you another time on the floor to have you understand just how extraordinary the Federal judiciary is, just how extraordinary the intelligence community is, and just how important it is to our Nation's security that we allow them to function accordingly.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3961, MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. PERLMUTTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1109 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1109

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendments. The Senate amendments shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The question is, Will the House now consider the resolution?

The question was taken; and (two-thirds being in the affirmative) the House agreed to consider the resolution.

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

Mr. PERLMUTTER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on House Resolution 1109.

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

There was no objection.

Mr. PERLMUTTER. Mr. Speaker, House Resolution 1109 provides for consideration of the Senate amendments to H.R. 3961, extending expiring provisions of the USA PATRIOT Improvement and Reauthorization Act.

The rule makes in order a single motion by the chair of the Committee on the Judiciary to concur in the Senate amendments. The rule waives all points of order against consideration of the motion except clause 10 of rule XXI, and provides that the Senate amendments shall be considered as read.

Finally, the rule provides 1 hour of debate on the motion, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The Senate amendments to H.R. 3961 extend for 1 year several expiring provisions essential to our fight against terrorism. One of these provisions allows authorities to seek court orders for business records or any intangible thing related to a terrorism investigation. Another expiring provision reauthorizes wiretaps on terrorism suspects so that law enforcement officials do not have to file multiple applications when a terrorist disposes of phone after phone or shifts from one communication device to another. Otherwise, terrorists could use multiple devices or frequently change cell phone numbers or carriers, with the aim of interfering with surveillance efforts under FISA.

The Justice Department has said that this provision has proven an important intelligence-gathering tool in a small but significant subset of FISA electronic surveillance orders. The government cannot use this authority lightly. It must provide specific information that the suspect may employ countersurveillance activities.

Finally, the Senate amendments we are considering today will extend for 1 year a provision first enacted in 2004 that allows the government to apply to the Foreign Intelligence Surveillance court, the FISA court, for surveillance orders involving suspected lone wolf targets. These are suspects who are engaging in or preparing for international terrorism activities, but don't necessarily have ties to a larger organization, such as a terrorist group or a foreign nation. The provision does not apply to any U.S. citizen or illegal immigrant. These three programs are vital tools our Nation cannot let expire.

With that, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from Colorado for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the bill that is with us today. The safety of this Nation, protecting America from terrorists, is of high and vital concern not only to this Member, but I think every single Member, as we have been reminded time after time that we cannot take our eye off the ball, that the security of this country is a job that must be done all day, every day, by a group of savvy professionals that I believe we presently have in this country. It is a combined effort of not only law enforcement and intelligence, but also it involves bright minds from this body also.

Today what we are here to do is to consider reauthorization of the USA PATRIOT Act. This act was done 9 years ago, 9 years ago when our Nation was struck. It was crafted in such a way that there were provisions, ideas, thoughts that we did at the time where we said we need to make sure they are reauthorized, that these ideas are looked at, where we go through the processes and see what happens not only with our own effectiveness with the law, but also how our intelligence agencies are nimble enough to adapt themselves to make these changes.

At the same time I say I am for this, it is unfortunate that my friends on the Rules Committee, my Democratic colleagues, continue to deny the minority due process by not allowing us to offer a motion to recommit. Time and time again Republicans are shut out of the amendment process, forcing us to simply accept what comes forward.

□ 1145

I encourage my friends on the other side of the aisle to stop restricting this process in the House.

Almost 9 years ago, as I stated, Congress passed this PATRIOT Act, bipartisan support, at a time that was very difficult not only for us to see that enemy that was at us, but also for us to understand more clearly how we should respond, and this Nation did respond. We responded with a PATRIOT Act that was specific in nature that allowed intelligence agencies to stand a chance to fight those against us.

This legislation was and still is vital to our intelligence capacity and our desire to show the enemy that we're willing to fight, that we're willing to stand up and protect this country, that we're willing to go to the lengths that are expected of anybody who wants to protect their own homeland.

Earlier this week, Ranking Member LAMAR SMITH of the Judiciary Committee, the gentleman from San Antonio, Texas, urged Democrat leaders, as we did not know whether this bill would come forward, to extend those expiring provisions, stating: ''Congress has a duty to protect the American people. Failing to reauthorize our national security laws in a time of heightened threat is reckless.''

These were the types of public comments that Republicans are making about the need to make sure that we press this body to get done its job with those processes.

Yesterday, up in the Rules Committee, the gentleman, MAC THORNBERRY, also from Clarendon, Texas, testified in the Rules Committee about the importance of extending the expiring PATRIOT Act provisions at the time we were debating the Intelligence bill. I thought that Mr. THORNBERRY was well on point, was thoughtful, was articulate about the significance of providing the necessary debate on important issues and amendments.

I think we just had a debate here on the floor where we went through how these issues need to be talked about in this body and every single Member needs to understand them as a result of their constitutional duty to protect and defend, not just our Constitution, but this country. And I wholeheartedly agree with his assessment when he said we need to provide the intelligence community with the appropriate tools to protect this Nation.

Yesterday, the Senate passed this legislation by voice vote; confirming the importance of acting immediately. Look, I'm just for getting it done. I'm just for getting it done. If the Senate wants to do it by voice vote, that's fine.

Today we are here on the floor to talk about the three provisions that were set to expire. They were set to expire because the previous Congresses have said we needed to have an active debate on these issues, like to talk about them, allowing the government to seek court orders for roving wiretaps on terrorism suspects who shift their modes of communication.

Mr. Speaker, if there's one thing we learned, the enemy is smart and nimble and quick. They adapt themselves to the way we do business. We need to give our intelligence agencies the ability to be nimble, quick and to adapt themselves also. Glad this is being redone just in time.

To allow investigators to obtain a Foreign Intelligence Surveillance Act court order to procure certain records in national security investigations, you've heard this said for a long time. The people who are trying to protect this country are few in number, and the cases against them are very large. The number of people who are seeking to turn our country into another war

zone where civilians are killed, where planes are blown up out of the sky, where we have inundation of our national security efforts, as well as cybersecurity, are numerous. We need to make sure our investigators have a clear understanding about the rules and are able to receive information in a legal process.

Lastly, to allow the government to apply special court surveillance orders involving suspected terrorists that are called ''lone wolf'' terrorists who do not necessarily have ties to larger organizations.

I think the gentleman, Mr. ROGERS, made a point here from the Intelligence Committee that our ability to be able to see this for what it is, whether it's a part of a larger terrorist group or whether it's a lone wolf acting on his own, that we need to be able to make sure that we can fully vet these individuals before shutting them down and allowing them just to be treated as a person who's committed a crime. We need to be able to see that which is aimed at this country and to fully vet them.

When people who are overseas terrorists come into this country by lying to us about why they would be coming and their intents, we need to be smart enough and nimble enough to pick these up.

Each of these provisions are used by law enforcement officials and intelligence agents to prevent terrorist attacks. By reauthorizing these provisions today, which my party, the Republican Party, fully supports, we believe, for an additional year, will provide the appropriate defense and intelligence measures to protect Americans from another event like 9/11.

If I offered some comments, Republicans would have been in favor of making these permanent in law. Of course, we need to make sure that we're reevaluating these, but these should be made permanent law so that our law enforcement agencies set themselves in a position to be nimble enough to see the attack against us.

I think 9 years' worth of effort has told us we need to give our law enforcement every single tool that we believe is reasonable. I think we've done it today. I wish we'd done it for more than a year, because here we are, we will be here a year from now, perhaps struggling with the same issue.

Let's make these permanent additions to the Homeland Security PATRIOT Act. This country is under a constant threat of violence and terrorism, and that's why it's necessary to make sure that all of our intelligence and law enforcement have the appropriate tools to defeat those who would wish to do us harm.

We don't need to look back very far to Christmas Day; but I would say to us that after that, we still had warnings that came from our intelligence community that said, and expect more, and expect more; which is the reason why we should be making these issues that we talked about today, not extending them for one more year, but to make them permanent to give our guys, our team, our men and women who are engaged in the professional aspect of protecting this country, the tools which they need to protect this country.

Mr. Speaker, at this time I will reserve the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I am in agreement with my friend from Texas that this rule ought to be passed and we ought to move forward right now. So I don't have any other speakers. I'm going to reserve the balance of my time.

I'd ask my friend from Texas how many people he expects to have speaking on his side.

Mr. SESSIONS. I would appreciate that. And in a colloquy, if the gentleman would allow me the time since he has indicated he has no further speakers, I will go ahead and consume my time with the knowledge that he would then be ending very quickly. And I thank the gentleman very, very much.

Mr. Speaker, I am going to go ahead and proceed using up all my time at this time with the knowledge that he will be through.

Mr. Speaker, at this time we have the gentleman from Gold River, California, a gentleman, Mr. LUNGREN, who has served as not only a Member of this body, then went back to California, served as the Attorney General from the State of California. He's a very thoughtful Member. He sees very clearly the laws of this country and the Constitution of this country, but he also sees the need for us to be nimble enough to see the attack that's against us, to be able to respond and to give our men and women who are on the front line all the assets and resources only that are necessary, but the laws and the underpinning of being able to make sure that we can fully protect this country.

And I will yield to the gentleman 6 minutes at this time.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the generous provision of time.

Mr. Speaker, when we were reauthorizing the PATRIOT Act in 2005, or extending it, I authored in committee the sunset provisions that subjected these three provisions of the PATRIOT Act to further consideration by the House. That sunset was up last year. And so, rather than seriously consider it and thoughtfully proceed as to whether it ought to be permanent or not, we kicked the can down the road by extending it a year. And then we came just before Christmas up against it, once again, and we extended it for 2 months. And now, here we are, 3 days before the expiration of these provisions, and we are going to have a temporary extension, a year, not 2 months, but just a year.

I would hope that we would consider an issue such as this as an important primary issue. It's almost as an afterthought. Just before we leave for Christmas, we extend it for 2 months. Now, we're within 3 days of it expiring, we extend it for a year. Forgive me, but it almost sounds like we're treating it like a burp after a big meal, something we're kind of embarrassed about, something that happened, sort of involuntarily, as if we don't have control of this.

I've said on this floor before that we're certainly making sure that no post office in America goes unnamed or un-renamed. But at the same time, we deal with this issue, which is crucially important.

Our Judiciary Committee considered the reauthorization of these provisions; and we reauthorized, by our bill, the business records section. We reauthorized the roving wiretap provision, although we made some changes in that from current law, which I did not support, but nonetheless, that was it. But we failed to extend the lone wolf provision. And let me tell you the thinking on that.

The argument was, we didn't need the lone wolf provision because it had never been used. What's the lone wolf provision? It allows us to apply the intelligence-gathering authorities that we have in the overall law to individuals that we cannot, at that point in time, determine are actually involved with a foreign country, that is, associated with a foreign country, or with a known terrorist organization. And so they said it had never come up before. So we failed to vote it out of Judiciary Committee. That was in the morning, about 12:30, just after noon.

What happened later that day? The massacre at Fort Hood. A lone wolf. Now, admittedly not someone who would be under the PATRIOT Act because he's an American citizen, but my point is, we have to be concerned about lone wolves.

And what about Mr. Abdulmutallab?

If we had had information and been able to connect some of the dots early on, we would have not been able to prove initially that he was necessarily associated with any other group, maybe inspired by another group. He would actually come under the definition of a lone wolf.

And yet the Judiciary Committee said, well, we're going to deprive our intelligence community of the powers under the law for those who are lone wolves.

That's why I say this needs full and vigorous debate. We need to consider the essence of these provisions, and we need to determine whether we believe it needs more than an extension of a single year. Does anybody on this floor truly believe that al Qaeda will give up in a year? Does anybody believe that those who are out there with the idea that they want to do harm to the United States, utilizing terror inspired by al Qaeda or others, are going to quit after this year? I would hope they would. I would hope we would defeat

each and every one of them before the year's out. But that's unrealistic. Let's understand.

So, why we're bringing this to the floor with only a single-year provision is beyond me. If we take seriously our obligation to provide for the common defense, in this environment of a nonconventional war, asymmetric, as they like to say, undefined, compared to previous conflicts, where the enemy does not seek territorial advancement, but seeks the destruction of who we are and what we are, our institutions, and how we, in fact, act.

This is a different world. I've said on this floor before and I'll say it again, al Qaeda doesn't hate us and attack us because of Guantanamo. Al Qaeda hates us and attacks us because of the Statue of Liberty and everything it represents.

□ 1200

And so I would hope that at some point in time we would come to this floor and have a serious, full-throated debate on these three provisions of the PATRIOT Act as to whether they ought to be extended as a matter of permanent law or at least as a reasonable period of time—5 years, 10 years, not single year—and not treated as an accident of legislative action.

So I rise in support of the bill and the rule that allows the bill but in great disappointment that we are not doing all we could do to advance the cause of freedom and protection of the American people. This is better than nothing, but it's not good enough.

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

Mr. Speaker, we're talking about something that is real important today. We've been talking about something that is real important, and I think the point that's made today is that the Republican Party supports the extension of the PATRIOT Act that we're doing here today. These three provisions are very important.

We're questioning why we have to move these on a piecemeal basis. We should move them. They should become permanent law. We believe that the enemy that is at our doorstep, that is all around this world, that is attacking our allies, our friends, people who love freedom, that that is not going to go away. We need to give our intelligence officials the ability to know that they are going to hard-code this in their books and their training and what they do instead of exceptions to, well, we might not want to do this in the future. Mr. Speaker, we need to give our team that's protecting us all of the tools that are available.

We're going to vote for this today because we think it's the right thing, but we think it ought to be made permanent. We think it ought to be a provision that all of our law enforcement, all of our intelligence officials understand why we're doing this, and we want to send them a strong signal: Protecting this country is not something that should be taken lightly from a perspective of what might expire. We want to give them all of the tools that are necessary. We want to make it permanent. Let's put it in their permanent training manual, not in an exception rule that they have to follow up and retrain people about what the law is.

Protecting this country should not be something that is related to whether we have an expiring provision or not. Let's make it permanent. Let's get that done. It would be my hope that the Intelligence Committee of this House would move to get that done as soon as we've passed this today.

I yield back the balance of my time.

Mr. PERLMUTTER. Mr. Speaker, I thank my friends from Texas and California for their comments, and their comments indicate that they support this rule.

This rule allows for the passage, ultimately, of an extension of time on three important surveillance tools that we now have within our arsenal. There is no disagreement between the sides at all as to the need for the passage of this rule and the need to move forward. So, I would urge a ''yes'' vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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

□ 1239

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland) at 12 o'clock and 39 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 1105, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 237, nays 176, not voting 19, as follows:

[Roll No. 66]

YEAS—237

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
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Markey (CO)
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McGovern
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Miller, George
Mollohan
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Moran (VA)
Murphy (CT)
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Murphy, Patrick
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Obey
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Owens
Pallone
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Peters
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Pingree (ME)
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Rodriguez
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Roybal-Allard
Ruppersberger
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Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
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Serrano
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Slaughter
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Space
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Velázquez
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Diaz-Balart, L.
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Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
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Goodlatte
Granger
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Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
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Scalise
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Souder
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Thompson (PA)
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Turner
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Walden
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Whitfield
Wittman
Wolf
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Bishop (NY)
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Kennedy
Pence
Pitts
Price (GA)
Radanovich
Reichert
Ros-Lehtinen
Shimkus
Stark
Towns
Westmoreland
Wilson (SC)

□ 1317

Messrs. COFFMAN of Colorado and BILIRAKIS changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PENCE. Mr. Speaker, on rollcall No. 66, I was unavoidably detained. Had I been present, I would have voted "nay."

GENERAL LEAVE

Mr. REYES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill H.R. 2701.

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

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1105 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2701.

□ 1321

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Ms. EDWARDS of Maryland in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

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

Madam Chair, I am proud to rise today in support of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010. This is an unusual time of the year for us to be considering this legislation. However, it is and remains a very important bill which addresses critical national security issues, and one that we ultimately need to see enacted.

As chairman of the Permanent Select Committee on Intelligence, my most important job is to guide the committee in providing appropriate tools, resources, and authorities to aid the dedicated men and women of the intelligence community in keeping our Nation safe. I believe that H.R. 2701 does just that.

First and foremost, this bill authorizes the activities and the funds for the 16 agencies of the intelligence community. It is difficult to talk about their roles and their missions in the open, but in some ways it is probably one of the most important things that we do on the Intelligence Committee. In addition to providing authorization for intelligence activities, this bill takes the initial important steps to improve congressional oversight of that intelligence community.

I want to highlight two legislative provisions from this year's bill that I believe will significantly improve oversight.

When this bill was marked up in committee, we made significant changes to the so-called ''Gang of Eight'' procedures. As Members know, the President has had the statutory authority to limit briefings to the Gang of Eight when they involve sensitive covert actions. It was the sense of the committee that the Gang of Eight statutory authority had been overused, and that, on matters of critical importance, the committee as a whole should have been informed. For that reason, that earlier version of the bill removed the statutory authority for limiting briefings to the Gang of Eight.

Last July, the administration issued a statement of policy on H.R. 2701 that included a veto threat with respect to the provisions that would modify the Gang of Eight notification procedures. I believe that some level of concern at that point was justified, and I have been working with the administration over the past several months to resolve those differences. Since July, there have already been noticeable improvements in the way the administration and the intelligence community are communicating and briefing Congress.

Accordingly, the manager's amendment I will offer includes a revised provision on Gang of Eight reform. I know that many Members have strong feelings about this issue on both sides of the aisle. The provision that is in the manager's amendment is intended to be a strong and significant step towards better oversight which still respects the constitutional authorities of the President. It recognizes that both elected branches have a role in national security.

I fully expect that once we pass this bill we will then revisit this issue during conference between the House and the Senate. And I am happy to work with Members to seek improvements at that time. Through this process, we will be able to find a workable solution to a problem that has persisted over the past several years, if not longer.

Another provision that I think is absolutely critical establishes a statutory Inspector General for the intelligence community. This provision will eliminate waste, fraud, and abuse, and it will also help keep a close eye on the protection of the rights of Americans.

This year's bill is truly a product of many hands. The Inspector General provision, which I just spoke about, in large part is due to the efforts of Ms. ESHOO, the chair of the Intelligence Community Management Subcommittee. The vice chairman of the full committee, Mr. HASTINGS, has offered an amendment to include critical provisions on our shared interest in promoting diversity as a mission imperative. He has been working at this long and hard for many, many years. Our newest majority member, Mr. BOREN, has worked hard to develop a pilot program to improve language capability in African languages.

The chairman of the Technical and Tactical Subcommittee, Mr. RUPPERSBERGER, has worked hard on the classified annex to make sure our approach to acquisitions and our most technical programs make good sense. He has been a pivotal part to the committee's oversight process in these very important areas.

The bill includes several provisions offered by Ms. SCHAKOWSKY, the chairwoman of the Oversight and Investigations Subcommittee, which relate to

her longstanding interest in appropriately monitoring and managing contractors in the intelligence community.

Mr. HOLT, the chairman of the Select Intelligence Oversight Panel, advocated for a provision addressing the videotaping of interrogations and another on intelligence information on the health risks faced by Desert Storm veterans.

Mr. THOMPSON of California, another subcommittee chairman, has worked hard on this bill as well. He pushed successfully for the inclusion of a provision to study the benefits paid to the families of the men and women of the intelligence community who have made the ultimate sacrifice. I am proud to support that as well.

We also received important input from the committee's minority members. Mr. KLINE of Minnesota offered an excellent amendment, which we were pleased to accept, that requires the National Reconnaissance Organization to rewrite its charter to meet its current missions. Mr. CONAWAY's personal interest in auditable financial statements led to a provision in the bill that requires the intelligence community to focus on its internal financial management and to provide a system that achieves auditability.

Madam Chair, I believe that this bill will provide the resources and the tools that the intelligence community needs to do its important work in keeping our Nation safe. That includes collection and analysis of human intelligence, signals intelligence, and geospatial intelligence.

□ 1330

It includes funds to detect and disrupt terrorist plots, to provide for intelligence support to the warfighters in Iraq and Afghanistan, and also improves the recruitment and training of a diverse and capable workforce.

During my time on this committee, I've had the good fortune to be able to travel and to meet the brave men and women of the intelligence community, both uniformed and civilian, and I am continually impressed and in awe of the great work that they do and the great morale that they have. They are dedicated, professional and highly skilled patriots, and I'm proud to offer a bill that supports them and all that they do for our great Nation.

This past December, we lost seven of those brave men and women in the attack in Khost, Afghanistan. It is for them, and for those who carry on their mission, that I proudly submit this bill today.

Madam Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chairman, I yield myself as much time as I shall consume.

Madam Chairman, annual Intelligence authorization bills should be bipartisan legislation designed to address critical national security issues and deal in a deliberate and considered way with legislation affecting the intelligence community, the personnel within the intelligence community. Unfortunately, this bill does neither. I'm forced to rise in strong opposition.

When this bill was first reported almost 8 months ago, the bill failed to address critical national security issues such as Guantanamo detainees, attempts by this administration to convert intelligence and counterterrorism into matters of criminal law and meaningful reforms to the congressional notification process.

In the nearly 8 months since this bill was reported out of committee, our country has suffered two major terrorist attacks and a significant number of near misses. During that time, the majority took no time and no action to bring this bill to the floor.

In 8 months nothing was done to fix the flaws in our intelligence community that were apparent to every American in the wake of the first attack at Fort Hood and, later, the Christmas bombing attack on an American airliner.

In 8 months, nothing was done to clarify who is in charge of interrogation of high-value terrorist detainees, these people that are captured around the world who want to do harm to America.

In 8 months, nothing was done to provide a long-term renewal of our critical intelligence authorities under the USA PATRIOT Act.

In 8 months, nothing was done to, once and for all, stop hard-core, radical jihadist terrorists from being brought into the United States, despite the clear opposition that has arisen to this ill-considered idea from average Americans across the country.

In 8 months, nothing has been done to clarify how covert actions should be conducted or authorized when they could have deadly effects on American citizens. Nothing has been done.

Then, you go through and you take a look at the amendments that we wanted to propose that would have addressed these issues, and all of these were thrown out by the majority, an amendment that would direct the DNI to establish a panel to review the intelligence relating to weapons of mass destruction programs of Iran. Politically speaking, our intelligence community is now to the left of the United Nations as to our assessment of what Iran's capabilities are, to the left of the ill-fated National Intelligence Estimate that came out under the previous administration.

We've asked for an independent panel of experts to give us a red team review. Our colleagues on the other side of the aisle said, no, that's not necessary.

We asked for an amendment that would require the CIA to release publicly unclassified versions of documents relating to the use of enhanced interrogation techniques, this controversial background as to who knew what when, including some of the leading Members of this body. We asked for those documents to be released. The majority said no.

We asked for the prohibition of funds to bring Guantanamo detainees into the United States. The majority said, we won't even debate it. We won't consider it. We won't allow for an amendment that would do just that.

We asked for a report requiring the DNI to submit a report detailing steps taken to fix problems identified in the President's Fort Hood intelligence review prior to December 25. Why? Because the incident on November 5 had striking parallels to what happened on December 25, and we thought it was fair to ask the question and ask the Director of National Intelligence: With the information that you gained on November 5, what actions did you take that might have helped prevent what happened on Christmas Day? And the answer was, no, we don't think that that would be a worthwhile effort to ask the intelligence community those kinds of tough and difficult questions and be held accountable to this body.

And then we said we had another amendment that said, Don't we think it would be appropriate that we actually establish a process for the authorization and the notification of covert actions that may result in the death of a targeted U.S. citizen? It doesn't get into a debate as to whether that is appropriate, an appropriate course of action. It just says, don't we think that the intelligence community and the executive branch should have in place a detailed process of how these decisions are made, how they are authorized, and when Congress would be notified? And the answer from the majority was no. A process that would give us an idea as to how the administration would authorize and notify Congress when they took actions that might result in the death of a targeted U.S. citizen, a targeted U.S. citizen.

And these are just the amendments that were not considered, substantive, serious issues that the majority is unwilling to debate, to discuss and to address.

Later on, as we go through the day and as we take a look at the manager's amendment and the other amendments, we'll take a look at the striking contrast between what the majority is willing to debate and discuss and to act on, and what they are unwilling to debate and discuss. And it has a direct impact on the safety of each and every American.

Madam Chairman, I reserve the balance of my time.

Mr. REYES. Madam Chairman, now it's my privilege to yield 3 minutes to my good friend and chairman of the Armed Services Committee, the gentleman from Missouri (Mr. SKELTON), who actually has jurisdiction over some of the issues that the ranking member mentioned just a couple of minutes ago.

Mr. SKELTON. Madam Chairman, first, let me thank the gentleman from Texas, Chairman SILVESTRE REYES, for

the hard work that he did on this bill. So I rise today in strong support of the Intelligence Authorization Act.

From my perspective as chairman of the Armed Services Committee, it's a good bill, one that will support the intelligence needs of our soldiers, sailors, airmen and marines. Every day, American men and women who are deployed into harm's way depend on the intelligence capabilities authorized by this bill to achieve their missions. I cannot state strongly enough about how those in uniform who are in harm's way depend upon the intelligence that they receive.

This legislation ensures continued delivery of quality intelligence products and capabilities through our warfighters. It will lead to important improvement in the future.

As I've said before, the relationship between the intelligence community and the Department of Defense is fundamental to the success on the battlefield. This bill strengthens the relationship by expanding the intelligence community's technical and human collection capabilities.

It adds significant resources to modernize signals intelligence capabilities, and other cutting-edge technologies that are the foundation for intelligence support for our warfighters in Afghanistan. The bill also adds resources for HUMINT collection against terrorists and other enduring and emerging global security issues in Asia, Africa, as well as in Latin America.

This measure will improve oversight of the intelligence community by creating a statutory and independent intelligence community-wide inspector general.

And, finally, this bill enhances cybersecurity, which is becoming very, very important, cybersecurity efforts by authorizing significant investments to support the President's comprehensive cybersecurity strategy.

I congratulate Chairman REYES on bringing this bill to the floor and urge my colleagues to join me in supporting this very, very important measure.

And I might add, Madam Chairman, that we, on the Armed Services Committee, have dealt with some, and have the jurisdiction of dealing with some, matters that my friend from Michigan mentioned a few moments ago. They are within our jurisdiction.

Mr. HOEKSTRA. Madam Chairman, at this time I would like to yield 4 minutes to a member of the committee, Mr. THORNBERRY from Texas, who will talk about the continued efforts by this administration in what appears to be a war on the intelligence community, a legal war on our intelligence community, the brave men and women in that community.

Mr. THORNBERRY. Madam Chairman, I appreciate the distinguished ranking member yielding to me.

In many ways, this bill is a tale of two bills. Part of this bill is the classified annex where specific dollar amounts are allocated to various programs. And the classified annex, I'm happy to report, is a bipartisan product. And I appreciate the chairman of this committee, Subcommittee Chairman RUPPERSBERGER, and others working with Republicans compromising from both sides, but having a bipartisan product that has the support, I believe, of the full Intelligence Committee and should have the support of the full House. Unfortunately, that is not the case with the other provisions of this bill, the policy provisions of this bill, which are deeply disturbing.

As the ranking member has indicated, a number of key issues, whether it's Guantanamo, to reading Miranda Rights, have not even been allowed to be debated and voted on on the floor of the House. Those issues have been shoved aside.

Instead, what we have in the underlying bill are 41 new reports, plus an additional 17 more reports that would be required of the intelligence community in the manager's amendment. But deeply buried within the blizzard of all those reporting requirements is something that is deeply disturbing, and that is a new criminal part of the statute that would apply only to the intelligence community when they try to elicit information from a terrorist that can prevent future terrorist attacks.

And I think it would be helpful for all our Members to just remember a bit of the history here. Last year the Obama administration released a number of classified memos detailing interrogation techniques, despite the appeal of five former CIA directors not to do it, because doing so would harm our efforts against a terrorist. They did it anyway.

Then, secondly, last year, the administration decided that they would re-investigate CIA personnel who were involved in interrogations, even though it had been thoroughly investigated and there was no basis found for any sort of prosecution. Instead, the Obama administration decided they wanted to appoint a special prosecutor to go after those people again.

Third, there's an effort to bring lawyers up on ethics charges because some people disagree with the legal opinion that they reached. And, of course, just recently we found that that effort has failed.

Fourth, last year, the Speaker, under pressure from questions about what she knew about these interrogations, alleged that the CIA lies all the time, despite the considerable evidence that she had been fully briefed about the interrogations. And the Speaker's charge was so indefensible that this bill got postponed for 7 months and couldn't even come to the floor, in order to protect her.

□ 1345

So you see that string of going after the intelligence community of making accusations against them. And then what we find in the manager's amendment is this provision that creates new crimes only for the intelligence community when they try to illicit information. It is rather remarkable.

Anywhere in America, if a prison guard tries to wake a prisoner up, it's okay; it's part of the prison routine. Under this provision, if a terrorist does not get a proper amount of sleep, the intelligence community can be prosecuted and sent to jail for 15 years.

The CHAIR. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield the gentleman an additional 2 minutes.

Mr. THORNBERRY. Anywhere in America there is a criminal investigation, it might be pointed out to a criminal suspect that it would be better to cooperate or the death penalty could be a potential punishment for his crime. It is against the law under this McDermott provision for an intelligence professional to in any way threaten physical harm or coercion against a terrorist in order to get information. In other words, what goes on every day all across America in the criminal justice system would be prohibited in this provision in the manager's amendment.

It is in many ways unthinkable. In many ways, it's topsy-turvy land where we forget who the good guys are, who the guys trying to keep us safe are, and who the bad guys are. It's all turned upside down.

We all remember the photos of abuses from Abu Ghraib in Iraq. They were deplorable. The people responsible were prosecuted under the criminal law, as they should have been. But to extrapolate from that, the source of restrictions here starting on page 33 of the manager's amendment is, I think, indefensible.

Intelligence is a serious business. The people who are involved in it risk their lives to keep us safe. And to threaten, as this law would, to put them in jail for 15 years if they don't give somebody, whatever the terrorist says is part of their individual religious beliefs, I think, is dangerous, irresponsible. And it tells the intelligence community that we talk so much but we're not going to back up our words; in fact, we're going to prosecute you. That's a mistake.

I am deeply disturbed by some of the trends in this bill, and I hope that the manager's amendment will not be adopted, and if it is, this bill should certainly be rejected.

Mr. REYES. It's now my pleasure to yield 1½ minutes to my good friend and former member of the House Intelligence Committee who still is a valued resource for us, Mr. BOSWELL from Iowa.

Mr. BOSWELL. Madam Chair, I would like to engage the chairman of the Intelligence Committee for the purposes of a colloquy.

Mr. REYES. Madam Chair, I am happy to oblige my good friend, Mr. BOSWELL.

Mr. BOSWELL. I would like to clarify the intent of section 312 of H.R. 2701

regarding the authorization of the Intelligence Officer Training Program.

As I understand it, that section will authorize the Director of National Intelligence to provide grants to institutions of higher learning to develop, among other things, innovative methods of teaching high-priority foreign language skills.

Is my understanding of this provision correct?

Mr. REYES. You are correct, Mr. BOSWELL.

Mr. BOSWELL. My understanding is that Drake University in Des Moines, Iowa, has a highly innovative foreign language skills program. Under that program, Drake students work with native speakers in groups of five or fewer three times a week. Such students may also take a ''strategies'' course, which has several goals, including helping students approach the culture they are studying through a nonethnocentric lens.

Former students of this program have gone on to teach in China, become Fulbright Scholars, provide translation services, perform nonprofit and missionary work in El Salvador, complete advanced degrees in languages, and excel in the corporate world more generally.

Is Drake University's language program the type of program that the intelligence community believes would be a good candidate to receive a grant from the ODNI under section 312 of H.R. 2701?

Mr. REYES. Having had the opportunity to visit Drake University with you, you are correct.

The CHAIR. The time of the gentleman has expired.

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

Mr. BOSWELL. Thank you, Chairman REYES, for that comment and that visit. That is correct. I appreciate that.

I want to thank you for the clarification.

Mr. HOEKSTRA. I would like to yield 4 minutes to my colleague from Michigan, a strong defender of the Intelligence Committee, Mr. ROGERS.

Mr. ROGERS of Michigan. I can't tell you how disappointed I am in this bill for all that is at stake in the country.

When there was a switch in debate about how we approach the war on terror, that's a legitimate argument, a legitimate debate to have, and we should do it under the light of day with all of the sets of consequences that come with any change of policy about how we go after terrorists overseas. And the notion that was brought out that, gee, if we just treat this like a law enforcement environment, if we treat it the way we would treat the average American citizen and extend the rights and the privileges to foreign-trained terrorists, the world will like us, the world will be a better place, we will have no more problems, they're going to go away, we will get them in the courtrooms of America, there is a fundamental flaw with doing this.

In order to fully function as a law enforcement effort, the administration has sent FBI agents overseas into the battlefield to read Miranda rights to tell foreign-trained terrorists who probably couldn't find, some of them, America on a map that you have the right to remain silent; if you can't afford a lawyer the United States will appoint one for you; we will pay for it.

The fact that if they get to the airport and stand in line with an explosive device next to you or your children or a family member or some other American citizen, we will catch them then, and we will put them in trial and read them their Miranda rights even though they were recruited overseas, trained overseas, in many cases surreptitiously moved to different parts of different countries in order to get every aspect of their training. And they're taught that they are on a combat mission. That is what they're taught, that your goal in this event is to go cause harm and casualties and chaos to Americans on American soil or to our allies on their soil. So they look at this as they have when they've declared war numerous times. They have declared war on the United States, and they're ready to kill Americans to prove their point.

So some notion that by the time they get to the airport or board the plane we've been successful because we've had the opportunity to read them the Miranda rights is fundamentally flawed, and that is a fight that we will lose. We're going to lose that fight. You can't hire enough TSA agents. You can't hire enough domestic FBI agents. You can't send enough FBI agents into the battlefield to read Miranda rights to stop their effort.

When you treat them like a criminal and read them their rights, you allow a defense attorney to start the negotiations about how much they will or will not cooperate. That starts. That happens. Clearly, the Christmas Day bomber enjoyed that same benefit.

And I'll tell you, that first 24 to 48 hours is critically important in the intelligence community because of a small thing. This guy isn't going to be able to give you all of the layout of al Qaeda and all of their financing and all of their logistical movements, but he could have given us incredibly valuable information—maybe the name of another airline that may have been targeted on that day that we didn't know about, maybe the name or the description of a bad guy who trained in how to use that explosive device or a place or a town or a person that they may have seen in their training cramp. To most people, that wouldn't mean a lot. To trained professionals in the intelligence business, it means the difference between stopping them and them being successful. That little, small piece of information can save lives.

The CHAIR. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield my colleague 1 more minute.

Mr. ROGERS of Michigan. They made a fundamental shift, from proactive intelligence overseas to find them where they train, to where they finance, to where they recruit, to a law enforcement effort to bring them back to the United States. We're bringing foreign-trained terrorists to the United States and putting them in mainstream courtrooms. We're prosecuting CIA officers for following legal advice from the Department of Justice in interrogation. So we're treating CIA officers like criminals, and we're treating foreign-trained terrorists like Americans with all of the benefits and the privileges therein.

You almost couldn't make this up. You couldn't come to this conclusion. And with it, we've got consequences.

When you look at the series of events from the Fort Hood shootings to the Christmas Day bomber and the mistakes that were made and the lost opportunity for disruption, we all ought to sit down and work this out and get us back to where we're putting the interests of Americans first versus the interests of the rights of terrorism before the safety and security of the United States.

I strongly urge a rejection of this bill.

Mr. REYES. Madam Chair, I don't quibble with the opinions that my friends on the other side of the aisle have. It's just facts that don't support those opinions that I quibble with. They're not entitled to their own facts.

I now yield 1½ minutes to a new member of our committee, the gentleman from Oklahoma (Mr. BOREN), a valued member of our committee.

Mr. BOREN. Madam Chair, I rise today in support of H.R. 2701, the Intelligence Authorization Act for Fiscal Year 2010. This bill makes an excellent product and much needed investment in many critical areas, including those that have been previously underresourced.

One of the most important investments is this bill's commitment to developing foreign language capabilities, specifically in African languages that have historically been underrepresented within the intelligence community. The bill creates a pilot program under the National Security Education Program, or the NSEP. It expands the David Boren Scholars by requiring the Director of National Intelligence to identify high-priority African languages for which language education programs do not currently exist. The NSEP would then develop intensive training programs for implementation in both the United States and in countries where these languages are spoken.

Let's not forget that 10 years ago we didn't anticipate the conflicts along the Afghanistan-Pakistan border and the need for speakers of the local languages and dialects. When the need arose, we didn't have the capabilities to meet immediate demands, and to this day, we are still playing catch-up.

Similarly, we cannot predict from where the next crisis will emerge, but by recognizing the current instability in the Horn of Africa, Sudan, and Congo, we can anticipate crises that will impact national security.

The CHAIR. The time of the gentleman has expired.

Mr. REYES. I yield the gentleman an additional 15 seconds.

Mr. BOREN. We should be training the linguists and translators in the relevant languages now so that once again we are not reactive in our efforts; we're proactive in our actions.

I urge support for this bill.

Mr. HOEKSTRA. At this time, I'd like to yield 2 minutes to my colleague from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the ranking member for yielding.

This is a very unfortunate bill, and I think this side of the aisle has sufficiently laid out abundant reasons why it should be sent to the committee and fixed. The intelligence community is too important to our national security to allow a bill with as many concerns as this one to pass.

However, I am here also to discuss what I see as a fatal flaw in the way information is disseminated to Members of the House who are not committee members.

Nothing is more critical to the role each of us plays in representing our districts and this country than for us to have every relevant piece of information available to us prior to casting an important vote—certainly prior to casting a vote on one updating the authorizations for the way our government gathers intelligence. Yet many Members of this House have been denied access to key pieces of information simply by virtue of the fact that they do not sit on the Intelligence Committee.

I recognize that membership on any given committee in this Chamber means that one is given access to matters in a special capacity. I respect that. I would even say that dividing up responsibilities is critical in achieving everything in a body as large as this one, but not being a member of the committee should not translate into having access to nothing that falls under the jurisdiction of this committee. Certainly, there are some pieces of information that are so important, of such importance to national security, that every Member of this body, should they so desire, should have access.

Last summer, the story broke about photographs alleging detainee abuse at Guantanamo.

□ 1400

I formally requested, through the Intelligence Committee, access to these photos. I assumed it would be a simple request. In 2005, similar photos at Abu Ghraib were made readily available to every Member of this House by the same committee under the leadership of then-Chairman HOEKSTRA.

This time, after months of no response, I was informed that the committee did not retain the photos and could not or would not allow nonmembers of the Intelligence Committee access. At the same time as my request to view these photos, I requested to review the classified CIA Inspector General report titled ''Counterterrorism Detention and Interrogation Activities.''

The CHAIR. The time of the gentleman has expired.

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

Mr. BURGESS. After months, I was denied my request, no reason given for the denial. I can hardly believe that on an issue as critical and crucial as this I would not be allowed access. I believe strongly that for me to vote on something as important as the Intelligence Authorization Act I should have access to every bit of information.

Finally, on the shooting at Fort Hood, I asked to have attendance at the briefing that was being given. But because a business meeting had to occur before I would be granted permission and none was scheduled, I simply could not attend.

Madam Chair, this bill has problems on many, many levels, but it is impossible for me to vote in the affirmative given the restrictions on activities of members of the minority from this committee.

Mr. REYES. Madam Chair, just so we are clear, it doesn't appear that some members of the other aisle realize how important the rules are. The rules of the House apply to everyone on a bipartisan basis. The information he sought was denied from our committee because it didn't fit the criteria and the rules of the House.

With that, I now yield 2 minutes to my friend from the Armed Services Committee, chairman of the Readiness Subcommittee, and a new member of our House Intelligence Committee this year, Mr. SMITH of Washington.

Mr. SMITH of Washington. I certainly think there are a lot of very good things in this bill. Our intelligence community is a critical piece of fighting terrorism. Their counterterrorism efforts are absolutely at the top of the list of what the Intel Committee does.

We are supporting all of our agents in the CIA and throughout the intelligence community, and we thank them for their brave efforts. We are aware that they are putting their lives on the line to prosecute this war every single day. This bill supports them across the board. It has the resources and support they need to do their job.

I could say a lot more about that, but I really want to take issue with some of the things that the minority has said, in particular with these alleged massive changes to our approach to counterterrorism. We have heard about Miranda all day long and what the Justice Department does.

It would surprise people listening to the debate to know this administration has not changed the policy on when or when not to give Miranda to people in the field. Under the Bush administration, the Justice Department went through the same set of issues. If you are looking at a domestic U.S. prosecution of that individual, then you give Miranda. If not, you don't.

There is no blanket order across the Justice Department right now telling the FBI to give Miranda to everybody it has captured throughout the world. It does not exist. It did not happen, despite what the minority has said. You have to make that decision.

In addition, we continue, under the Obama administration, to hold people right now, without Miranda, without trial, without those rights, terrorists from foreign places that we can't do anything else with but we understand they are a threat. That policy has not changed.

What we have attempted to do is clarify those policies for the members of the intelligence community in the field so they know what they are supposed to do and, yes, also to prevent things like Abu Ghraib and Guantanamo, which every single member of the Armed Forces and the intelligence community has told us was a crushing blow to our effort in the counterterrorism effort. To do that, to make those changes is necessary.

But to listen to the minority, you would think that we have given up prosecuting terrorists outside of civilian court.

We haven't. You would think that we would read Miranda to absolutely everybody. We don't. We are trying to make intelligent decisions.

The CHAIR. The time of the gentleman has expired.

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

Mr. SMITH of Washington. We need to do a better job of intelligence. We need to better coordinate that intelligence. That's what I think we learned from the Christmas Day attack. There is stuff in this bill to try to do this.

We need to do oversight better. We need to have a better idea from the intelligence community to do what they are going to tell us and when, and to make sure there is a record of it, which is in this bill, so that no one can later dispute what they were or were not told.

The minority has a critical role to play in making that happen. Instead they make these baseless charges that somehow we have given up in the fight on terror and we are not supporting the intelligence community. That is absolutely untrue. Majority and minority strongly support our intelligence community, and we are absolutely committed to prosecuting this war to the fullest extent possible.

Mr. HOEKSTRA. Madam Chair, how much time do we have remaining on each side?

The Acting CHAIR (Ms. JACKSON LEE of Texas). The gentleman from Michigan has 10½ minutes and the gentleman from Texas has 13½ minutes.

Mr. HOEKSTRA. I would like to reserve my time until we are more equal.

Mr. REYES. Madam Chair, I now yield 2 minutes to the chairman of the Terrorism-HUMINT, Analysis and Counterintelligence Subcommittee, my good friend from California (Mr. THOMPSON).

Mr. THOMPSON of California. Thank you, Mr. Chairman, for yielding.

I am pleased that this legislation supports critical U.S. intelligence capabilities at a level higher than we ever have in past years. This bill improves the intelligence community's ability to understand hard targets, those countries that pose the greatest strategic threat to U.S. interests.

But it also increases funds for intelligence collections that will support U.S. policy decisions in other important regions such as Africa, Latin America, and Asia. We must continue to focus our resources on our priority targets, but we can't neglect emerging threats. This bill does both.

The bill also includes an amendment that I introduced in committee in conjunction with our colleague, DAVID PRICE of North Carolina, to improve the effectiveness of interrogations and prevent a return to past abuses.

It calls on the Director of National Intelligence to evaluate scientific research on interrogations and assess how to improve our U.S. interrogators' training. It also requires the DNI to assess the ethics training provided to interrogators so they understand the boundaries within which they can operate.

Finally, the bill contains a provision that I sponsored that requires the newly created Inspector General of the intelligence community to study the intelligence community's electronic waste disposal procedures. This provision was designed to protect not just our environment, but also our security. The Inspector General must assess both the environmental impact of these practices and the steps taken to ensure that discarded devices do not contain sensitive information that our adversaries would be able to exploit.

Madam Chair, this legislation will strengthen the capabilities of our intelligence communities and makes our Nation safer.

I urge my colleagues to support this bill.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

I hope that as we have the general debate on this bill right now that we have at least one person who will come up on the other side and explain exactly what is in the McDermott amendment, what it means and what the implication will be to our men and women in the intelligence community. We hear over and over again how ''we support the intelligence community''—without a single hearing.

Perhaps with about 1 minute of debate on the manager's amendment that has been allotted to that McDermott amendment, we will fundamentally change the nature of the intelligence community, how they work and how they operate by creating new criminal statutes, not a minute of hearings in this committee, and all of a sudden it appears out of nowhere in a manager's amendment.

Would someone on the other side please explain the rationale for bringing that in this bill with having no hearing when it will have a fundamental impact on the intelligence community? What is the rationale, and why was the majority unwilling to have hearings on this issue? Why were they unwilling to debate this issue, and why did they bury it into a manager's amendment with 22 other amendments?

Mr. REYES. Madam Chair, I am now pleased to yield 2 minutes to the chair of the Homeland Security Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, and our former ranking member of the House Intelligence Committee, Ms. HARMAN of California.

Ms. HARMAN. I thank the gentleman for yielding to me and hope that what I am about to discuss is supported by the current ranking member.

I rise in strong support of the manager's amendment, which includes two provisions which I authored and which address problems continuing to impede our efforts to keep our country safe.

First, it requires the Inspector General of the intelligence community to report to Congress in 180 days on overclassification of intelligence. Stamping documents ''secret'' or ''top secret'' for the wrong reasons interferes with accurate, actionable, and timely information sharing within the Federal Government and with State and local law enforcement. Protecting sources and methods is the right reason to classify information, but protecting turf or personal embarrassment is not.

D.C. Police Chief Cathy Lanier says she hesitates to share information with the Federal Government for fear it will be immediately classified and rendered useless because she can't tell her officers in the field what to look for when on patrol. A variety of civil liberties and good government groups support our amendment, and I am glad it's in the manager's amendment.

Second, Madam Chair, the manager's amendment requires the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, to assess intelligence on harmful radiological materials, including highly disbursable substances like Cesium-137. It's not possible in this open setting to describe the threat posed by unsecured radiological materials, but a range of experts, including the Defense Science Board, have warned about the danger posed by medical equipment that uses this material.

These machines are in hospitals across the country, in every major town and city. They are not tamperproof. The Departments of Energy and Homeland Security are adding short-term hardening measures to these machines, and the Nuclear Regulatory Commission is investigating alternatives. They need more support.

My thanks to the Rules Committee and to Chairman REYES for including my provisions in the manager's amendment. I am very pleased that after 4 long years we will probably pass an intelligence authorization bill today. I urge an ''aye'' vote.

Mr. HOEKSTRA. I thank my colleague from California for coming down and explaining her amendments. These are issues that we have talked about in the past, and congratulations for having them included in the manager's amendment. I support those kinds of amendments, because they have been discussed and they have broad bipartisan support.

There are other parts of the manager's amendment which I am strongly opposed to because they haven't even had any dialogue, debate or hearings on that.

To discuss one of those, I yield 2 minutes to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Chair, I agree with much of what has been said on the other side of the aisle about the good provisions in this bill. I am also disappointed, as the ranking member talked about, that a number of substantive issues were not even allowed to be discussed and voted on.

But in my mind all of that is dwarfed by the provisions in the last section of the manager's amendment beginning on page 32, and I would recommend every Republican and Democrat in this House read for him- or herself this language, because it is a devastating blow to the professionals in our intelligence community who we ask to keep us safe. This language delineates a number of specific acts that it says by law are cruel and degrading treatment. One of those acts is prolonged isolation.

As I mentioned earlier, any prison or county jail anywhere around the country sometimes has to put a prisoner into solitary confinement. But under this law, if an intelligence community professional does that, he is liable for up to 15 or more years in jail for prolonged isolation.

If he does anything that would blaspheme a terrorist's religious beliefs, or cause him to participate in action intended to violate his individual religious beliefs, he is guilty of violating a criminal statute and that intelligence professional whom we count on to keep us safe goes to jail—not the terrorists, but the guy or lady that we are counting on to keep us safe.

There is provision after provision, whether it's deprivation of sleep, even threatening to use force, the religious provisions, as I mentioned, or any act that is the equivalent of this laundry list—sensory deprivation—the terrorists who would be captured would be treated more gingerly than any criminal in any county jail or any prison across the country. This is wrong, and it's reason enough to reject the bill.

Mr. REYES. Madam Chair, I now yield 2 minutes to the chairwoman of the Subcommittee on Intelligence Community Management, a valued member of my committee, Ms. ESHOO from California.

□ 1415

Ms. ESHOO. I thank the chairwoman, and I thank our distinguished chairman for his wonderful and dedicated leadership of the House Intelligence Committee.

It's been far too long since we've had an Intelligence authorization bill enacted. Because Congress has the responsibility to set guidance for the intelligence community to strengthen our national security, which is really our highest obligation here in Congress, I am really pleased that this critical legislation is on the floor today.

This bill take some very important steps to increase congressional oversight of the intelligence community, which is very much needed. I would like to address two in particular that came out of the subcommittee that I am proud to chair.

First, the bill creates an independent intelligence community inspector general. So many of the issues in the intelligence community cut across multiple agencies, and today there is no one who can look at all sides of these issues. This inspector general will have the dual responsibility to report to the Congress, not just to the Director of National Intelligence, increasing our oversight.

Second, this bill allows the GAO to conduct audits and reviews of the intelligence community. We all know the value of the GAO's assessments firsthand. Their reputation for objective, thorough reviews is second to none. But today, the intelligence community refuses to allow GAO in the door, even when Congress has asked them to investigate. This is not going to stand because the bill corrects it.

The bill increases oversight of the security clearance process and takes steps to improve information sharing, both high priorities of my subcommittee. We have had numerous hearings on these topics and will continue to do so.

Finally, my colleagues, we all take this responsibility to oversee the intelligence community very seriously. We are the eyes and ears of the American people to examine the issues that are hidden behind the walls of classification, and as the voice of the American people to ask the questions which they cannot. This bill strengthens our ability to do just that, and I urge my colleagues to support it.

The Acting CHAIR. The gentlewoman's time has expired.

Mr. REYES. I yield the gentlelady 15 additional seconds.

Ms. ESHOO. Finally, I would like to say in response to really a terrible charge that was made by one of our colleagues on the other side of the aisle that this bill weakens the intelligence community, that it is an attack on the intelligence community: we can't let that stand. There isn't anything farther from the truth. This is singularly the largest Intel authorization with its base budget in the history of the United States of America. We are giving to the intelligence community the very tools that it requires, that it has requested, and are glad to do so.

Mr. HOEKSTRA. Madam Chair, I would like to yield 2 minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. I, too, along with my colleague from Texas, and certainly the ranking member from Michigan, want to bring to the attention of this body just how dangerous the amendment is that says this, ''Any officer or employee of the intelligence community who, in the course of or in anticipation of a covered interrogation, knowingly commits, attempts to commit or conspires to commit an act of cruel, inhumane, or degrading treatment.'' And it goes on to talk about infringing on their religious beliefs by any notion whatsoever that isn't defined in the bill.

Sleep—it talks about lack of sleep. As a matter of fact, the interrogators are probably getting a lot less sleep than actually the terrorists they are interrogating because they also process the information before and after the interrogations.

You have created a whole new direction to go after the very people who are interrogating people trying to kill Americans, and you are saying we are going to put you in jail if you push your limits. And by the way, torture is already against the law. Nobody, and I mean nobody, is pushing torture. What we're saying is, you cannot make this so unreasonable that they won't do it. And if you don't think that this will have an impact on an agent making the determination, should I or shouldn't I, you know what? I was hoping to turn around and find 300 screaming, cheering Americans saying thank you for your patriotism and your service, not 25 Justice Department lawyers with subpoenas.

You will absolutely freeze the intelligence community's ability to go out and get information that they need, and it is absolutely naive to believe that they're going to do it anyway. I'm sorry, that's not the way it works. These folks want to follow the law; they want to follow the Constitution. And guess what? At the end of the day, they're willing to risk their lives to protect their country and their fellow Americans, and this is the treatment that we give them.

This one provision alone will disrupt I can't tell you how many operations worldwide and is worthy of our rejection of this direction in the intelligence community.

Mr. REYES. Madam Chair, it is now my privilege to yield 2 minutes to the chairman of the Subcommittee on Technical and Tactical Intelligence, the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Madam Chair, first, I would like to focus on two of this bill's most important provisions as it relates to technical and tactical: first, cybersecurity, and, number two, space.

The bill makes significant investments in the variety of critical cybersecurity programs, a need highlighted by repeated attacks on the information technology systems of the Federal Government and private industry over the past year.

As cybersecurity evolves and intensifies, our intelligence community must be able to respond quickly and with the latest technologies available. The National Security Agency, which I'm proud to say is in my district, has already developed a number of technologies that are already helping to protect us against these threats; but we need to ensure that NSA and other intelligence agencies have the resources that they need to develop and deploy the defenses that will keep our networks running and information secure. This bill helps do that.

Second, this bill makes important investments in space. It supports the President's request to develop a new imagery capability. In addition, it supports the Senate proposal, which we must start funding to continue building upon our known capabilities.

These are critical investments, and we are prepared to see them through. We must keep major space acquisitions on budget and on schedule. We do not have unlimited resources and cannot afford to have these critical acquisitions spin out of control.

I am also pleased that the bill encourages the DNI and Director of the NRO to leverage commercial capabilities to the fullest extent possible. Commercial tools have significantly improved in recent years. Using these capabilities to complement government efforts will not only provide a cost-effective way of meeting our needs; it will support the revitalization of the long-struggling commercial space industry.

I also want to make just some response to my peers on the other side. The Intelligence Committee is a very important committee; national security is at stake. We must come together as citizens first. There are a lot of allegations—we understand there are some politics in whatever we do—but when it comes to national security intelligence, we have got to find a way to make sure we focus on the priorities. Those priorities are in this budget.

There are some things that we might not all agree with; but in the end, we vote on the bill that we feel is right for our Nation. And believe me, there is nothing that either side will do to help the terrorists; we will go after the terrorists with a vigor.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

There are a lot of things in this bill that are not addressed, that were not

allowed to be put in order as we went through the rules process. One of those things is how we are going to deal with the detainees from Guantanamo.

You know, at one time they were going to be moved into Kansas; the people in Kansas stood up and said no. They then were going to moved to Michigan, and the people in Michigan stood up and said no. They then were going to be moved to South Carolina, and the leadership in South Carolina said no. Now it is the people in Illinois that are fighting the valiant battle and saying, no, we don't want them in our State either.

There has been a fundamental problem in each case where the administration has proposed moving these individuals into a State; there has been absolutely no transparency. People in Michigan, people in Illinois, people in South Carolina and Kansas have all asked for the fundamental information: Who are these individuals? Why are they in Guantanamo? What did they do to deserve to be there? What has their behavior been while they have been in Guantanamo? In each case, for each of those States we've said, before the States make up their mind as to whether they are going to accept these individuals or not, share these individuals with the policymakers and the decision-makers in that State.

Mr. REYES. Madam Chair, it is probably a good point that the ranking member makes that there should be a debate on Guantanamo; unfortunately, this is not the right bill to have that debate on.

I now yield 2 minutes to the chairman of the Select Intelligence Oversight Panel, and a member of the House Intelligence Committee, a valued member, Mr. HOLT from New Jersey.

Mr. HOLT. Madam Chair, I thank the distinguished Chair of the House Permanent Select Committee for bringing this bill to the floor. As he said, it is not perfect, and there are some things that have developed since the committee sent this bill to the floor, but on balance, we need it and I support it.

I am pleased that the bill includes language I developed that mandates video recording of detainee interrogations by the Central Intelligence Agency. This provision's purpose is simple: to improve the intelligence operations of the CIA and enhance our national security by ensuring the video recording of each detainee interrogation. It requires the Director of the CIA to promulgate and to provide to Congress the guidelines under which such video recording shall be done. And it requires that the video recordings have to be maintained and so forth. I note that this provision is extremely similar to the one that was included in last year's National Defense Authorization Act and that now serves as the legal basis for video recording of detainee interrogations within the Department of Defense.

The benefits of video recording and electronically recording interrogations are evident, and law enforcement organizations across the United States routinely use the practice to both protect the person being interrogated and the officer conducting the interrogations and, importantly, to get better, more useful information. Clearly, the CIA itself valued this tool as well, otherwise it would not have made the recordings that it did of interrogations of ''high-value'' detainees that were captured in the wake of the 9/11 attacks. The amendment will allow the CIA Director to determine how to conduct the recordings in a way that protects the identity of interrogators and protects other material that must be kept secret.

Finally, the bill also advances some of my other priorities, including a sustained emphasis on improving foreign language capabilities, expanding GAO's ability to conduct investigations of intelligence community activities, and a long-overdue declassification review requirement for gulf war illness-related records at the CIA.

I urge my colleagues to join me in voting for this bill.

Mr. HOEKSTRA. I yield my colleague from Texas (Mr. THORNBERRY) 1½ minutes.

Mr. THORNBERRY. Madam Chair, our colleague on the Intelligence Committee from New Jersey talked about the importance of interrogations. It is absolutely true that much of the information that the United States has received since 9/11 which has prevented further successful terrorist attacks on our homeland has come from interrogations. That is why it is so important that we maintain that tool done by professionals in the right way, absolutely. But to tie their hands and allow those professionals conducting interrogations of terrorists even less latitude than the county sheriff or the FBI investigating a bank robbery have just seems to me to be madness. And yet the manager's amendment, which has traditionally been used for technical-type corrections, less controversial sorts of issues, the manager's amendment on this bill includes an amazing expansion of criminal liability only for those in the intelligence community.

It seems to me that before we start prosecuting members of the intelligence community for not giving terrorists the amount of sleep they ask for or for doing something that may violate whatever they describe as their religious beliefs, we ought to think twice about it.

It is important to say there is no reasonableness standard to say what is reasonably your intelligence belief or a reasonable amount of sleep; this is all at the discretion of the terrorist. We are jumping to their tune under this language. It is dangerous, and it should be rejected.

□ 1430

Mr. REYES. Madam Chair, may I inquire of the time remaining on both sides?

The Acting CHAIR. The gentleman from Texas has 3¼ minutes remaining, and the gentleman from Michigan has 3 minutes remaining.

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

Mr. HOEKSTRA. Madam Chair, I am going to be the last speaker, so we only have one speaker left.

I reserve the balance of my time.

Mr. REYES. Madam Chair, I now yield 1½ minutes to the chairwoman of the Oversight and Investigations Subcommittee, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Chair, I am proud to support this legislation because it will provide the men and women of our intelligence community with the tools they need to protect the Nation while implementing vital provisions to promote accountability and oversight.

As the Chair of the Subcommittee on Oversight and Investigations, I have worked to limit the intelligence community's dangerous overreliance on private contractors. To that end, I have worked hard to include section 338 in this bill, which requires the Director of National Intelligence to provide a comprehensive report to Congress on the intelligence community's use of personal service contracts. It is my hope that this report will finally give us a clear picture of how much our national security has been doled out to the lowest bidder.

I want to talk for a minute about the issue of torture. I think it is so important to underscore that the manager's amendment includes language originally proposed by Mr. MCDERMOTT that reiterates existing law on torture and that provides statutory criminal penalties for individuals who knowingly commit an act of cruel, inhumane, or degrading treatment.

What I have been hearing from the Republicans is that somehow we are sacrificing our national security by not allowing the torture of our enemies. In fact, I think we are enhancing our national security by saying that we will eliminate provisions which allow for terrorists to be empowered and to recruit more people. If we stick to our values, we enhance our national security. These are already in law right now, and that is all this bill does is underscore the lawfulness of the new rules.

Mr. REYES. Madam Chair, I yield 1 minute to a valued member of our committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Madam Chair, I rise in support of the intelligence authorization bill. As a member of the committee, I am confident it provides our intelligence community with the tools it needs to keep our country safe. There are two aspects of the bill that I would like to highlight.

First, the bill includes the most substantial reform to the oversight relationship between Congress and the executive branch in a generation. The bill

requires that the President provides all notifications in writing and to maintain a record of briefings. It requires the President to inform all members of the Intelligence Committees when a Gang of Eight briefing is conducted, giving members who are not in the Gang of Eight the awareness they need to prevent abuse of the process. It requires the President to open up the briefing to the full committee after 180 days unless the Director of National Intelligence recertifies that the standards of the statute are still met.

Second, the bill makes critical investments in our overhead infrastructure and architecture. This is essential to our intelligence capability and wouldn't be possible without the work of some of the most brilliant minds in the country, like the scientists at the Jet Propulsion Laboratory.

We are not giving the administration a blank check. It is imperative that our major acquisitions stay on budget and on schedule. Resources are scarce, and we cannot allow a handful of programs to spin out of control. The committee will keep a close eye on those programs.

Mr. HOEKSTRA. Madam Chair, my colleague on the other side of the aisle, Chairman REYES, has said now is not the time to talk about Gitmo. Obviously, the majority has also said now is not the time to talk about getting an independent assessment of what is going on in Iran. Now is not the time to talk about the release of unclassified versions of documents related to the use of enhanced interrogation techniques. Now is not the time to talk about bringing the Gitmo folks here. Now is not the time to talk about the time lapse between Fort Hood and Christmas Day and what did and did not happen during that period of time. Now is not the time to talk about a process for the authorization and notification of covert actions that may result in the death of a targeted U.S. citizen.

So it is not time to talk about any of those or to debate any of those issues which are absolutely critical to the effectiveness of our intelligence community and to keeping America safe.

Interestingly enough, it is the day not to talk about but to bury into a manager's amendment 22 different amendments, including one that will fundamentally change the way our intelligence community has to do business. No hearings. No discussions. No debate. Buried in there is the McDermott amendment. We are now limited to, at most, 10 minutes per side to talk about 22 amendments in the manager's amendment, which will come up immediately following this general debate. Yet it is interesting that, in the discussion of general debate, not one person on the other side was willing to defend this amendment and the process by which it was included—meaning no discussions, no debate—or to defend the content of what is included in the manager's amendment.

Is this what the process in the House has now come down to, that we bury these critical amendments between 22 other amendments? If we split up the time equally, let's see. We have 22 amendments divided by 20 minutes. We will, maybe, have 1 minute of debate. We will have 1 minute of debate on this amendment. It will be interesting when our folks in the intelligence community see what our friends on the other side of the aisle have done to them today, our friends on the other side who talk about how they so strongly defend our intelligence community. When they go visit them in the field, I would guess that they are going to get a very cold reception.

The other thing that they are going to do is they are going to have questions, and they are going to expect the majority to explain how they did this with no hearings. They are going to have to explain exactly, Now, what does this amendment do? How does it impact us? What does it mean? How is it operational?

I assume you knew that before you voted on it on the floor of the House, and my answer is going to be, I don't think they do.

I yield back the balance of my time.

Mr. REYES. Madam Chair, I understand the frustration on the minority side. As an Army veteran, as a veteran of Federal law enforcement for 26½ years, I understand and value the United States Constitution. I understand and value that we have to live by the rules. I understand and value the fact that we are a global leader that is much respected.

The gentleman talks about one amendment, and that amendment simply says, Follow the rules. Follow the law. Follow the principles that have made this country great. I understand that.

Apparently, the minority does not understand that, and I feel for them because, in the final analysis, I have been with members of the intelligence community in faraway places around the world. I have been with them and their families at Bethesda when they were recuperating from the attack in Khost. I have been to the ceremony at the CIA. I understand what they go through. This is a good bill. It deserves everybody's support.

Mr. HOYER. Madam Chair, I rise in support of this Intelligence Authorization bill, which authorizes the tools America needs to detect and combat its greatest threats, including what President Obama called "a far-reaching network of violence and hatred."

In the past weeks, we've seen a great deal of evidence that policies adopted by President Obama and Democrats are working to keep Americans safer. In Pakistan, the government is cooperating for the first time in the arrest of top Taliban leaders, including second-in-command Abdul Ghani Baradar and Abdul Kabir, a member of the senior leadership. At home, Najibullah Zazi has just pled guilty in federal court for attempting to bomb New York City's subway, and the Christmas Day bomber is giving us timely intelligence.

This bill continues the policies that are working and strengthens America's intelligence collection. It significantly increases funding for human intelligence, a resource that is irreplaceable in disrupting terrorist networks. To ensure the broad reach of our intelligence community, it makes important investments in language training and scholarships, so that our personnel will have the resources to infiltrate networks and intercept communications around the world. It also strengthens our defenses against the emerging threats of cyberterrorism and cyberwarfare, which, if unchecked, could have a crippling effect on our military and economy. And this legislation makes an important contribution to America's nuclear non-proliferation efforts by requiring reports on the nuclear intentions and capabilities of Iran, Syria, and North Korea, as well as on the worldwide black market in materials that could contribute to nuclear weapons.

At the same time as it strengthens our intelligence capabilities, this authorization bill also ensures that they receive reasonable and responsible oversight to protect Americans' rights. It creates an independent inspector general with responsibility for the entire intelligence community; protects the Intelligence Committees' access, through the Government Accountability Office, to the information it needs to conduct proper oversight of intelligence activities; and requires that the CIA Inspector General audit each covert action at least once every three years. To prevent the abuse of detainees that weakens our moral case to the world without making Americans safer, this bill also prohibits private contractors from interrogating detainees in CIA custody. Finally, this bill, like the recently-passed Defense Authorization bill, prevents the release or transfer of Guantanamo detainees until the president provides a plan for dealing with those detainees and mitigating any risk their release or transfer might cause.

Madam Chair, the Founders spoke of providing "for the common defense" not only because we face common threats, but because the work of overcoming them must be common to all of us. That work is far too important to be subjected to fear-mongering or the demands of the political cycle. That doesn't obligate all of my colleagues to vote for this bill, though I hope they will; but it does oblige us to conduct this debate, today and in the days to come, with the respect and responsibility that our common defense from common danger demands.

Mr. VAN HOLLEN. Madam Chair, I stand in support of the 2010 Intelligence Authorization Act.

This measure continues congress' commitment to delivering to the men and women who serve in the country's intelligence community the resources they need to conduct the vital work of protecting American lives. This bill ensures that these resources are delivered in a manner that strengthens accountability.

In addition to authorizing funding for 16 U.S. intelligence agencies and intelligence-related activities of the government, the bill contains important provisions to expand independent government oversight of the intelligence community so that the American public can be confident that the essential work of intelligence gathering is done in a manner that comports with the highest moral standards.

To ensure that all relevant members of congress are kept abreast of all important intelligence developments, the bill repeals the

''Gang of Eight'' provision which has for years limited some congressional intelligence committee member access to intelligence information and activities. With the passage of this measure, the president will be required to brief all covered members of congress on the covert actions and programs of the government. This will ensure that all officials who have been elected to oversee intelligence matters are briefed and aware of events as they unfold.

To help combat waste, fraud and abuse, the bill creates a new Office of the Inspector General and invests the office with subpoena powers and important protections to ensure its independence.

Madam Chair, Congress has not sent an intelligence authorization bill to the president for his signature in more than 5 years. That means for five years, congress has not been a full partner in the development of this country's national security policy. We need to pass this bill, not only to fulfill our oversight responsibilities, but also for the sake of the brave men and women in and out of uniform who have dedicated themselves to the important work this bill helps to fund.

Mr. PRICE of North Carolina. Madam Chair, I rise today in strong support of this legislation. It has been five long years since an intelligence authorization bill was last signed into law, and each new revelation about the conduct of the previous administration testifies to the need for effective congressional oversight of the intelligence community.

This bill also provides an opportunity to move beyond questions of misconduct and abuse to address the longer-term challenges of improving our intelligence capabilities, making them responsive to cyber-security and other new threats, and ensuring that they are accountable to Congress and the American public.

I'd like to highlight two aspects of the bill on which I have worked in recent years (along with colleagues such as Ms. SCHAKOWSKY and Mr. HOLT), and which I believe are important steps toward improving the effectiveness of our intelligence operations.

First, the bill contains several provisions dealing with the use of private contractors by the intelligence community, which by some reports has come to consume nearly half of the annual intelligence budget.

It would require a comprehensive report on the number and cost of contractors employed by the intelligence community and the extent of their use for intelligence collection, analysis, and other covert activities including detention and interrogation.

It also explicitly prohibits the use of contractors for the interrogation of detainees, codifying a prohibition that the CIA itself has already adopted.

Both of these measures are based on my Transparency and Accountability in Intelligence Contracting Act (H.R. 963), and both were approved by the House in the last intelligence authorization bill but were not signed into law.

Secondly, the bill lays a foundation for making the practice of interrogation more effective, professional, and ethical.

I have worked closely with Subcommittee Chairman MIKE THOMPSON in crafting a section of this bill based on H.R. 591, my comprehensive interrogation and detention reform bill.

Our provision would require the DNI to report to Congress on:

The quality and value of existing scientific research on interrogation;

The state of interrogation training within the intelligence community, including its ethical component;

Efforts to enhance career paths for interrogation specialists; and

The effectiveness of existing processes for studying and implementing best practices.

These and other key provisions of this bill are only a start, but they represent an important first step toward improving the effectiveness and accountability of our intelligence community, and ensuring that the necessary measures we take to protect our country do not come at the cost of our fundamental values.

Finally, I feel compelled to add that my colleagues on the other side of the aisle who are claiming that this bill—and this Administration—somehow do not appreciate the threat our nation is facing have clearly neither read the text of this legislation nor given the issue much serious thought. Rather than holding up military commissions at Guantanamo Bay as a panacea for all of our ills, we should be confronting the threats we face squarely, soberly, and with vigilant attention to questions of effectiveness and ethicality—which is exactly what this bill does.

I thank Chairman REYES, Ranking Member HOEKSTRA, and the members of their committee for their leadership and their continued attention to these vital issues, and I urge my colleagues to support this legislation.

Mr. ETHERIDGE. Madam Chair, I rise today in support of H.R. 2701 the Fiscal Year 2010 Intelligence Authorization Act. This bill will make our nation safer by improving federal intelligence operations and supporting a national defense strategy that is both strong and smart.

I am proud to represent Fort Bragg and Pope Air Force Base. For many years I was the only member from North Carolina on the Homeland Security Committee. I am also a veteran of the United States Army. All these experiences make me particularly mindful of the importance of intelligence. Successful intelligence makes our men and women in the military safer. This is the least we can do for those who voluntarily put themselves in harm's way.

I am also aware of the cost of intelligence failures, where either oversight or intelligence falls short. H.R. 2701 is an important bill that both provides necessary investments in intelligence, and implements the democratic controls needed to be certain that those investments are well managed.

This bill will ensure that Congress fully understands own responses to terror. Complete review of the recent, failed attempt at an attack on Northwest Airlines flight 253 can make future attempts more likely to fail as well. Similarly, the mandated report on the anthrax attacks of nine years ago will publicize lessons learned about emerging threats, helping us to deal with similar threats more effectively in the future.

Madam Chair, I support this legislation, and I urge my colleagues to join me in passing H.R. 2701.

Mr. KUCINICH. Madam Chair, I rise in strong support of the dedicated public servants of our intelligence community. Their work to ensure our national security is to be commended. However, I must oppose the Intelligence Authorization Act of 2010.

This legislation contains provisions that implement vital measures of accountability, such as a provision to prohibit the use of funds for payment to any contractor to conduct interrogations of detainees currently in custody. I also support the provision in this legislation to establish an independent intelligence community-wide Inspector General. These provisions are an important step to ensure that mechanisms of accountability and oversight are in place. However, I remain concerned that some of the methods being employed by our intelligence community may amount to serious violations of international law and our Constitution.

Last month, The Washington Post and New York Times reported that the Joint Special Operations Command (JSOC) maintained lists of ''high value individuals'' targeted for assassination abroad, and that those lists contain U.S. citizens. What's more, the President may have authorized military operations with the express understanding that a U.S. citizen might be killed, or may be killed in the future.

Under such a policy, U.S. citizens are added to the list simply for being suspected of involvement in terrorism, in subversion of their basic constitutional rights to due process of law. Their right to a trial and to present a defense is summarily and anonymously stripped from them. History has demonstrated that the U.S. government has been mistaken when accusing someone of involvement in terrorism. Most recently, following the 2008 Supreme Court decision to afford detainees held indefinitely at Guantanamo Bay habeas corpus rights, the government was forced by federal judges to release thirty-three of thirty-nine detainees on the grounds of insufficient evidence to support accusations of their involvement in terrorism. U.S. citizens accused of involvement in terrorism are not even afforded the same rights that Guantanamo detainees are—if they are added to the targeted assassination list, their punishment is murder.

In response to these reports, I submitted a common-sense amendment that would have required the President to report to the congressional intelligence committees the identities of all U.S. citizens included on such lists, currently or in the future. My amendment was about accountability. If the Administration sees fit to revoke unilaterally the constitutional rights of U.S. citizens abroad based on suspicion of involvement in terrorism, devoid of any judicial review, it must at least be required to report to the congressional intelligence committees each time a U.S. citizen is added to a targeted assassination list.

Since the beginning of the War in Iraq more than eight years ago, I have expressed grave concern that intelligence is being fabricated or abused by the Executive Branch to justify the war in Iraq. More recently, The Nation reported that Blackwater was intimately involved in a targeted assassination program run by the JSOC and the Central Intelligence Agency (CIA) in Pakistan—a country with which we are not at war. I am gravely concerned about the use of private security contractors in intelligence work, particularly in programs that have virtually no transparency, accountability, or oversight. I remain concerned that we are continuing to conduct intelligence work in contravention of international law and in violation of the U.S. Constitution.

I will continue to work to ensure that all have equal protection under the law; and that

Congress conducts its constitutionally mandated oversight of the Executive Branch effectively.

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

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2701

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Prohibition on earmarks.
Sec. 106. Restriction on conduct of intelligence activities.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Temporary appointment to fill vacancies in Presidentially appointed and Senate confirmed positions in the Office of the Director of National Intelligence.
Sec. 303. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.
Sec. 304. Provisions relating to the Defense Civilian Intelligence Personnel System.

Subtitle B—Education

Sec. 311. Permanent authorization for the Pat Roberts Intelligence Scholars Program.
Sec. 312. Intelligence officer training program.
Sec. 313. Modifications to the Stokes educational scholarship program.
Sec. 314. Pilot program for intensive language instruction in African languages.

Subtitle C—Congressional Oversight of Covert Actions

Sec. 321. Reporting on covert actions.

Subtitle D—Reports and Other Congressional Oversight

Sec. 331. Report on financial intelligence on terrorist assets.
Sec. 332. Annual personnel level assessments for the intelligence community.
Sec. 333. Semiannual reports on nuclear weapons programs of Iran, Syria, and North Korea.
Sec. 334. Annual report on foreign language proficiency in the intelligence community.
Sec. 335. Government Accountability Office audits and investigations.
Sec. 336. Certification of compliance with oversight requirements.
Sec. 337. Reports on foreign industrial espionage.
Sec. 338. Report on intelligence community contractors.
Sec. 339. Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation.
Sec. 340. Report on intelligence resources dedicated to Iraq and Afghanistan.
Sec. 341. Report on international traffic in arms regulations.
Sec. 342. Report on nuclear trafficking.
Sec. 343. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.
Sec. 344. Study on electronic waste destruction practices of the intelligence community.
Sec. 345. Report on retirement benefits for former employees of Air America.
Sec. 346. Study on college tuition programs for employees of the intelligence community.
Sec. 347. National Intelligence Estimate on global supply chain vulnerabilities.
Sec. 348. Review of records relating to potential health risks among Desert Storm veterans.
Sec. 349. Review of pensions of employees affected by ''five and out'' program of the Federal Bureau of Investigation.
Sec. 350. Summary of intelligence relating to terrorist recidivism of detainees held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 351. Summary of intelligence on Uighur detainees held at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 352. Report on interrogation research and training.
Sec. 353. Report on plans to increase diversity within the intelligence community.
Sec. 354. Review of Federal Bureau of Investigation exercise of enforcement jurisdiction in foreign nations.
Sec. 355. Repeal of certain reporting requirements.
Sec. 356. Incorporation of reporting requirements.
Sec. 357. Conforming amendments.

Subtitle E—Other Matters

Sec. 361. Modification of availability of funds for different intelligence activities.
Sec. 362. Protection of certain national security information.
Sec. 363. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 364. Exemption of dissemination of terrorist identity information from Freedom of Information Act.
Sec. 365. Misuse of the intelligence community and Office of the Director of National Intelligence name, initials, or seal.
Sec. 366. Security clearances: reports; ombudsman; reciprocity.
Sec. 367. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 368. Intelligence community financial improvement and audit readiness.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.
Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 403. Additional duties of the Director of Science and Technology.
Sec. 404. Plan to implement recommendations of the data center energy efficiency reports.
Sec. 405. Title of Chief Information Officer of the Intelligence Community.
Sec. 406. Inspector General of the Intelligence Community.

Subtitle B—Central Intelligence Agency

Sec. 411. Review of covert action programs by Inspector General of the Central Intelligence Agency.
Sec. 412. Prohibition on the use of private contractors for interrogations involving persons in the custody of the Central Intelligence Agency.
Sec. 413. Appeals from decisions of Central Intelligence Agency contracting officers.
Sec. 414. Deputy Director of the Central Intelligence Agency.
Sec. 415. Protection against reprisals.
Sec. 416. Requirement for video recording of interrogations of persons in the custody of the Central Intelligence Agency.

Subtitle C—Other Elements

Sec. 421. Homeland Security intelligence elements.
Sec. 422. Clarification of inclusion of Drug Enforcement Administration as an element of the intelligence community.
Sec. 423. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 424. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 425. Associate Director of the National Security Agency for Compliance and Training.
Sec. 426. General Counsel of the National Security Agency.
Sec. 427. Inspector General of the National Security Agency.
Sec. 428. Charter for the National Reconnaissance Office.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.
Sec. 502. Expansion and clarification of the duties of the program manager for the information sharing environment.
Sec. 503. Classification review of executive branch materials in the possession of the congressional intelligence committees.
Sec. 504. Prohibition on use of funds to provide Miranda warnings to certain persons outside of the United States.

Subtitle B—Technical Amendments

Sec. 511. Technical amendments to the Central Intelligence Agency Act of 1949.
Sec. 512. Technical amendment to mandatory retirement provision of Central Intelligence Agency Retirement Act.
Sec. 513. Technical amendments to the Executive Schedule.
Sec. 514. Technical amendments to the Foreign Intelligence Surveillance Act of 1978.
Sec. 515. Technical amendments to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

Sec. 516. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 517. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 518. Technical amendments to the National Security Act of 1947.
Sec. 519. Technical amendments to title 10, United States Code.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Select Committee on Intelligence of the Senate.

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2010, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 2701 of the One Hundred Eleventh Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2010 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2010 the sum of $672,812,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2011.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 853 full-time or full-time equivalent personnel as of September 30, 2010. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2010 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2011.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2010, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 105. PROHIBITION ON EARMARKS.

(a) IN GENERAL.—Nothing in the classified Schedule of Authorizations, a report of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate to accompany the bill H.R. 2701 of the One Hundred Eleventh Congress, a joint statement of the managers accompanying a conference report on such bill, or the classified annex to this Act, shall be construed to authorize or require the expenditure of funds for a congressional earmark.

(b) CONGRESSIONAL EARMARK DEFINED.—In this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, or Resident Commissioner of the House of Representatives or a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process.

SEC. 106. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2010 the sum of $290,900,000.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. TEMPORARY APPOINTMENT TO FILL VACANCIES IN PRESIDENTIALLY APPOINTED AND SENATE CONFIRMED POSITIONS IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3) is amended by—

(1) redesignating subsection (e) as subsection (f); and

(2) inserting after subsection (d) the following new subsection:

''(e) TEMPORARY APPOINTMENT TO FILL VACANCIES.—Notwithstanding section 3345 of title 5, United States Code, if an officer of the Office of the Director of National Intelligence, other than the Director of National Intelligence, whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate, dies, resigns, or is unable to perform the functions and duties of the office—

''(1) if during the 365-day period immediately preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, the person serving as the first assistant to the office of such officer served as such first assistant for not less than 90 days, such first assistant shall perform the functions and duties of the office temporarily in an acting capacity subject to the time limitations of section 3346 of title 5, United States Code;

''(2) notwithstanding paragraph (1), the President may direct a person who serves in an office for which appointment is required to be made by the President, by and with the advice and consent of the Senate, to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of such section 3346; or

''(3) notwithstanding paragraph (1), the Director of National Intelligence shall recommend to the President, and the President may direct, a person to perform the functions and duties of the vacant office temporarily in an acting capacity subject to the time limitations of such section 3346, if—

''(A) during the 365-day period preceding the date of death, resignation, or beginning of inability to serve of the applicable officer, such person served in a position in an element of the intelligence community for not less than 90 days;

''(B) the rate of pay for the position described under subparagraph (A) is equal to or greater than the minimum rate of pay payable for a position at GS–15 of the General Schedule; and

''(C) in the case of a person who is employed by an element of the intelligence community—

''(i) the Director of National Intelligence shall consult with the head of such element; and

''(ii) if the head of such element objects to the recommendation, the Director of National Intelligence may make the recommendation to the President over the objection of the head of such element after informing the President of such objection.''.

SEC. 303. ENHANCED FLEXIBILITY IN NONREIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 113 the following new section:

''DETAIL OF OTHER PERSONNEL

''SEC. 113A. Except as provided in section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 402c(g)(2)) and section 113 of this Act, and notwithstanding any other provision of law, an officer or employee of the United States or member of the Armed Forces may be detailed to an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element, for a period not to exceed two years.''.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note) is amended by inserting after the item relating to section 113 the following new item:

''Sec. 113A. Detail of other personnel.''.

SEC. 304. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''covered position'' means a defense intelligence position in the Department of Defense established under chapter 83 of title 10, United States Code, excluding an Intelligence Senior Level position designated under section 1607 of such title and any position in the Defense Intelligence Senior Executive Service;

(2) the term ''DCIPS pay system'', as used with respect to a covered position, means the provisions of the Defense Civilian Intelligence Personnel System under which the rate of salary or basic pay for such position is determined, excluding any provisions relating to bonuses, awards, or any other amounts not in the nature of salary or basic pay;

(3) the term ''Defense Civilian Intelligence Personnel System'' means the personnel system established under chapter 83 of title 10, United States Code; and

(4) the term ''appropriate pay system'', as used with respect to a covered position, means—

(A) the system under which, as of September 30, 2007, the rate of salary or basic pay for such position was determined; or

(B) if subparagraph (A) does not apply, the system under which, as of September 30, 2007, the rate of salary or basic pay was determined for the positions within the Department of Defense most similar to the position involved,

excluding any provisions relating to bonuses, awards, or any other amounts which are not in the nature of salary or basic pay.

(b) REQUIREMENT THAT APPOINTMENTS TO COVERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE PAY SYSTEM.—Notwithstanding any other provision of law—

(1) the DCIPS pay system—

(A) shall not apply to any individual holding a covered position who is not subject to such system as of June 16, 2009; and

(B) shall not apply to any covered position which is not subject to such system as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to a covered position shall accordingly be subject to the appropriate pay system.

(c) TERMINATION OF DCIPS PAY SYSTEM FOR COVERED POSITIONS AND CONVERSION OF EMPLOYEES HOLDING COVERED POSITIONS TO THE APPROPRIATE PAY SYSTEM.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the DCIPS pay system with respect to covered positions and for the conversion of any employees holding any covered positions which, as of such date of enactment, remain subject to the DCIPS pay system, to the appropriate pay system. No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the DCIPS pay system should not be terminated with respect to covered positions, as required by paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the DCIPS pay system should be continued, with or without changes, with respect to covered positions; and

(B) if, in the opinion of the Secretary, the DCIPS pay system should be continued with respect to covered positions, with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

The requirements of this paragraph shall be carried out by the Secretary of Defense in conjunction with the Director of the Office of Personnel Management.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the provisions of the Defense Civilian Intelligence Personnel System governing aspects of compensation apart from salary or basic pay; or

(2) the application of such provisions with respect to a covered position or any individual holding a covered position, including after June 16, 2009.

Subtitle B—Education

SEC. 311. PERMANENT AUTHORIZATION FOR THE PAT ROBERTS INTELLIGENCE SCHOLARS PROGRAM.

(a) PERMANENT AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.) is amended by adding at the end the following new section:

''PROGRAM ON RECRUITMENT AND TRAINING OF INTELLIGENCE ANALYSTS

''SEC. 1022. (a) PROGRAM.—(1) The Director of National Intelligence shall carry out a program to ensure that selected students or former students are provided funds to continue academic training, or are reimbursed for academic training previously obtained, in areas of specialization that the Director, in consultation with the other heads of the elements of the intelligence community, identifies as areas in which the current capabilities of the intelligence community are deficient or in which future capabilities of the intelligence community are likely to be deficient.

''(2) A student or former student selected for participation in the program shall commit to employment with an element of the intelligence community, following completion of appropriate academic training, under such terms and conditions as the Director considers appropriate.

''(3) The program shall be known as the Pat Roberts Intelligence Scholars Program.

''(b) ELEMENTS.—In carrying out the program under subsection (a), the Director shall—

''(1) establish such requirements relating to the academic training of participants as the Director considers appropriate to ensure that participants are prepared for employment as intelligence professionals; and

''(2) periodically review the areas of specialization of the elements of the intelligence community to determine the areas in which such elements are, or are likely to be, deficient in capabilities.

''(c) USE OF FUNDS.—Funds made available for the program under subsection (a) shall be used to—

''(1) provide a monthly stipend for each month that a student is pursuing a course of study;

''(2) pay the full tuition of a student or former student for the completion of such course of study;

''(3) pay for books and materials that the student or former student requires or required to complete such course of study;

''(4) pay the expenses of the student or former student for travel requested by an element of the intelligence community in relation to such program; or

''(5) for such other purposes the Director considers appropriate to carry out such program.''.

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 303 of this Act, is further amended by inserting after the item relating to section 1021 the following new item:

''Sec. 1022. Program on recruitment and training of intelligence analysts.''.

(2) REPEAL OF PILOT PROGRAM.—Section 318 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 441g note) is repealed.

SEC. 312. INTELLIGENCE OFFICER TRAINING PROGRAM.

(a) PROGRAM.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441m et seq.), as amended by section 311 of this Act, is further amended by adding at the end the following new section:

''INTELLIGENCE OFFICER TRAINING PROGRAM

''SEC. 1023. (a) PROGRAMS.—(1) The Director of National Intelligence may carry out a grant program in accordance with subsection (b) to enhance the recruitment and retention of an ethnically and culturally diverse intelligence community workforce with capabilities critical to the national security interests of the United States.

''(2) In carrying out paragraph (1), the Director of National Intelligence shall identify the skills necessary to meet current or emergent needs of the intelligence community and the educational disciplines that will provide individuals with such skills.

''(b) INSTITUTIONAL GRANT PROGRAM.—(1) The Director of National Intelligence may provide grants to institutions of higher education to support the establishment or continued development of programs of study in educational disciplines identified under subsection (a)(2).

''(2) A grant provided under paragraph (1) may, with respect to the educational disciplines identified under subsection (a)(2), be used for the following purposes:

''(A) Curriculum or program development.

''(B) Faculty development.

''(C) Laboratory equipment or improvements.

''(D) Faculty research.

''(3) An institution of higher education seeking a grant under this section shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(4) An institution of higher education that receives a grant under this section shall submit to the Director regular reports regarding the use of such grant, including—

''(A) a description of the benefits to students who participate in the course of study funded by such grant;

''(B) a description of the results and accomplishments related to such course of study; and

''(C) any other information that the Director may require.

''(c) REGULATIONS.—The Director of National Intelligence shall prescribe such regulations as may be necessary to carry out this section.

''(d) DEFINITIONS.—In this section:

''(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(2) DIRECTOR.—The term 'Director' means the Director of National Intelligence.''.

(b) REPEAL OF DUPLICATIVE PROVISIONS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Section 319 of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 50 U.S.C. 403 note).

(B) Section 1003 of the National Security Act of 1947 (50 U.S.C. 441g–2).

(C) Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note).

(2) EXISTING AGREEMENTS.—Notwithstanding the repeals made by paragraph (1), nothing in this subsection shall be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect in relation to the provisions repealed under paragraph (1) on the day prior to the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note), as amended by section 311 of this Act, is further amended by—

(1) striking the item relating to section 1003; and

(2) inserting after the item relating to section 1022 the following new item:

''Sec. 1023. Intelligence officer training program.''.

SEC. 313. MODIFICATIONS TO THE STOKES EDUCATIONAL SCHOLARSHIP PROGRAM.

(a) EXPANSION OF PROGRAM TO GRADUATE STUDENTS.—Section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by striking ''undergraduate'' and inserting ''undergraduate and graduate''; and

(B) by striking ''the baccalaureate'' and inserting ''a baccalaureate or graduate''; and

(2) in subsection (e)(2), by striking ''undergraduate'' and inserting ''undergraduate and graduate''.

(b) TERMINATION.—Section 16(d)(1)(C) of such Act is amended by striking ''terminated either by'' and all that follows and inserting the following: ''terminated by—

''(i) the Agency due to misconduct by the person;

''(ii) the person voluntarily; or

''(iii) by the Agency for the failure of the person to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency specifies in the agreement under this paragraph; and''.

(c) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Section 16(e) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

(d) OTHER ELEMENTS OF THE INTELLIGENCE COMMUNITY.—

(1) AUTHORIZATION.—Subtitle C of title X of the National Security Act of 1947 (50 U.S.C. 441g et seq.), as amended by section 312 of this Act, is further amended by adding at the end the following new section:

''STOKES SCHOLARSHIP PROGRAM

''SEC. 1024. The head of an element of the intelligence community may establish an undergraduate and graduate training program with respect to civilian employees of such element in the same manner and under the same conditions as the Secretary of Defense is authorized to establish such a program under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note).''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 312 of this Act, is further amended by inserting after the item relating to section 1023 the following new item:

''Sec. 1024. Stokes scholarship program.''.

SEC. 314. PILOT PROGRAM FOR INTENSIVE LANGUAGE INSTRUCTION IN AFRICAN LANGUAGES.

(a) ESTABLISHMENT.—The Director of National Intelligence, in consultation with the National Security Education Board established under section 803(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1903(a)), may establish a pilot program for intensive language instruction in African languages.

(b) PROGRAM.—A pilot program established under subsection (a) shall provide scholarships for programs that provide intensive language instruction—

(1) in any of the five highest priority African languages for which scholarships are not offered under such Act, as determined by the Director of National Intelligence; and

(2) both in the United States and in a country in which the language is the native language of a significant portion of the population, as determined by the Director of National Intelligence.

(c) TERMINATION.—A pilot program established in accordance with subsection (a) shall terminate on the date that is 5 years after the date on which such pilot program is established.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $2,000,000.

(2) AVAILABILITY.—Funds authorized to be appropriated under paragraph (1) shall remain available until the termination of the pilot program in accordance with subsection (c).

Subtitle C—Congressional Oversight of Covert Actions

SEC. 321. REPORTING ON COVERT ACTIONS.

(a) GENERAL CONGRESSIONAL OVERSIGHT.—Section 501(a) of the National Security Act of 1947 (50 U.S.C. 413(a)) is amended by adding at the end the following new paragraph:

''(3) In carrying out paragraph (1), the President shall provide to the congressional intelligence committees all information necessary to assess the lawfulness, effectiveness, cost, benefit, intelligence gain, budgetary authority, and risk of an intelligence activity, including—

''(A) the legal authority under which the intelligence activity is being or was conducted;

''(B) any legal issues upon which guidance was sought in carrying out or planning the intelligence activity, including dissenting legal views;

''(C) any specific operational concerns arising from the intelligence activity, including the risk of disclosing intelligence sources or methods;

''(D) the likelihood that the intelligence activity will exceed the planned or authorized expenditure of funds or other resources; and

''(E) the likelihood that the intelligence activity will fail.''.

(b) PROCEDURES.—Section 501(c) of such Act (50 U.S.C. 413(c)) is amended by striking ''such procedures'' and inserting ''such written procedures''.

(c) INTELLIGENCE ACTIVITIES.—Section 502(a)(2) of such Act (50 U.S.C. 413a(a)(2)) is amended by inserting ''(including any information or material relating to the legal authority under which an intelligence activity is being or was conducted, and any information or material relating to legal issues upon which guidance was sought in carrying out or planning the intelligence activity, including dissenting legal views)'' after ''concerning intelligence activities''.

(d) COVERT ACTIONS.—Section 503 of such Act (50 U.S.C. 413b) is amended—

(1) in subsection (b)(2), by inserting ''(including any information or material relating to the legal authority under which a covert action is being or was conducted, and any information or material relating to legal issues upon which guidance was sought in carrying out or planning the covert action, including dissenting legal views)'' after ''concerning covert actions'';

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following new paragraph:

''(2) If, pursuant to the procedures established by each of the congressional intelligence committees under section 501(c), one of the congressional intelligence committees determines that not all members of that committee are required to have access to a finding under this subsection, the President may limit access to such finding or such notice as provided in such procedures.''; and

(B) in paragraph (4), by striking ''is limited to the Members of Congress specified in paragraph (2)'' and inserting ''is not provided to all members of one of the congressional intelligence committees in accordance with paragraph (2)'';

(3) in subsection (d)—

(A) by striking ''(d) The President'' and inserting ''(d)(1) The President'';

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by striking ''specified in'' and inserting ''informed in accordance with''; and

(C) by adding at the end the following new paragraph:

''(2) For purposes of this subsection, an activity shall constitute a 'significant undertaking' if the activity—

''(A) involves the potential for loss of life;

''(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

''(C) results in the expenditure of significant funds or other resources;

''(D) requires notification under section 504;

''(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

''(F) could cause serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.''; and

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

''(g)(1) A Member of Congress to which a finding is reported under subsection (c) or notice is provided under subsection (d)(1) may submit to the Director of National Intelligence an objection to any part of such finding or such notice. Not later than 48 hours after such an objection is submitted to the Director of National Intelligence, the Director shall report such objection in writing to the President and such Member of Congress.

''(2) In any case where access to a finding reported under subsection (c) or notice provided under subsection (d)(1) is not made available to all members of a congressional intelligence committee in accordance with subsection (c)(2), the President shall provide such members with general information on the content of the finding or notice.

''(3) The President shall—

''(A) maintain a record of the Members of Congress to which a finding is reported under subsection (c) or notice is provided under subsection (d)(1) and the date on which each Member of Congress receives such finding or notice; and

''(B) not later than 30 days after the date on which such finding is reported or such notice is provided, provide such record to—

''(i) in the case of a finding reported or notice provided to a Member of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives; and

''(ii) in the case of a finding reported or notice provided to a Member of the Senate, the Select Committee on Intelligence of the Senate.

''(h) Any requirement under section 501, 502, or this section to provide information to the congressional intelligence committees shall be construed to require the submission of such information to all members of such committees, unless

such information is specifically authorized not to be submitted to all members of one of such committees in accordance with subsection (c)(2).''.

Subtitle D—Reports and Other Congressional Oversight

SEC. 331. REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.

Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(2) in subsection (a)—

(A) in the heading, by striking ''SEMIANNUAL'' and inserting ''ANNUAL'';

(B) in the matter preceding paragraph (1)—

(i) by striking ''semiannual basis'' and inserting ''annual basis''; and

(ii) by striking ''preceding six-month period'' and inserting ''preceding one-year period'';

(C) by striking paragraph (2); and

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''; and

(B) in paragraph (2), by inserting ''the Committee on Armed Services,'' after ''the Committee on Appropriations,''.

SEC. 332. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 507 the following new section:

''ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE INTELLIGENCE COMMUNITY

''SEC. 508. (a) ASSESSMENT.—The Director of National Intelligence shall, in consultation with the head of each element of the intelligence community, prepare an annual personnel level assessment for such element that assesses the personnel levels of such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along with the budget submitted by the President in accordance with section 1105 of title 31, United States Code.

''(c) CONTENTS.—Each assessment required by subsection (a) shall include, for the element of the intelligence community concerned, the following information:

''(1) The budget submission for personnel costs of such element for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the preceding five fiscal years.

''(4) The number of personnel positions requested for such element for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of such element of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of such element during the preceding five fiscal years.

''(7) The best estimate of the number and costs of contractors to be funded by such element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors to be funded by such element during the current fiscal year.

''(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, of such element during the preceding five fiscal years.

''(10) A written justification for the requested personnel and contractor levels.

''(11) The number of intelligence collectors and analysts employed or contracted by such element.

''(12) A list of all contractors that have been the subject of an investigation completed by the inspector general of such element during the preceding fiscal year, or are or have been the subject of an investigation by such inspector general during the current fiscal year.

''(13) A statement by the Director of National Intelligence of whether, based on current and projected funding, such element will have sufficient—

''(A) internal infrastructure to support the requested personnel and contractor levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

SEC. 333. SEMIANNUAL REPORTS ON NUCLEAR WEAPONS PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 332, is further amended by adding at the end the following new section:

''SEMIANNUAL REPORTS ON THE NUCLEAR WEAPONS PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA

''SEC. 509. (a) REQUIREMENT FOR REPORTS.—Not less frequently than every 180 days, the Director of National Intelligence shall submit to the appropriate congressional committees a report on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea, with regard to the nuclear weapons programs of each such country.

''(b) CONTENT.—Each report submitted under subsection (a) shall include, with respect to the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People's Republic of Korea—

''(1) an assessment of nuclear weapons programs of each country;

''(2) an evaluation of the sources upon which the intelligence used to prepare the assessment referred to in paragraph (1) is based, including the number of such sources and an assessment of the reliability of each source;

''(3) a summary of any intelligence related to any program gathered or developed since the previous report was submitted under subsection (a), including intelligence collected from both open and clandestine sources for each country; and

''(4) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (1).

''(c) NATIONAL INTELLIGENCE ESTIMATE.—The Director of National Intelligence may submit a National Intelligence Estimate on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, or the Democratic People's Republic of Korea in lieu of a report required by subsection (a) for that country.

''(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the congressional intelligence committees;

''(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

''(3) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.''.

(b) APPLICABILITY DATE.—The first report required to be submitted under section 509 of the National Security Act of 1947, as added by subsection (a), shall be submitted not later than 120 days after the date of the enactment of this Act.

SEC. 334. ANNUAL REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 333 of this Act, is further amended by adding at the end the following new section:

''REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY

''SEC. 510. Each year on the date provided in section 507, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and, as appropriate, in foreign dialects, of each element of the intelligence community, including—

''(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

''(2) an estimate of the number of such positions that each element will require during the five-year period beginning on the date of the submission of the report;

''(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

''(A) military personnel; and

''(B) civilian personnel;

''(4) the number of applicants for positions in such element in the previous fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

''(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

''(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

''(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

''(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

''(9) for each foreign language and, as appropriate, dialect of a foreign language—

''(A) the number of positions of such element that require proficiency in the foreign language or dialect;

''(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

''(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

''(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

''(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

''(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

''(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

''(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

''(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

''(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

''(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

''(11) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

''(12) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.''.

SEC. 335. GOVERNMENT ACCOUNTABILITY OFFICE AUDITS AND INVESTIGATIONS.

Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 334 of this Act, is further amended by adding at the end the following new section:

''GOVERNMENT ACCOUNTABILITY OFFICE ANALYSES, EVALUATIONS, AND INVESTIGATIONS

''SEC. 511. (a) IN GENERAL.—Except as provided in subsection (b), the Director of National Intelligence shall ensure that personnel of the Government Accountability Office designated by the Comptroller General are provided with access to all information in the possession of an element of the intelligence community that the Comptroller General determines is necessary for such personnel to conduct an analysis, evaluation, or investigation of a program or activity of an element of the intelligence community that is requested by one of the congressional intelligence committees.

''(b) EXCEPTION.—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may restrict access to information referred to in subsection (a) by personnel designated in such subsection if the Director determines that the restriction is necessary to protect vital national security interests of the United States.

''(B) The Director of National Intelligence may not restrict access under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the personnel designated in subsection (a) may seek access to while conducting an analysis, evaluation, or investigation.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

''(3) The Director shall notify the Comptroller General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Comptroller General with a copy of such report.

''(4) The Comptroller General shall submit to the congressional intelligence committees any comments on a report of which the Comptroller General has notice under paragraph (3) that the Comptroller General considers appropriate.''.

SEC. 336. CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 335 of this Act, is further amended by adding at the end the following new section:

''CERTIFICATION OF COMPLIANCE WITH OVERSIGHT REQUIREMENTS

''SEC. 512. The head of each element of the intelligence community shall semiannually submit to the congressional intelligence committees—

''(1) a certification that, to the best of the knowledge of the head of such element—

''(A) the head of such element of the intelligence community is in full compliance with the requirements of this title; and

''(B) any information required to be submitted by such head of such element under this Act before the date of the submission of such certification has been properly submitted; or

''(2) if such head of such element is unable to submit a certification under paragraph (1), a statement—

''(A) of the reasons such head of such element is not able to submit such a certification;

''(B) describing any information required to be submitted by such head of such element under this Act before the date of the submission of such statement that has not been properly submitted; and

''(C) that the head of such element will submit such information as soon as possible after the submission of such statement.''.

(b) APPLICABILITY DATE.—The first certification or statement required to be submitted by the head of each element of the intelligence community under section 512 of the National Security Act of 1947, as added by subsection (a) of this section, shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 337. REPORTS ON FOREIGN INDUSTRIAL ESPIONAGE.

(a) IN GENERAL.—Section 809(b) of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. app. 2170b(b)) is amended—

(1) in the heading, by striking ''ANNUAL'' and inserting ''BIANNUAL'';

(2) by striking paragraph (1) and inserting the following new paragraph:

''(1) SUBMISSION TO CONGRESS.—The President shall biannually submit to the congressional intelligence committees, the Committees on Armed Services of the House of Representatives and the Senate, and congressional leadership a report updating the information referred to in subsection (a)(1)(D).'';

(3) by striking paragraph (2); and

(4) by redesignating paragraph (3) as paragraph (2).

(b) INITIAL REPORT.—The first report required under section 809(b)(1) of such Act, as amended by subsection (a)(2) of this section, shall be submitted not later than February 1, 2010.

SEC. 338. REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) REQUIREMENT FOR REPORT.—Not later than November 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report describing the use of personal services contracts across the intelligence community, the impact of the use of such contracts on the intelligence community workforce, plans for conversion of contractor employment into Federal Government employment, and the accountability mechanisms that govern the performance of such personal services contracts.

(b) CONTENT.—

(1) IN GENERAL.—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community relating to minimum standards required regarding the hiring, training, security clearance, and assignment of contract personnel and how those standards may differ from those for Federal Government employees performing substantially similar functions;

(B) an identification of contracts where the contractor is performing substantially similar functions to a Federal Government employee;

(C) an assessment of costs incurred or savings achieved by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contract employees and Federal Government employees performing substantially similar functions;

(G) an analysis of the attrition of Federal Government personnel for contractor positions that provide substantially similar functions;

(H) a description of positions that will be converted from contractor employment to Federal Government employment;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2008 and 2009;

(J) an analysis of procedures in use in the intelligence community for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) ACTIVITIES.—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 339. REPORT ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees and the Committees on the Judiciary of the House of Representatives and the Senate a report describing the Director's long-term vision for transforming the intelligence capabilities of the Bureau and the progress of the internal reforms of the Bureau intended to achieve that vision. Such report shall include—

(1) the direction, strategy, and goals for transforming the intelligence capabilities of the Bureau;

(2) a description of what the fully functional intelligence and national security functions of the Bureau should entail;

(3) a candid assessment of the effect of internal reforms at the Bureau and whether such reforms have moved the Bureau towards achieving the goals of the Director for the intelligence and national security functions of the Bureau; and

(4) an assessment of how well the Bureau performs tasks that are critical to the effective functioning of the Bureau as an intelligence agency, including—

(A) identifying new intelligence targets within the scope of the national security functions of the Bureau, outside the parameters of an existing case file or ongoing investigation;

(B) collecting intelligence domestically, including collection through human and technical sources;

(C) recruiting human sources;

(D) training Special Agents to spot, assess, recruit, and handle human sources;

(E) working collaboratively with other Federal departments and agencies to jointly collect intelligence on domestic counterterrorism and counterintelligence targets;

(F) producing a common intelligence picture of domestic threats to the national security of the United States;

(G) producing high quality and timely intelligence analysis;

(H) integrating intelligence analysts into its intelligence collection operations; and

(I) sharing intelligence information with intelligence community partners.

SEC. 340. REPORT ON INTELLIGENCE RESOURCES DEDICATED TO IRAQ AND AFGHANISTAN.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on intelligence collection and analysis resources (1) dedicated to Iraq and Afghanistan during fiscal years 2008 and 2009, and

(2) planned to be dedicated during fiscal year 2010. Such report shall include detailed information on fiscal, human, technical, and other intelligence collection and analysis resources.

SEC. 341. REPORT ON INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.

(a) REPORT.—Not later than February 1, 2011, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the threat to national security presented by the efforts of foreign countries to acquire, through espionage, diversion, or other means, sensitive equipment and technology, and the degree to which United States export controls (including the International Traffic in Arms Regulations) are adequate to defeat such efforts.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS DEFINED.—The term ''International Traffic in Arms Regulations'' means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

SEC. 342. REPORT ON NUCLEAR TRAFFICKING.

(a) REPORT.—Not later than February 1, 2010, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the illicit trade of nuclear and radiological material and equipment.

(b) CONTENTS.—The report submitted under subsection (a) shall include, for a period of time including at least the preceding three years—

(1) details of all known or suspected cases of the illicit sale, transfer, brokering, or transport of—

(A) nuclear or radiological material;

(B) equipment useful for the production of nuclear or radiological material; or

(C) nuclear explosive devices;

(2) an assessment of the countries that represent the greatest risk of nuclear trafficking activities; and

(3) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (2).

(c) FORM.—The report under subsection (a) may be submitted in classified form, but shall include an unclassified summary.

SEC. 343. STUDY ON REVOKING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel of the intelligence community who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 344. STUDY ON ELECTRONIC WASTE DESTRUCTION PRACTICES OF THE INTELLIGENCE COMMUNITY.

(a) STUDY.—The Inspector General of the Intelligence Community shall conduct a study on the electronic waste destruction practices of the intelligence community. Such study shall assess—

(1) the security of the electronic waste disposal practices of the intelligence community, including the potential for counterintelligence exploitation of destroyed, discarded, or recycled materials;

(2) the environmental impact of such disposal practices; and

(3) methods to improve the security and environmental impact of such disposal practices, including steps to prevent the forensic exploitation of electronic waste.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 345. REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The history of Air America and the associated companies prior to 1977, including a description of—

(A) the relationship between Air America and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(B) the workforce of Air America and the associated companies;

(C) the missions performed by Air America, the associated companies, and their employees for the United States; and

(D) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(2) A description of—

(A) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(B) the contributions made by such employees for such benefits;

(C) the retirement benefits actually paid such employees;

(D) the entitlement of such employees to the payment of future retirement benefits; and

(E) the likelihood that such employees will receive any future retirement benefits.

(3) An assessment of the difference between—

(A) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(B) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(4) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(5) If legislative action is considered advisable under paragraph (4), a proposal for such action and an assessment of its costs.

(6) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport, during the period when such an entity was owned and controlled by the United States Government.

SEC. 346. STUDY ON COLLEGE TUITION PROGRAMS FOR EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the feasability of—

(1) providing matching funds for contributions to college savings programs made by employees of elements of the intelligence community; and

(2) establishing a program to pay the college tuition of each child of an employee of an element of the intelligence community that has died in the performance of the official duties of such employee.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report containing the results of the study conducted under subsection (a).

(c) COLLEGE SAVINGS PROGRAM DEFINED.—In this section, the term ''college savings program'' means—

(1) a qualified tuition program, as defined in section 529 of the Internal Revenue Code of 1986;

(2) a Coverdell education savings account, as defined in section 530 of the Internal Revenue Code of 1986; and

(3) any other appropriate program providing tax incentives for saving funds to pay for college tuition, as determined by the Director of National Intelligence.

SEC. 347. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL SUPPLY CHAIN VULNERABILITIES.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate or National Intelligence Assessment on the global supply chain to determine whether such supply chain poses a risk to defense and intelligence systems due to counterfeit components that may be defective or deliberately manipulated by a foreign government or a criminal organization.

(b) REVIEW OF MITIGATION.—

(1) NCIX REVIEW.—The National Counterintelligence Executive shall conduct a review of the adequacy of the mechanisms to identify and mitigate vulnerabilities in the global supply chain that pose a risk to defense and intelligence systems due to counterfeit components that may be defective or deliberately manipulated by a foreign government or a criminal organization.

(2) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the National Counterintelligence Executive shall submit to Congress a report containing the results of the review conducted under paragraph (1).

SEC. 348. REVIEW OF RECORDS RELATING TO POTENTIAL HEALTH RISKS AMONG DESERT STORM VETERANS.

(a) REVIEW.—The Director of the Central Intelligence Agency shall conduct a classification review of the records of the Agency that are relevant to the known or potential health effects suffered by veterans of Operation Desert Storm as described in the November 2008, report by the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans Illnesses.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to Congress the results of the classification review conducted under subsection (a), including the total number of records of the Agency that are relevant.

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 349. REVIEW OF PENSIONS OF EMPLOYEES AFFECTED BY "FIVE AND OUT" PROGRAM OF THE FEDERAL BUREAU OF INVESTIGATION.

None of the funds authorized to be appropriated by this Act may be used to implement the program of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after such supervisor serves in a management position for seven years (commonly known as the ''seven and out'' program) until the Director of the Federal Bureau of Investigation submits to the congressional intelligence committees a certification that the Director has completed a review of issues related to the pensions of former employees of the Bureau affected by a previous program of mandatory reassignment after serving in a management position for five years (commonly known as the ''five and out'' program) and the effect of such program on the Bureau and the results of such review.

SEC. 350. SUMMARY OF INTELLIGENCE RELATING TO TERRORIST RECIDIVISM OF DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to recidivism of detainees currently or formerly held at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

SEC. 351. SUMMARY OF INTELLIGENCE ON UIGHUR DETAINEES HELD AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Director of the Central Intelligence Agency and the Director of the Defense Intelligence Agency, shall make publicly available an unclassified summary of—

(1) intelligence relating to threats posed by Uighur detainees currently or formerly held at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense; and

(2) an assessment of the likelihood that such detainees will engage in terrorism or communicate with persons in terrorist organizations.

SEC. 352. REPORT ON INTERROGATION RESEARCH AND TRAINING.

(a) REQUIREMENT FOR REPORT.—Not later than December 31, 2009, the Director of National Intelligence, in coordination with the heads of the relevant elements of the intelligence community, shall submit to the congressional intelligence committees and the Committees on Appropriations of the House of Representatives and the Senate a report on the state of research, analysis, and training in interrogation and debriefing practices.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of—

(A) the quality and value of scientific and technical research in interrogation and debriefing practices that has been conducted independently or in affiliation with the Federal Government and the identification of areas in which additional research could potentially improve interrogation practices;

(B) the state of interrogation and debriefing training in the intelligence community, including the character and adequacy of the ethical component of such training, and the identification of any gaps in training;

(C) the adequacy of efforts to enhance career path options for intelligence community personnel that serve as interrogators and debriefers, including efforts to recruit and retain career personnel; and

(D) the effectiveness of existing processes for studying and implementing lessons learned and best practices of interrogation and debriefing; and

(2) any recommendations that the Director considers appropriate for improving the performance of the intelligence community with respect to the issues described in subparagraphs (A) through (D) of paragraph (1).

SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) REQUIREMENT FOR REPORT.—Not later than November 1, 2010, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(b) CONTENT.—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

SEC. 354. REVIEW OF FEDERAL BUREAU OF INVESTIGATION EXERCISE OF ENFORCEMENT JURISDICTION IN FOREIGN NATIONS.

Not later than 60 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the appropriate committees of Congress a review of constraints under international law and the laws of foreign nations to the assertion of enforcement jurisdiction with respect to criminal investigations of terrorism offenses under the laws of the United States conducted by agents of the Federal Bureau of Investigation in foreign nations and using funds made available for the National Intelligence Program, including constraints identified in section 432 of the Restatement (Third) of the Foreign Relations Law of the United States.

SEC. 355. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(b) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking ''(1) The Director'' and inserting ''The Director'' ; and

(2) by striking paragraph (2).

(c) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

SEC. 356. INCORPORATION OF REPORTING REQUIREMENTS.

Each requirement to submit a report to the congressional intelligence committees that is included in the classified annex to this Act is hereby incorporated into this Act and is hereby made a requirement in law.

SEC. 357. CONFORMING AMENDMENTS.

(a) REPORT SUBMISSION DATES.—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking subparagraphs (A) and (G);

(ii) by redesignating subparagraphs (B), (C), (D), (E), (F), (H), (I), and (N) as subparagraphs (A), (B), (C), (D), (E), (F), (G), and (H), respectively; and

(iii) by adding at the end the following new subparagraphs:

''(I) The annual report on financial intelligence on terrorist assets required by section 118.

''(J) The annual report on foreign language proficiency in the intelligence community required by section 510.''; and

(B) in paragraph (2), by striking subparagraph (D); and

(2) in subsection (b), by striking paragraph (6).

(b) TABLE OF CONTENTS.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 313 of this Act, is further amended by—

(1) striking the item relating to section 109; and

(2) inserting after the item relating to section 507 the following new items:

''Sec. 508. Annual personnel level assessment for the intelligence community.

''Sec. 509. Semiannual reports on the nuclear weapons programs of Iran, Syria, and North Korea.

''Sec. 510. Report on foreign language proficiency in the intelligence community.

''Sec. 511. Government Accountability Office analyses, evaluations, and investigations.

''Sec. 512. Certification of compliance with oversight requirements.''.

Subtitle E—Other Matters

SEC. 361. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 362. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(2) DISCLOSURE AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''10 years''.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting ''including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert

agents,'' after ''measures to protect the identities of covert agents,''.

SEC. 363. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

''(C) In this paragraph, the term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 364. EXEMPTION OF DISSEMINATION OF TERRORIST IDENTITY INFORMATION FROM FREEDOM OF INFORMATION ACT.

Section 119 of the National Security Act of 1947 (50 U.S.C. Section 404o) is amended by adding at the end the following new subsection:

''(k) EXEMPTION OF DISSEMINATION OF TERRORIST IDENTITY INFORMATION FROM FREEDOM OF INFORMATION ACT.—(1) Terrorist identity information disseminated for terrorist screening purposes or other authorized counterterrorism purposes shall be exempt from disclosure under section 552 of title 5, United States Code.

''(2) In this section:

''(A) AUTHORIZED COUNTERTERRORISM PURPOSE.—The term 'authorized counterterrorism purpose' includes disclosure to and appropriate use by an element of the Federal Government of terrorist identifiers of persons reasonably suspected to be terrorists or supporters of terrorists.

''(B) TERRORIST IDENTITY INFORMATION.—The term 'terrorist identity information' means—

''(i) information from a database maintained by any element of the Federal Government that would reveal whether an individual has or has not been determined to be a known or suspected terrorist or has or has not been determined to be within the networks of contacts and support of a known or suspected terrorist; and

''(ii) information related to a determination as to whether or not an individual is or should be included in the Terrorist Screening Database or other screening databases based on a determination that the individual is a known or suspected terrorist.

''(C) TERRORIST IDENTIFIERS.—The term 'terrorist identifiers'—

''(i) includes—

''(I) names and aliases;

''(II) dates or places of birth;

''(III) unique identifying numbers or information;

''(IV) physical identifiers or biometrics; and

''(V) any other identifying information provided for watchlisting purposes; and

''(ii) does not include derogatory information or information that would reveal or compromise intelligence or law enforcement sources or methods.''.

SEC. 365. MISUSE OF THE INTELLIGENCE COMMUNITY AND OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL.

(a) INTELLIGENCE COMMUNITY.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''MISUSE OF THE INTELLIGENCE COMMUNITY NAME, INITIALS, OR SEAL

''SEC. 1103. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence or a designee of the Director, knowingly use the words 'intelligence community', the initials 'IC', the seal of the intelligence community, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence, except that employees of the intelligence community may use the intelligence community name, initials, and seal in accordance with regulations promulgated by the Director of National Intelligence.

''(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(b) OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.), as amended by subsection (a) of this section, is further amended by adding at the end the following new section:

''MISUSE OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE NAME, INITIALS, OR SEAL

''SEC. 1104. (a) PROHIBITED ACTS.—No person may, except with the written permission of the Director of National Intelligence or a designee of the Director, knowingly use the words 'Office of the Director of National Intelligence', the initials 'ODNI', the seal of the Office of the Director of National Intelligence, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Director of National Intelligence.

''(b) INJUNCTION.—Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.''.

(c) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 357 of this Act, is further amended by adding at the end the following new items:

''Sec. 1103. Misuse of the intelligence community name, initials, or seal.

''Sec. 1104. Misuse of the Office of the Director of National Intelligence name, initials, or seal.''.

SEC. 366. SECURITY CLEARANCES: REPORTS; OMBUDSMAN; RECIPROCITY.

(a) REPORTS RELATING TO SECURITY CLEARANCES.—

(1) QUADRENNIAL AUDIT; SECURITY CLEARANCE DETERMINATIONS.—

(A) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 336 of this Act, is further amended by adding at the end the following new section:

''REPORTS ON SECURITY CLEARANCES

''SEC. 513. (a) QUADRENNIAL AUDIT OF POSITION REQUIREMENTS.—(1) The President shall every four years conduct an audit of how the executive branch determines whether a security clearance is required for a particular position in the Federal Government.

''(2) Not later than 30 days after the completion of an audit conducted under paragraph (1), the President shall submit to Congress the results of such audit.

''(b) REPORT ON SECURITY CLEARANCE DETERMINATIONS.—(1) Not later than February 1 of each year, the President shall submit to Congress a report on the security clearance process. Such report shall include, for each security clearance level—

''(A) the number of Federal Government employees who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year;

''(B) the number of contractors to the Federal Government who—

''(i) held a security clearance at such level as of October 1 of the preceding year; and

''(ii) were approved for a security clearance at such level during the preceding fiscal year; and

''(C) for each element of the intelligence community—

''(i) the amount of time it took to process the fastest 80 percent of security clearance determinations for such level;

''(ii) the amount of time it took to process the fastest 90 percent of security clearance determinations for such level;

''(iii) the number of open security clearance investigations for such level that have remained open for—

''(I) 4 months or less;

''(II) between 4 months and 8 months;

''(III) between 8 months and 12 months; and

''(IV) more than a year;

''(iv) the percentage of reviews during the preceding fiscal year that resulted in a denial or revocation of a security clearance;

''(v) the percentage of investigations during the preceding fiscal year that resulted in incomplete information;

''(vi) the percentage of investigations during the preceding fiscal year that did not result in enough information to make a decision on potentially adverse information; and

''(vii) for security clearance determinations completed or ongoing during the preceding fiscal year that have taken longer than one year to complete—

''(I) the number of security clearance determinations for positions as employees of the Federal Government that required more than one year to complete;

''(II) the number of security clearance determinations for contractors that required more than one year to complete;

''(III) the agencies that investigated and adjudicated such determinations; and

''(IV) the cause of significant delays in such determinations.

''(2) For purposes of paragraph (1), the Director of National Intelligence may consider—

''(A) security clearances at the level of confidential and secret as one security clearance level; and

''(B) security clearances at the level of top secret or higher as one security clearance level.''.

(B) INITIAL AUDIT.—The first audit required to be conducted under section 513(a)(1) of the National Security Act of 1947 (as added by paragraph (1)) shall be completed not later than February 1, 2010.

(C) CLERICAL AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by section 365 of this Act, is further amended by inserting after the item relating to section 512 the following new item:

''Sec. 513. Reports on security clearances.''.

(2) REPORT ON METRICS FOR ADJUDICATION QUALITY.—Not later than 180 days after the date of enactment of this Act, the President shall submit to Congress a report on security clearance investigations and adjudications. Such report shall include—

(A) Federal Government wide adjudication guidelines and metrics for adjudication quality;

(B) a plan to improve the professional development of security clearance adjudicators;

(C) metrics to evaluate the effectiveness of interagency clearance reciprocity;

(D) Federal Government wide investigation standards and metrics for investigation quality; and

(E) the feasibility, counterintelligence risk, and cost effectiveness of—

(i) by not later than January 1, 2012, requiring the investigation and adjudication of security clearances to be conducted by not more than two Federal agencies; and

(ii) by not later than January 1, 2015, requiring the investigation and adjudication of security clearances to be conducted by not more than one Federal agency.

(b) OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 303 of this Act, is further amended by inserting after section 103G the following new section:

''OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES

''SEC. 103H. (a) APPOINTMENT.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances.

''(b) PROVISION OF INFORMATION.—The head of an element of the intelligence community shall provide a person applying for a security clearance through or in coordination with such element with contact information for the ombudsman appointed under subsection (a).

''(c) REPORT.—Not later than November 1 of each year, the ombudsman appointed under subsection (a) shall submit to the congressional intelligence committees a report containing—

''(1) the number of persons applying for a security clearance who have contacted the ombudsman during the preceding 12 months; and

''(2) a summary of the concerns, complaints, and questions received by the ombudsman from persons applying for security clearances.''.

(2) APPOINTMENT DATE.—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances under section 103H(a) of the National Security Act of 1947, as added by paragraph (1), not later than 120 days after the date of the enactment of this Act.

(3) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50 U.S.C. 401 note), as amended by subsection (a)(1)(C) of this section, is further amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Ombudsman for intelligence community security clearances.''.

(c) SECURITY CLEARANCE RECIPROCITY.—

(1) AUDIT.—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances in the intelligence community.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit conducted under paragraph (1). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(A) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(B) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(C) a contractor seeking permanent employment with an element of the intelligence community.

SEC. 367. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Director of National Intelligence may not use any of the amounts authorized to be appropriated in this Act for fiscal year 2010 or any subsequent fiscal year to release or transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to the congressional defense committees the plan described in subsection (b).

(b) PLAN REQUIRED.—The President shall submit to Congress a plan on the disposition of each individual described in subsection (d). Such plan shall include—

(1) an assessment of the risk that the individual described in subsection (d) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition for each such individual;

(3) a plan to mitigate any risks described in paragraph (1) should the proposed disposition required by paragraph (2) include the release or transfer to the United States, its territories, or possessions of any such individual; and

(4) a summary of the consultation required in subsection (c).

(c) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (b) includes a release or transfer to that State, District of Columbia, or territory or possession.

(d) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense, or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 368. INTELLIGENCE COMMUNITY FINANCIAL IMPROVEMENT AND AUDIT READINESS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is no longer excusable to allow poor business systems, a deficiency of resources, or a lack of commitment from senior leadership of the intelligence community to foster waste or nonaccountability to the United States taxpayer;

(2) the Director of National Intelligence has not made compliance with financial management and audit readiness standards a top priority; and

(3) the Director of National Intelligence should require each element of the intelligence community to develop and implement a specific plan to become compliant with the law.

(b) REVIEW; PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review of the status of the auditability compliance of each element of the intelligence community; and

(2) develop a plan and timeline to achieve a full, unqualified audit of each element of the intelligence community not later than September 30, 2013.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103 of the National Security Act of 1947 (50 U.S.C. 403–3), as amended by section 302(1) of this Act, is further amended—

(1) in subsection (f) (as so redesignated)—

(A) in the heading, by striking ''WITH'' and inserting ''OF HEADQUARTERS WITH HEADQUARTERS OF'';

(B) by striking ''Commencing as of October 1, 2008, the'' and inserting ''(1) Except as provided in paragraph (2), the'';

(C) in paragraph (1), as designated by paragraph (2) of this section, by inserting ''the headquarters of'' before ''the Office'';

(D) in paragraph (1) (as so designated), by striking ''any other element'' and inserting ''the headquarters of any other element''; and

(E) by adding at the end the following new paragraph:

''(2) The President may waive the limitation in paragraph (1) if the President determines that—

''(A) a waiver is in the interests of national security; or

''(B) the costs of a headquarters of the Office of the Director of National Intelligence that is separate from the headquarters of the other elements of the intelligence community outweighs the potential benefits of the separation.''; and

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

''(g) LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—The headquarters of the Office of the Director of National Intelligence may be located in the Washington metropolitan region (as defined in section 8301 of title 40, United States Code).''.

SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

Section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) in paragraph (4), by striking ''; and'' and inserting ''.''; and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director of National Intelligence in establishing goals for basic, applied, and advanced research to meet the technology needs of the intelligence community;

''(6) submit to the congressional intelligence committees an annual report on the science and technology strategy of the Director that shows resources mapped to the goals of the intelligence community; and''; and

(2) in subsection (d)(3)—

(A) in subparagraph (A)—

(i) by inserting ''and prioritize'' after ''coordinate''; and

(ii) by striking ''; and'' and inserting ''.''; ''

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) identify basic, advanced, and applied research programs to be executed by elements of the intelligence community; and''.

SEC. 404. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the

recommendations of the report submitted to Congress under section 1 of the Act entitled ''An Act to study and promote the use of energy efficient computer servers in the United States'' (Public Law 109–431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 405. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c) in the matter preceding paragraph (1), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''.

SEC. 406. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 366 of this Act, is further amended by inserting after section 103H (as added by such section 366) the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) be an independent and objective office appropriately accountable to Congress and to initiate and conduct investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

''(B) to prevent and detect fraud and abuse in such matters;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept informed of—

''(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security;

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing; and

''(D) on the basis of expertise in investigations.

''(3) The Inspector General shall report directly to the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General not later than 30 days before the date on which the Inspector General is removed from office.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), the Inspector General of the Intelligence Community shall—

''(1) provide policy direction for, and plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) keep the Director of National Intelligence and Congress fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and report the progress made in implementing corrective action;

''(3) take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, comply with generally accepted Federal Government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1)(A) Subject to subparagraph (B), the Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(B) The Director of National Intelligence may not prohibit an investigation, inspection, or audit under subparagraph (A) solely on the basis of the level of classification or compartmentation of information that the Inspector General may seek access to while conducting such investigation, inspection, or audit.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

''(3) The Director shall notify the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General shall submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The Director or, on the recommendation of the Director, another appropriate official of the intelligence community, shall take appropriate administrative action against an employee, or employee of a contractor, of an element of the intelligence community that fails to cooperate with the Inspector General. Such administrative action may include loss of employment or termination of an existing contractual relationship.

''(3) The Inspector General shall, in accordance with subsection (g), receive and investigate complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General may require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for, or on behalf of, any element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(6) The Inspector General may obtain services as authorized under section 3109 of title 5,

United States Code, at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

''(7) The Inspector may, to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

''(g) COORDINATION AMONG THE INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.—(1)(A) If a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, review, or audit by both the Inspector General of the Intelligence Community and an inspector general with oversight responsibility for an element of the intelligence community, the Inspector General of the Intelligence Community and such other inspector general shall expeditiously resolve the question of which inspector general shall conduct such investigation, inspection, review, or audit to avoid unnecessary duplication of the activities of the inspectors general.

''(B) In attempting to resolve a question under subparagraph (A), the inspectors general concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). If a dispute between an inspector general within an agency or department of the United States Government and the Inspector General of the Intelligence Community has not been resolved with the assistance of the Forum, the inspectors general shall submit the question to the Director of National Intelligence and the head of the affected agency or department for resolution.

''(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative inspectors general with oversight responsibility for an element of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any inspector general, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

''(2) The inspector general conducting an investigation, inspection, review, or audit referred to in paragraph (1) shall submit the results of such investigation, inspection, review, or audit to any other inspector general, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, review, or audit who did not conduct such investigation, inspection, review, or audit.

''(h) STAFF AND OTHER SUPPORT.—(1) The Director of National Intelligence shall provide the Inspector General of the Intelligence Community with appropriate and adequate office space at central and field office locations and with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) The Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions, powers, and duties of the Inspector General. The Inspector General shall ensure that any officer or employee selected, appointed, or employed has a security clearance appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall recommend policies to the Director of National Intelligence to create within the intelligence community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) The Inspector General may, in consultation with the Director, request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community and in coordination with the inspector general of that element pursuant to subsection (g), conduct an inspection, review, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) Not later than January 31 and July 31 of each year, the Inspector General of the Intelligence Community shall prepare and submit to the Director of National Intelligence a report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the preceding six-month period. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

''(B) Each report under this paragraph shall include the following:

''(i) A list of the titles or subjects of each investigation, inspection, review, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies described in clause (ii).

''(iv) A statement of whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification of whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Any recommendations that the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

''(C) Not later than 30 days after the date of receipt of a report under subparagraph (A), the Director shall submit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

''(D) Each report submitted under subparagraphs (A) and (C) shall be submitted in unclassified form, but may include a classified annex.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall submit to the congressional intelligence committees each report under subparagraph (A) within 7 days of the receipt of such report, together with such comments as the Director considers appropriate. The Director shall submit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

''(3) The Inspector General shall immediately notify and submit a report to the congressional intelligence committees on an investigation, inspection, review, or audit if—

''(A) the Inspector General is unable to resolve any significant differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) the investigation, inspection, review, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of such investigation, inspection, review, or audit.

''(4)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor of the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall submit to

the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a submittal from the Inspector General under subparagraph (B), the Director shall, not later than 7 days after such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not submit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the congressional intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (ii) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) Nothing in this paragraph shall be construed to limit the protections afforded an employee of or contractor to the Central Intelligence Agency under section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)).

''(H) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section.

''(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or affect the duties and responsibilities of any other inspector general having duties and responsibilities relating to such element.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note), as amended by section 366 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

''Sec. 103I. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

(d) APPLICABILITY DATE; TRANSITION.—

(1) APPLICABILITY.—The amendment made by subsection (b) shall apply on the earlier of—

(A) the date of the appointment by the President and confirmation by the Senate of an individual to serve as Inspector General of the Intelligence Community; or

(B) the date of the cessation of the performance of the duties of the Inspector General of the Intelligence Community by the individual serving as the Inspector General of the Office of the Director of National Intelligence as of the date of the enactment of this Act.

(2) TRANSITION.—The individual serving as the Inspector General of the Office of the Director of National Intelligence as of the date of the enactment of this Act shall perform the duties of the Inspector General of the Intelligence Community until the individual appointed to the position of Inspector General of the Intelligence Community assumes the duties of such position.

Subtitle B—Central Intelligence Agency

SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—Section 503 of the National Security Act of 1947 (50 U.S.C. 413b), as amended by section 321 of this Act, is further amended—

(1) by redesignating subsection (e) as subsection (i) and transferring such subsection to the end; and

(2) by inserting after subsection (d) the following new subsection:

''(e) INSPECTOR GENERAL AUDITS OF COVERT ACTIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Central Intelligence Agency shall conduct an audit of each covert action at least every 3 years. Such audits shall be conducted subject to the provisions of paragraphs (3) and (4) of subsection (b) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q).

''(2) TERMINATED, SUSPENDED PROGRAMS.—The Inspector General of the Central Intelligence Agency is not required to conduct an audit under paragraph (1) of a covert action that has been terminated or suspended if such covert action was terminated or suspended prior to the last audit of such covert action conducted by the Inspector General and has not been restarted after the date on which such audit was completed.

''(3) REPORT.—Not later than 60 days after the completion of an audit conducted pursuant to paragraph (1), the Inspector General of the Central Intelligence Agency shall submit to the congressional intelligence committees a report containing the results of such audit.''.

(b) CONFORMING AMENDMENTS.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended—

(1) in section 501(f) (50 U.S.C. 413(f)), by striking ''503(e)'' and inserting ''503(i)'';

(2) in section 502(a)(1) (50 U.S.C. 413b(a)(1)), by striking ''503(e)'' and inserting ''503(i)''; and

(3) in section 504(c) (50 U.S.C. 414(c)), by striking ''503(e)'' and inserting ''503(i)''.

SEC. 412. PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 24. (a) PROHIBITION.—Notwithstanding any other provision of law, the Director of the Central Intelligence Agency shall not expend or obligate funds for payment to any contractor to conduct the interrogation of a detainee or prisoner in the custody of the Central Intelligence Agency.

''(b) EXCEPTION.—

''(1) IN GENERAL.—The Director of the Central Intelligence Agency may request, and the Director of National Intelligence may grant, a written waiver of the requirement under subsection (a) if the Director of the Central Intelligence Agency determines that—

''(A) no employee of the Federal Government is—

''(i) capable of performing such interrogation; and

''(ii) available to perform such interrogation; and

''(B) such interrogation is in the national interest of the United States and requires the use of a contractor.

''(2) CLARIFICATION OF APPLICABILITY OF CERTAIN LAWS.—Any contractor conducting an interrogation pursuant to a waiver under paragraph (1) shall be subject to all laws on the conduct of interrogations that would apply if an employee of the Federal Government were conducting the interrogation.''.

SEC. 413. APPEALS FROM DECISIONS OF CENTRAL INTELLIGENCE AGENCY CONTRACTING OFFICERS.

Section 8(d) of the Contract Disputes Act of 1978 (41 U.S.C. 607(d)) is amended by inserting before the sentence beginning with ''In exercising'' the following new sentence: ''Notwithstanding any other provision of law, an appeal from a decision of a contracting officer of the Central Intelligence Agency relative to a contract made by that agency may be filed with whichever of the Armed Services Board or the Civilian Board is specified by the contracting officer as the Board to which such an appeal may be made and the Board so specified shall have jurisdiction to decide that appeal.''.

SEC. 414. DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT AND DUTIES OF DEPUTY DIRECTOR OF CIA.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 104A the following new section:

''DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 104B. (a) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President.

''(b) DUTIES.—The Deputy Director of the Central Intelligence Agency shall—

''(1) assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director of the Central Intelligence Agency; and

''(2) during the absence or disability of the Director of the Central Intelligence Agency, or during a vacancy in the position of Director of the Central Intelligence Agency, act for and exercise the powers of the Director of the Central Intelligence Agency.''.

(b) CONFORMING AMENDMENTS.—

(1) EXECUTIVE SCHEDULE III.—Section 5314 of title 5, United States Code, is amended by striking ''Deputy Directors of Central Intelligence (2)'' and inserting ''Deputy Director of the Central Intelligence Agency''.

(2) TABLE OF CONTENTS.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 note) is amended by inserting after the item relating to section 104A the following new item:

''Sec. 104B. Deputy Director of the Central Intelligence Agency.''.

(c) APPLICABILITY.—The amendments made by this section shall apply on the earlier of—

(1) the date of the appointment by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties until the individual appointed to the position of Deputy Director of the Central Intelligence Agency assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of the Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 415. PROTECTION AGAINST REPRISALS.

Section 17(e)(3)(B) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(3)(B)) is amended by inserting ''or providing such information'' after ''making such complaint''.

SEC. 416. REQUIREMENT FOR VIDEO RECORDING OF INTERROGATIONS OF PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY.

(a) IN GENERAL.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), as amended by section 412 of this Act, is further amended by adding at the end the following new section:

''REQUIREMENT FOR VIDEO RECORDING OF INTERROGATIONS OF PERSONS IN THE CUSTODY OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 25. (a) IN GENERAL.—Except as provided in subsection (b), the Director of the Central Intelligence Agency shall establish guidelines to ensure that each interrogation of a person who is in the custody of the Central Intelligence Agency is recorded in video form and that the video recording of such interrogation is maintained—

''(1) for not less than 10 years from the date on which such recording is made; and

''(2) until such time as such recording is no longer relevant to an ongoing or anticipated legal proceeding or investigation or required to be maintained under any other provision of law.

''(b) EXCEPTION.—The requirement to record an interrogation in video form under subsection (a) shall not apply with respect to an interrogation incident to arrest conducted by Agency personnel designated by the Director under section 15(a) that are assigned to the headquarters of the Central Intelligence Agency and acting in the official capacity of such personnel.

''(c) INTERROGATION DEFINED.—In this section, the term 'interrogation' means the systematic process of attempting to obtain information from an uncooperative detainee.''.

(b) SUBMISSION OF GUIDELINES.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees the guidelines developed under section 25(a) of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section. Such guidelines shall be submitted in unclassified form, but may contain a classified annex.

Subtitle C—Other Elements

SEC. 421. HOMELAND SECURITY INTELLIGENCE ELEMENTS.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H), by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(2) in subparagraph (K), by striking ''The elements'' and all that follows through ''the Coast Guard'' and inserting ''The Office of Intelligence and Analysis of the Department of Homeland Security''.

SEC. 422. CLARIFICATION OF INCLUSION OF DRUG ENFORCEMENT ADMINISTRATION AS AN ELEMENT OF THE INTELLIGENCE COMMUNITY.

Section 3(4)(H) of the National Security Act of 1947 (50 U.S.C. 401a(4)(H)), as amended by section 421 of this Act, is further amended by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''.

SEC. 423. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2) of this subsection, by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section—

(A) in paragraph (1), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(B) in paragraph (2), by striking ''subsection (f)'' and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 424. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(c) CONFORMING AMENDMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended—

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraphs (C) through (I) as subparagraphs (A) through (G), respectively; and

(3) by moving subparagraph (G), as redesignated by paragraph (2) of this subsection, two ems to the left.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) and the provisions of subsection (b) shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

SEC. 425. ASSOCIATE DIRECTOR OF THE NATIONAL SECURITY AGENCY FOR COMPLIANCE AND TRAINING.

The National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by section 424 of this Act, is further amended by inserting after section 2 (as added by such section 424) the following new section:

''SEC. 3. (a) There is an Associate Director of the National Security Agency for Compliance and Training, who shall be appointed by the Director of the National Security Agency.

''(b) The Associate Director of the National Security Agency for Compliance and Training shall ensure that—

''(1) all programs and activities of the National Security Agency are conducted in a manner consistent with all applicable laws, regulations, and policies; and

''(2) the training of relevant personnel is sufficient to ensure that such programs and activities are conducted in such a manner.''.

SEC. 426. GENERAL COUNSEL OF THE NATIONAL SECURITY AGENCY.

(a) GENERAL COUNSEL.—The National Security Agency Act of 1959 (50 U.S.C. 402 note), as amended by section 425 of this Act, is further amended by inserting after section 3 (as added by such section 425), the following new section:

''SEC. 4. (a) There is a General Counsel of the National Security Agency, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) The General Counsel of the National Security Agency shall serve as the chief legal officer of the National Security Agency.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date on which the Director of the National Security Agency is appointed by the President and confirmed by the Senate in accordance with section 2 of the National Security Agency Act of 1959, as added by section 424 of this Act.

SEC. 427. INSPECTOR GENERAL OF THE NATIONAL SECURITY AGENCY.

Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by inserting ''the National Security Agency;'' after ''the Federal Emergency Management Agency,''; and

(2) in paragraph (2), by inserting ''the National Security Agency,'' after ''the National Aeronautics and Space Administration,''.

SEC. 428. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101(a)(16) of title 10, United States Code) a revised charter for the National Reconnaissance Office (in this section referred to as the ''NRO''). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) NRO participation in the development and generation of requirements and acquisition.

(3) The scope of NRO capabilities.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other elements of the intelligence community and the defense community.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2442) is amended by striking ''September 1, 2004'' and inserting ''February 1, 2011''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) COMMISSION MEMBERSHIP.—

(A) IN GENERAL.—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107–306; 116 Stat. 2438) (referred to in this section as the ''Commission'') shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by subparagraph (B).

(B) TECHNICAL AMENDMENT.—Paragraph (1) of section 1002(b) of such Act is amended by striking ''The Deputy Director of Central Intelligence for Community Management.'' and inserting ''The Principal Deputy Director of National Intelligence.''.

(4) CLARIFICATION OF DUTIES.—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking ''including—'' and inserting ''including advanced research and development programs and activities. Such review shall include—''.

(b) FUNDING.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this Act for the Intelligence Community Management Account, the Director of National Intelligence shall make $2,000,000 available to the Commission to carry out title X of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2437).

(2) AVAILABILITY.—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

SEC. 502. EXPANSION AND CLARIFICATION OF THE DUTIES OF THE PROGRAM MANAGER FOR THE INFORMATION SHARING ENVIRONMENT.

Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''terrorism and homeland security information'' and inserting ''national security information'';

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(C) by inserting after paragraph (3) the following new paragraph:

''(4) NATIONAL SECURITY INFORMATION.—The term 'national security information' includes homeland security information and terrorism information.'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking ''terrorism information'' and inserting ''national security information''; and

(B) in paragraph (2) in the first sentence of the matter preceding subparagraph (A), by striking ''terrorism information'' and inserting ''national security information''; and

(3) in subsection (f)(1)—

(A) in the second sentence, by inserting ''in the Executive Office of the President and shall serve'' after ''The individual designated as the program manager shall serve''; and

(B) in the third sentence, by striking ''homeland security information, terrorism information, and weapons of mass destruction information'' and inserting ''national security information''.

SEC. 503. CLASSIFICATION REVIEW OF EXECUTIVE BRANCH MATERIALS IN THE POSSESSION OF THE CONGRESSIONAL INTELLIGENCE COMMITTEES.

The Director of National Intelligence shall, in accordance with procedures established by each of the congressional intelligence committees, conduct a classification review of materials in the possession of each of those committees that—

(1) are not less than 25 years old; and

(2) were created, or provided to that committee, by the executive branch.

SEC. 504. PROHIBITION ON USE OF FUNDS TO PROVIDE MIRANDA WARNINGS TO CERTAIN PERSONS OUTSIDE OF THE UNITED STATES.

None of the funds authorized to be appropriated by this Act may be used to provide the warnings of constitutional rights described in Miranda v. Arizona, 384 U.S. 436 (U.S. 1966), to a person located outside of the United States who is not a United States person and is—

(1) suspected of terrorism, associated with terrorists, or believed to have knowledge of terrorists; or

(2) a detainee in the custody of the Armed Forces of the United States.

Subtitle B—Technical Amendments

SEC. 511. TECHNICAL AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended—

(1) in section 5(a)(1), by striking ''authorized under paragraphs (2) and (3)'' and all that follows through ''(50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a)''; and

(2) in section 17(d)(3)(B)—

(A) in clause (i), by striking ''advise'' and inserting ''advice''; and

(B) in clause (ii)—

(i) in subclause (I), by striking ''Executive Director'' and inserting ''Associate Deputy Director'';

(ii) in subclause (II), by striking ''Deputy Director for Operations'' and inserting ''Director of the National Clandestine Service'';

(iii) in subclause (III), by striking ''Deputy Director for Intelligence'' and inserting ''Director of Intelligence'';

(iv) in subclause (IV), by striking ''Deputy Director for Administration'' and inserting ''Director of Support''; and

(v) in subclause (V), by striking ''Deputy Director for Science and Technology'' and inserting ''Director of Science and Technology''.

SEC. 512. TECHNICAL AMENDMENT TO MANDATORY RETIREMENT PROVISION OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended to read as follows:

''(A) Upon reaching age 65, in the case of a participant in the system who is at the Senior Intelligence Service rank of level 4 or above; and''.

SEC. 513. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 514. TECHNICAL AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended—

(1) in section 101—

(A) in subsection (a), by moving paragraph (7) two ems to the right; and

(B) by moving subsections (b) through (p) two ems to the right;

(2) in section 103, by redesignating subsection (i) as subsection (h);

(3) in section 109(a)—

(A) in paragraph (1), by striking ''section 112.;'' and inserting ''section 112;''; and

(B) in paragraph (2), by striking the second period;

(4) in section 301(1), by striking '''United States''' and all that follows through ''and 'State''' and inserting '''United States', 'person', 'weapon of mass destruction', and 'State''';

(5) in section 304(b), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(2)''; and

(6) in section 502(a), by striking ''a annual'' and inserting ''an annual''.

SEC. 515. TECHNICAL AMENDMENTS TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

SEC. 516. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638) is amended—

(1) in section 1016(e)(10)(B) (6 U.S.C. 485(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice'';

(2) in section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1)—

(i) by striking ''shall,'' and inserting ''shall''; and

(ii) by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f) in the matter preceding paragraph (1), by striking ''shall,'' and inserting ''shall''; and

(3) in section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

Section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking ''**FOREIGN**'';

(2) in subsection (a)—

(A) in the heading, by striking ''FOREIGN'';

(B) by striking ''foreign'' each place it appears; and

(C) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence'';

(3) in subsection (b), by striking ''The Director'' and inserting ''The Director of National Intelligence''; and

(4) in subsection (c)—

(A) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(B) by striking ''section 114a'' and inserting ''section 221''.

SEC. 518. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is further amended—

(1) section 3(4)(L), by striking ''other'' the second place it appears;

(2) in section 102A—

(A) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program'';

(B) in subsection (d)—

(i) in paragraph (1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program'';

(ii) in paragraph (3) in the matter preceding subparagraph (A), by striking ''subparagraph (A)'' and inserting ''paragraph (1)(A)''; and

(iii) in paragraph (5)—

(I) in subparagraph (A), by striking ''or personnel'' in the matter preceding clause (i); and

(II) in subparagraph (B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION'';

(3) in section 103(b), by striking '', the National Security Act of 1947 (50 U.S.C. 401 et seq.),'';

(4) in section 104A(g)(1) in the matter preceding subparagraph (A), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(5) in section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)'';

(6) in section 701(b)(1), by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(7) in section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''; and

(8) in the table of contents in the first section—

(A) by striking the item relating to section 1002; and

(B) by inserting after the item relating to section 1001 the following new item:

''Sec. 1002. Framework for cross-disciplinary education and training.''.

SEC. 519. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking ''ASSOCIATE DIRECTOR OF CIA FOR MILITARY AFFAIRS'' and inserting ''ASSOCIATE DIRECTOR OF MILITARY AFFAIRS, CIA''; and

(2) by striking ''Associate Director of the Central Intelligence Agency for Military Affairs'' and inserting ''Associate Director of Military Affairs, Central Intelligence Agency, or any successor position''.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–419. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. REYES

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–419.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. REYES:

Page 9, line 21, strike ''$672,812,000'' and insert ''$643,252,000''.

Page 23, line 14, strike ''a grant program'' and insert ''grant programs''.

Page 23, line 15, strike ''subsection (b)'' and insert ''subsections (b) and (c)''.

Page 24, after line 10, insert the following:

''(c) GRANT PROGRAM FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—(1) The Director of National Intelligence may provide grants to historically black colleges and universities to provide programs of study in educational disciplines identified under subsection (a)(2) or described in paragraph (2).

''(2) A grant provided under paragraph (1) may be used to provide programs of study in the following educational disciplines:

''(A) Foreign languages, including Middle Eastern and South Asian dialects.

''(B) Computer science.

''(C) Analytical courses.

''(D) Cryptography.

''(E) Study abroad programs.''.

Page 24, line 11, strike ''(3) An'' and insert ''(d) APPLICATION.—An''.

Page 24, line 15, strike ''(4) An'' and insert ''(e) REPORTS.—An''.

Page 25, line 1, strike ''(c)'' and insert ''(f)''.

Page 25, line 4, strike ''(d)'' and insert ''(g)''.

Page 25, line 10, strike the quotation mark and the second period.

Page 25, after line 10, insert the following:

''(3) ANALYTICAL COURSES.—The term 'analytical courses' mean programs of study involving—

''(A) analytic methodologies, including advanced statistical, polling, econometric, mathematical, or geospatial modeling methodologies;

''(B) analysis of counterterrorism, crime, and counternarcotics;

''(C) economic analysis that includes analyzing and interpreting economic trends and developments;

''(D) medical and health analysis, including the assessment and analysis of global health issues, trends, and disease outbreaks;

''(E) political analysis, including political, social, cultural, and historical analysis to interpret foreign political systems and developments; or

''(F) psychology, psychiatry, or sociology courses that assess the psychological and social factors that influence world events.

''(4) COMPUTER SCIENCE.—The term 'computer science' means a program of study in computer systems, computer science, computer engineering, or hardware and software analysis, integration, and maintenance.

''(5) CRYPTOGRAPHY.—The term 'cryptography' means a program of study on the conversion of data into a scrambled code that can be deciphered and sent across a public or private network, and the applications of such conversion of data.

''(6) HISTORICALLY BLACK COLLEGE AND UNIVERSITY.—The term 'historically black college and university' means an institution of higher education that is a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(7) STUDY ABROAD PROGRAM.—The term 'study abroad program' means a program of study that—

''(A) takes places outside the geographical boundaries of the United States;

''(B) focuses on areas of the world that are critical to the national security interests of the United States and are generally underrepresented in study abroad programs at institutions of higher education, including Africa, Asia, Central and Eastern Europe, Eurasia, Latin American, and the Middle East; and

''(C) is a credit or noncredit program.''.

Page 30, strike lines 10 through 12.

Page 30, line 13, strike ''(C)'' and insert ''(B)''.

Page 30, line 16, strike ''(D)'' and insert ''(C)''.

Page 30, line 19, strike ''(E)'' and insert ''(D)''.

Page 31, line 1, strike ''any information'' and all that follows through ''dissenting legal views'' and insert ''the legal authority under which the intelligence activity is being or was conducted''.

Page 31, line 11, strike ''any information'' and all that follows through ''legal views'' and insert ''the legal authority under which the covert action is being or was conducted''.

Page 31, strike line 18 and all that follows through line 8 on page 32 and insert the following:

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''in writing'' after ''be reported'';

(B) in paragraph (2), by striking ''If the President'' and inserting ''Subject to paragraph (5), if the President''; and

(C) by adding at the end the following new paragraph:

''(5)(A) The President may only limit access to a finding in accordance with this subsection or a notification in accordance with subsection (d)(1) if the President submits to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.

''(B) Not later than 180 days after a certification is submitted in accordance with subparagraph (A) or this subparagraph, the Director of National Intelligence shall—

''(i) provide access to the finding or notification that is the subject of such certification to all members of the congressional intelligence committees; or

''(ii) submit to the Members of Congress specified in paragraph (2) a certification that it is essential to limit access to such finding or such notification to meet extraordinary circumstances affecting vital interests of the United States.'';

Page 32, strike lines 12 through 15 and insert the following:

(B) in paragraph (1), as designated by subparagraph (A) of this paragraph, by inserting ''in writing'' after ''notified''; and

Page 33, line 13, insert ''or to the limiting of access to such finding or such notice'' after ''notice''.

Page 33, line 13, strike ''48 hours'' and insert ''seven days''.

Page 33, line 22, strike ''on the content of'' and insert ''regarding''.

Page 34, strike lines 14 through 20.

Strike section 334 (Page 41, line 8 and all that follow through line 25 on page 44) and insert the following new section:

SEC. 334. REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

Not later than one year after the date of the enactment of this Act, and annually thereafter for four years, the Director of National Intelligence shall submit to the congressional intelligence committees and the Committees on Armed Services of the House of Representatives and the Senate a report on the proficiency in foreign languages and,

as appropriate, in foreign dialects, of each element of the intelligence community, including—

(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

(2) an estimate of the number of such positions that each element will require during the five-year period beginning on the date of the submission of the report;

(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

(A) military personnel; and

(B) civilian personnel;

(4) the number of applicants for positions in such element in the preceding fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

(7) a description of the efforts of such element to recruit, hire, train, and retain personnel that are proficient in a foreign language;

(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

(9) for each foreign language and, as appropriate, dialect of a foreign language—

(A) the number of positions of such element that require proficiency in the foreign language or dialect;

(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole;

(11) an identification of any critical gaps in foreign language proficiency with respect to such element and recommendations for eliminating such gaps;

(12) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant; and

(13) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element.

Page 45, beginning on line 18, strike ''one of the congressional intelligence committees'' and insert ''a committee of Congress with jurisdiction over such program or activity''.

Page 46, beginning on line 8, strike ''the congressional intelligence committees'' and insert ''each committee of Congress with jurisdiction over the program or activity that is the subject of the analysis, evaluation, or investigation for which the Director restricts access to information under such paragraph''.

Page 46, line 13, strike ''report'' and insert ''statement''.

Page 46, line 16, strike ''report'' and insert ''statement''.

Page 46, beginning on line 17, strike ''the congressional intelligence committees any comments on a report of which the Comptroller General has notice under paragraph (3)'' and insert ''each committee of Congress to which the Director of National Intelligence submits a statement under paragraph (2) any comments on the statement''.

Page 46, line 21, strike the closing quotation mark and the final period.

Page 46, after line 21, insert the following:

''(c) CONFIDENTIALITY.—(1) The Comptroller General shall maintain the same level of confidentiality for information made available for an analysis, evaluation, or investigation referred to in subsection (a) as is required of the head of the element of the intelligence community from which such information is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use of such information as officers or employees of the element of the intelligence community that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such information.

''(2) The Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an analysis, evaluation, or investigation referred to in subsection (a).

''(3) Before initiating an analysis, evaluation, or investigation referred to in subsection (a), the Comptroller General shall provide the Director of National Intelligence and the head of each relevant element of the intelligence community with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records and information of the element of the intelligence community shall be made available in conducting such analysis, evaluation, or investigation.''.

Page 48, line 15, strike ''BIANNUAL'' and insert ''BIENNIAL''.

Page 48, line 19, strike ''biannually'' and insert ''biennially''.

Page 62, line 14, strike ''**NATIONAL INTELLIGENCE ESTIMATE**'' and insert ''**REPORT**''.

Page 62, beginning on line 18, strike ''National Intelligence Estimate or National Intelligence Assessment'' and insert ''report''.

Page 62, strike line 20 and insert the following: ''supply chain and global provision of services to determine whether such supply chain and such services pose''.

Page 62, line 21, strike ''counterfeit''.

Page 62, line 22, strike ''defective'' and insert ''counterfeit, defective,''.

Page 62, line 23, insert ''or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization'' after ''organization''.

Page 63, beginning on line 5, strike ''counterfeit''.

Page 63, line 6, strike ''defective'' and insert ''counterfeit, defective,''.

Page 63, line 8, insert ''or services that may be managed, controlled, or manipulated by a foreign government or a criminal organization'' after ''organization''.

Page 63, at the end of line 8 insert the following: ''Such review shall include an examination of the threat posed by State-controlled and State-invested enterprises and the extent to which the actions and activities of such enterprises may be controlled, coerced, or influenced by a foreign government.''.

Strike section 353 (Page 67, line 20 and all that follows through line 25 on page 68).

Page 69, beginning on line 5, strike ''Federal Bureau of Investigation'' and insert ''Federal Bureau of Investigation, in consultation with the Secretary of State,''.

Insert after section 354 (Page 69, after line 15) the following new sections:

SEC. 355. REPORT ON QUESTIONING AND DETENTION OF SUSPECTED TERRORISTS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Attorney General, shall submit to Congress a report containing—

(1) a description of the strategy of the Federal Government for balancing the intelligence collection needs of the United States with the interest of the United States in prosecuting terrorist suspects; and

(2) a description of the policy of the Federal Government with respect to the questioning, detention, trial, transfer, release, or other disposition of suspected terrorists.

SEC. 356. REPORT ON DISSEMINATION OF COUNTERTERRORISM INFORMATION TO LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the dissemination of critical counterterrorism information from the intelligence community to local law enforcement agencies, including recommendations for improving the means of communication of such information to local law enforcement agencies.

SEC. 357. REPORT ON INTELLIGENCE CAPABILITIES OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the intelligence capabilities of State and local law enforcement agencies. Such report shall include—

(1) an assessment of the ability of State and local law enforcement agencies to analyze and fuse intelligence community products with locally gathered information;

(2) a description of existing procedures of the intelligence community to share with State and local law enforcement agencies the tactics, techniques, and procedures for intelligence collection, data management, and analysis learned from global counterinsurgency and counterterror operations;

(3) a description of current intelligence analysis training provided by elements of the intelligence community to State and local law enforcement agencies;

(4) an assessment of the need for a formal intelligence training center to teach State and local law enforcement agencies methods of intelligence collection and analysis; and

(5) an assessment of the efficiently of colocating such an intelligence training center

with an existing intelligence community or military intelligence training center.

SEC. 358. INSPECTOR GENERAL REPORT ON OVER-CLASSIFICATION.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to Congress a report containing an analysis of the problem of over-classification of intelligence and ways to address such over-classification, including an analysis of the importance of protecting sources and methods while providing law enforcement and the public with as much access to information as possible.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 359. REPORT ON THREAT FROM DIRTY BOMBS.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Nuclear Regulatory Commission, shall submit to Congress a report summarizing intelligence related to the threat to the United States from weapons that use radiological materials, including highly dispersible substances such as cesium-137.

SEC. 360. REPORT ON ACTIVITIES OF THE INTELLIGENCE COMMUNITY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces during counterinsurgency or counterterror operations, including by the State Intelligence Secretariat (Secretaria de Inteligencia del Estado), Military Intelligence Detachment 141 (Destacamento de Inteligencia Militar 141 in Cordoba), Military Intelligence Detachment 121 (Destacamento Militar 121 in Rosario), Army Intelligence Battalion 601, the Army Reunion Center (Reunion Central del Ejercito), and the Army First Corps in Buenos Aires.

(C) Operation Condor and Argentina's role in cross-border counterinsurgency or counterterror operations with Brazil, Bolivia, Chile, Paraguay, or Uruguay.

(2) Information on abductions, torture, disappearances, and executions by security forces and other forms of repression, including the fate of Argentine children born in captivity, that took place at detention centers, including the following:

(A) The Argentine Navy Mechanical School (Escuela Mecanica de la Armada).

(B) Automotores Orletti.

(C) Operaciones Tacticas 18.

(D) La Perla.

(E) Campo de Mayo.

(F) Institutos Militares.

(3) An appendix of declassified records reviewed and used for the report submitted under this subsection.

(4) A descriptive index of information referred to in paragraph (1) or (2) that is classified, including the identity of each document that is classified, the reason for continuing the classification of such document, and an explanation of how the release of the document would damage the national security interests of the United States.

(b) REVIEW OF CLASSIFIED DOCUMENTS.—Not later than two years after the date on which the report required under subsection (a) is submitted, the Director of National Intelligence shall review information referred to in paragraph (1) or (2) of subsection (a) that is classified to determine if any of such information should be declassified.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

SEC. 361. REPORT ON NATIONAL SECURITY AGENCY STRATEGY TO PROTECT DEPARTMENT OF DEFENSE NETWORKS.

Not later than 180 days after the date of the enactment of this Act, the Director of the National Security Agency shall submit to Congress a report on the strategy of the National Security Agency with respect to securing networks of the Department of Defense within the intelligence community.

SEC. 362. REPORT ON CREATION OF SPACE INTELLIGENCE OFFICE.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the feasibility and advisability of creating a national space intelligence office to manage space-related intelligence assets and access to such assets.

SEC. 363. PLAN TO SECURE NETWORKS OF THE INTELLIGENCE COMMUNITY.

(a) PLAN.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a plan to secure the networks of the intelligence community. Such plan shall include strategies for—

(1) securing the networks of the intelligence community from unauthorized remote access, intrusion, or insider tampering;

(2) recruiting, retaining, and training a highly-qualified cybersecurity intelligence community workforce and include—

(A) an assessment of the capabilities of such workforce;

(B) an examination of issues of recruiting, retention, and the professional development of such workforce, including the possibility of providing retention bonuses or other forms of compensation;

(C) an assessment of the benefits of outreach and training with both private industry and academic institutions with respect to such workforce; and

(D) an assessment of the impact of the establishment of the Department of Defense Cyber Command on personnel and authorities of the intelligence community;

(3) making the intelligence community workforce and the public aware of cybersecurity best practices and principles;

(4) coordinating the intelligence community response to a cybersecurity incident;

(5) collaborating with industry and academia to improve cybersecurity for critical infrastructure, the defense industrial base, and financial networks;

(6) addressing such other matters as the President considers necessary to secure the cyberinfrastructure of the intelligence community; and

(7) reviewing procurement laws and classification issues to determine how to allow for greater information sharing on specific cyber threats and attacks between private industry and the intelligence community.

(b) UPDATES.—Not later than 90 days after the date on which the plan referred to in subsection (a) is submitted to Congress, and every 90 days thereafter until the President submits the certification referred to in subsection (c), the President shall report to Congress on the status of the implementation of such plan and the progress towards the objectives of such plan.

(c) CERTIFICATION.—The President may submit to Congress a certification that the objectives of the plan referred to in subsection (a) have been achieved.

SEC. 364. REPORT ON MISSILE ARSENAL OF IRAN.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the threat posed by the missile arsenal of Iran to allies and interests of the United States in the Persian Gulf.

SEC. 365. STUDY ON BEST PRACTICES OF FOREIGN GOVERNMENTS IN COMBATING VIOLENT DOMESTIC EXTREMISM.

(a) STUDY.—The Director of National Intelligence shall conduct a study on the best practices of foreign governments (including the intelligence services of such governments) to combat violent domestic extremism.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

SEC. 366. REPORT ON INFORMATION SHARING PRACTICES OF JOINT TERRORISM TASK FORCE.

Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report on the best practices or impediments to information sharing in the Federal Bureau of Investigation-New York Police Department Joint Terrorism Task Force, including ways in which the combining of Federal, State, and local law enforcement resources can result in the effective utilization of such resources.

SEC. 367. REPORT ON TECHNOLOGY TO ENABLE INFORMATION SHARING.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress and the President a report describing the improvements to information technology needed to enable elements of the Federal Government that are not part of the intelligence community to better share information with elements of the intelligence community.

SEC. 368. REPORT ON THREATS TO ENERGY SECURITY OF THE UNITED STATES.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report in unclassified form describing the future threats to describing the future threats to the national security of the United States from continued and increased dependence of the United States on oil sources from foreign nations.

Page 70, strike lines 1 through 7.

Page 74, line 16, strike ''includes'' and insert ''means''.

Page 75, line 24, strike the closing quotation mark and the final period.

Page 75, after line 24, insert the following:

''(D) TERRORIST SCREENING PURPOSE.—The term 'terrorist screening purpose' means—

''(i) the collection, analysis, dissemination, and use of terrorist identity information to determine threats to the national security of the United States from a terrorist or terrorism; and

''(ii) the use of such information for risk assessment, inspection, and credentialing.''.

Page 86, line 11, strike ''the congressional defense committees'' and insert ''Congress''.

Page 87, line 17, strike ''the''.

At the end of subtitle E of title III (Page 88, after line 18), add the following new section:

SEC. 369. SENSE OF CONGRESS ON MONITORING OF NORTHERN BORDER OF THE UNITED STATES.

(a) FINDING.—Congress finds that suspected terrorists have attempted to enter the United States through the international land and maritime border of the United States and Canada.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the intelligence community should devote sufficient resources, including technological and human resources, to identifying and thwarting potential threats at the international land and maritime border of the United States and Canada; and

(2) the intelligence community should work closely with the Government of Canada to identify and apprehend suspected terrorists before such terrorists enter the United States.

Page 96, line 14, insert after the period the following: ''Nothing in this paragraph shall prohibit a personnel action with respect to the Inspector General otherwise authorized by law, other than transfer or removal.''.

At the end of subtitle A of title IV (Page 116, after line 6), add the following new section:

SEC. 407. DIRECTOR OF NATIONAL INTELLIGENCE SUPPORT FOR REVIEWS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS AND EXPORT ADMINISTRATION REGULATIONS.

The Director of National Intelligence may provide support for any review conducted by a department or agency of the Federal Government of the International Traffic in Arms Regulations or Export Administration Regulations, including a review of technologies and goods on the United States Munitions List and Commerce Control List that may warrant controls that are different or additional to the controls such technologies and goods are subject to at the time of such review.

Strike section 411 (Page 116, line 9 and all that follows through line 2 on page 118) and insert the following new section:

SEC. 411. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(4)—

(A) by striking ''(4) If'' and inserting ''(4)(A) If''; and

(B) by adding at the end the following new subparagraph:

''(B) The Director may waive the requirement to submit the statement required under subparagraph (A) within seven days of prohibiting an audit, inspection, or investigation under paragraph (3) if such audit, inspection, or investigation is related to a covert action program. If the Director waives such requirement in accordance with this subparagraph, the Director shall submit the statement required under subparagraph (A) as soon as practicable, along with an explanation of the reasons for delaying the submission of such statement.'';

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (E) and (F) as subsections (F) and (G), respectively; and

(B) by inserting after subparagraph (D) the following new subparagraph:

''(E) a list of the covert actions for which the Inspector General has not completed an audit within the preceding three-year period;''; and

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

''(h) COVERT ACTION DEFINED.—In this section, the term 'covert action' has the meaning given the term in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).''.

Strike section 426 (Page 128, line 21 and all that follows through line 15 on page 129).

Strike section 427 (Page 129, lines 16 through 25).

Strike section 502 (Page 133, line 1 and all that follow through line 10 on page 134).

At the end of subtitle A of title V (Page 135, after line 12), add the following new section:

SEC. 505. CYBERSECURITY TASK FORCE.

(a) ESTABLISHMENT.—There is established a cybersecurity task force (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall consist of the following members:

(A) One member appointed by the Attorney General.

(B) One member appointed by the Director of the National Security Agency.

(C) One member appointed by the Director of National Intelligence.

(D) One member appointed by the White House Cybersecurity Coordinator.

(E) One member appointed by the head of any other agency or department that is designated by the Attorney General to appoint a member to the Task Force.

(2) CHAIR.—The member of the Task Force appointed pursuant to paragraph (1)(A) shall serve as the Chair of the Task Force.

(c) STUDY.—The Task Force shall conduct a study of existing tools and provisions of law used by the intelligence community and law enforcement agencies to protect the cybersecurity of the United States.

(d) REPORT.—

(1) INITIAL.—Not later than one year after the date of the enactment of this Act, the Task Force shall submit to Congress a report containing guidelines or legislative recommendations to improve the capabilities of the intelligence community and law enforcement agencies to protect the cybersecurity of the United States. Such report shall include guidelines or legislative recommendations on—

(A) improving the ability of the intelligence community to detect hostile actions and attribute attacks to specific parties;

(B) the need for data retention requirements to assist the intelligence community and law enforcement agencies;

(C) improving the ability of the intelligence community to anticipate nontraditional targets of foreign intelligence services; and

(D) the adequacy of existing criminal statutes to successfully deter cyber attacks, including statutes criminalizing the facilitation of criminal acts, the scope of laws for which a cyber crime constitutes a predicate offense, trespassing statutes, data breach notification requirements, and victim restitution statutes.

(2) SUBSEQUENT.—Not later than one year after the date on which the initial report is submitted under paragraph (1), and annually thereafter for two years, the Task Force shall submit to Congress an update of the report required under paragraph (1).

(e) TERMINATION.—The Task Force shall terminate on the date that is 60 days after the date on which the last update of a report required under subsection (d)(2) is submitted.

SEC. 506. CRUEL, INHUMAN, AND DEGRADING TREATMENT IN INTERROGATIONS PROHIBITED.

(a) SHORT TITLE.—This section may be cited as the ''Cruel, Inhuman, and Degrading Interrogations Prohibition Act of 2010''.

(b) FINDINGS.—The Congress finds the following:

(1) The United States is a world power and an exemplar of the merits of due process and the rule of law.

(2) The use of torture and cruel, inhuman, and degrading treatment harms our servicemen and women because it removes their assurance that they are operating under a legally acceptable standard, brings discredit upon the US and its forces, and may place US and allied personnel in enemy hands at a greater risk of abuse by their captors.

(3) The use of torture and cruel, inhuman, and degrading treatment gives propaganda and recruitment tools to those who wish to do harm to the people of the United States.

(4) Torture and cruel, inhuman, and degrading treatment do not produce consistently reliable information or intelligence, and are not acceptable practices because their use runs counter to our identity and values as a nation.

(5) The moral standards that reflect the values of the United States governing appropriate tactics for interrogations do not change according to the dangers that we face as a nation.

(6) Every effort must be made to ensure that the United States is a nation governed by the rule of law in every circumstance.

(7) Executive Order 13491 requires those interrogating persons detained as a result of armed conflicts to follow the standards set out in Army Field Manual FM 2–22.3.

(8) The Congress should act in affirmation of its principles and the Executive Order 13491 by enacting standards for interrogations and providing criminal liability for those who do not adhere to the enacted standards.

(9) The courageous men and women who serve honorably as intelligence personnel and as members of our nation's Armed Forces deserve the full support of the United States Congress. The Congress shows true support, in part, by providing clear legislation relating to standards for interrogation techniques.

(c) CRUEL, INHUMAN, OR DEGRADING TREATMENT PROHIBITED.—Part I of title 18, United States Code, is amended by inserting after chapter 26 the following:

''CHAPTER 26A—CRUEL, INHUMAN, OR DEGRADING TREATMENT

''531. Cruel, inhuman, or degrading treatment.
''532. Definitions.
''533. Application.
''534. Exclusive remedies.

''§ 531. Cruel, inhuman, or degrading treatment

''Any officer or employee of the intelligence community who, in the course of or in anticipation of a covered interrogation, knowingly commits, attempts to commit, or conspires to commit an act of cruel, inhuman, or degrading treatment—

''(1) if death results from that act to the individual under interrogation, shall be fined under this title or imprisoned for any term of years or for life;

''(2) if that act involves an act of medical malfeasance (as defined in section 1371), shall be fined under this title or imprisoned for not more than 20 years, or both; and

''(3) in any other case, shall be fined under this title or imprisoned for not more than 15 years, or both.

''§ 532. Definitions

''In this chapter:

''(1) The term 'act of cruel, inhuman, or degrading treatment' means the cruel, unusual, and inhuman treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution

of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984, and includes but is not limited to the following:

''(A) Any of the following acts, knowingly committed against an individual:

''(i) Forcing the individual to be naked, perform sexual acts, or pose in a sexual manner.

''(ii) Beatings, electric shock, burns, or other forms of inflicting physical pain.

''(iii) Waterboarding.

''(iv) Using military working dogs.

''(v) Inducing hypothermia or heat injury.

''(vi) Depriving the individual of necessary food, water, sleep, or medical care.

''(vii) Conducting mock executions of the individual.

''(B) Any of the following acts, when committed with the intent to cause mental or physical harm to an individual:

''(i) Using force or the threat of force to compel an individual to maintain a stress position.

''(ii) Exploiting phobias of the individual.

''(iii) Using force or the threat of force to coerce an individual to desecrate the individual's religious articles, or to blaspheme his or her religious beliefs, or to otherwise participate in acts intended to violate the individual's religious beliefs.

''(iv) Making threats against any individual that, if carried out, would result in death or serious bodily injury (as defined in section 1365(4)) to that individual.

''(v) Exposure to excessive cold, heat, or cramped confinement.

''(vi) Sensory deprivation or overload, including the following:

''(I) Prolonged isolation.

''(II) Placing hoods or sacks over the head of the individual.

''(III) Applying duct tape over the eyes of the individual.

''(C) Any act that causes pain or suffering to an individual equivalent to the acts described in subparagraph (B) or (C).

''(2) The term 'covered interrogation' means an interrogation, including an interrogation conducted outside the United States, conducted—

''(A) in the course of the official duties of an officer or employee of the Federal government; and

''(B) under color of Federal law or authority of Federal law.

''(3) The term 'intelligence community' has the meaning given such term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(4) The term 'interrogation' means the questioning of an individual for the purpose of gathering information for intelligence purposes.

''(5) The term 'US national' means any national of the United States as defined in section 101 of the Immigration and Nationality Act.

''(6) The term 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

''(7) The term 'waterboarding' includes any act in which an individual is immobilized on the individual's back with the individual's head inclined downwards, while water is poured over the individual's face and breathing passages.

''§ 533. Application

''Section 531 applies to any alleged offender who is—

''(1) a US national; or

''(2) any officer, employee, or contractor (including a subcontractor at any tier and any employee of that contractor or subcontractor) of the Federal Government—

''(A) who is not a US national; and

''(B) while acting in that capacity.

''§ 534. Exclusive remedies

''Nothing in this chapter shall be construed as precluding the application of State or local laws on the same subject, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any civil proceeding.''.

(d) MEDICAL MALFEASANCE.—Part I of title 18, United States Code, is amended by inserting after chapter 65 the following:

''CHAPTER 66—MEDICAL MALFEASANCE

''1371. Medical malfeasance.

''1372. Definitions.

''§ 1371. Medical malfeasance

''Any medical professional who, in the course of or in anticipation of a covered interrogation (as defined in section 532(2)), knowingly commits, attempts to commit, or conspires to commit an act of medical malfeasance with the intent to enable an act of cruel, inhuman, and degrading treatment shall be fined under this title or imprisoned not more than 5 years, or both.

''§ 1372. Definitions

''In this chapter:

''(1) The term 'medical professional' means any individual who—

''(A) has received professional training, education, or knowledge in a health-related field (including psychology) and who provides services in that field; and

''(B) is a contractor (including a subcontractor at any tier and any employee of that contractor or subcontractor), officer, or employee of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

''(2) The term 'covered interrogee' means an individual who is interrogated in a covered interrogation (as defined in section 532(2) of this title).

''(3) The term 'act of medical malfeasance'—

''(A) means the use by a medical professional of his or her training, education, or knowledge in a health-related field to cause a significant adverse effect on the physical or mental health of a covered interrogee; and

''(B) includes but is not limited to any of the following contraventions of the principles of medical ethics with respect to a covered interrogee:

''(i) To be involved in any professional relationship with a covered interrogee, the purpose of which is not solely to evaluate, protect, or improve the physical and mental health of that covered interrogee.

''(ii) To fail to protect the physical or mental health of a covered interrogee in the same way as a medical professional would protect the physical or mental health of any prisoner of war pursuant to Article 15 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva, August 12, 1949 (6 UST 3316).

''(iii) To fail to treat any disease or condition of the covered interrogee in the same way as a medical professional would treat a disease or condition of any prisoner of war pursuant to Article 15 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

''(iv) To certify, or to participate in the certification of, the fitness of a covered interrogee for any form of treatment or punishment that may have a significant adverse effect on the physical or mental health of the covered interrogee.

''(v) To participate in any way in the infliction of any treatment or punishment referred to in clause (iv).

''(vi) To participate in any procedure for restraining a covered interrogee unless such a procedure is determined, in accordance with purely medical criteria, as being necessary for the protection of the physical or mental health of the covered interrogee or of others, and presents no additional hazard to the covered interrogee's physical or mental health.''.

(e) CLERICAL AMENDMENTS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended—

(1) by inserting, after the item relating to ''Criminal street gangs'' the following:

''26A. Cruel, inhuman, or degrading treatment ..... 531''; and

(2) by inserting, after the item relating to ''Malicious mischief'' the following:

''66. Medical malfeasance ..... 1371''.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

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

Madam Chair, the manager's amendment includes a number of revisions to H.R. 2701 along with a number of technical changes. I would like to highlight several of these key provisions.

The manager's amendment makes significant changes to the underlying bill's reforms to the process for notifying Congress on sensitive covert actions.

As my colleagues know, the National Security Act requires that the President inform Congress through the intelligence committees about all significant intelligence activities including covert actions.

In very limited circumstances, it allows the President to limit briefings on certain highly sensitive covert actions to the Gang of Eight—the leadership of the Intelligence Committees and the leadership of both Houses.

Over the past several months, we have carefully considered the administration's objections to the reforms that the committee included in the underlying bill. The manager's amendment is a product of that work.

The bill, as amended, would require the President to maintain a record of all Gang of Eight briefings. It also requires that the full committee be notified every time that a Gang of Eight briefing is conducted and be provided with general information regarding that briefing.

In the event the President decides that a briefing must be limited to the Gang of Eight, the manager's amendment also requires that he submit a certification stating that extraordinary circumstances require the briefing to be limited.

In the case of a limited briefing, the DNI will have to reissue that certification every 180 days or open the briefing to all members of the committee.

This reform is a substantial improvement over the language we included in previous authorization bills and which some of my colleagues still support. This earlier language would have actually expanded the President's authority to conduct restricted briefings, going so far as to include all intelligence activities, not just covert actions. It would also result in more restricted briefings and not fewer.

I am interested in passing laws that reform the notification process, not, as some would say, in sending political messages.

The manager's amendment also includes a number of provisions proposed by my colleagues. These include an amendment by Mr. BISHOP, which would require the DNI and the Attorney General to provide Congress with a strategy on balancing intelligence collection needs with the interests of the United States in prosecuting terrorist suspects.

The questioning and prosecution of terrorist suspects has been the subject of some controversy in recent weeks, and I believe that Congress could benefit from understanding how the administration plans to handle such cases in the future.

A second provision included in the manager's amendment was proposed by Mr. MARSHALL of Georgia. It requires the DNI to study the best practices of other foreign governments to combat violent domestic extremism.

A number of our allies, including the United Kingdom and the Netherlands, have established programs to stop individuals from turning to terrorism. This is a growing problem here in the United States, and we could benefit from learning how our friends and allies have dealt with this problem.

Madam Chair, I urge the passage of the manager's amendment.

At this point, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, I claim time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 10 minutes.

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

Since the other side doesn't want to talk about this amendment, I find myself having to come back and, once again, bring up the McDermott amendment. I would just appreciate, since there have been no hearings on this and it has slipped into this in the dead of night, just some answers to questions that maybe someone on the majority side can answer.

Remember, we are in a community now where the people at the front lines realize, when they have been asked by Congress and the President to do something, that, 3 or 4 years later, they may be prosecuted for those very activities by following the requests of this Congress.

We are talking about enhanced interrogation techniques. The record indicates that even people as high as the Speaker of this House knew about it. Yet this House is supporting those efforts to perhaps go back and prosecute this. Now we open up a whole new set of legal risk for our people in the intelligence community. I wish this thing just said, ''Follow the rules,'' but it doesn't. It's 11 pages of legalese, creating all types of new and ambiguous rules for our people in the intelligence community.

Would someone please answer the question: Why did we never have any hearings on this? Why no discussion? Why no debate? Why does this amendment define a criminal offense that only intelligence community personnel would be guilty of? This only applies to intelligence community personnel. Answer the question.

The amendment would make it a crime for depriving the individual of necessary food, water, sleep, or medical care. How does the bill define ''necessary''? How will we explain that to the people in the intelligence community?

The amendment would make it a crime to require someone to participate in acts intended to violate the individual's religious beliefs. Is there any objective standard to define that term or is it a subjective standard? Is there any requirement of reasonableness?

The amendment would make it a crime to exploit phobias of the individual. Phobias? Could you explain why this would be a criminal offense for a member of the intelligence community but not a criminal offense for a prosecutor who threatens a detainee with increased jail time if he does not cooperate?

These are just some simple questions—questions that I would think people in the intelligence community would ask the next time someone from this body comes and visits with them and tells them how much we support them and how great of a job we think they're doing. I would think they would hold this amendment up and say, Sir, Madam, did you vote for this? Did you understand what it meant when you voted for it? Could you explain it to me? Somebody please answer these questions.

□ 1445

We sure didn't have the opportunity to ask this in committee, to get any briefings on this, to have any hearings, for someone to explain this to us. But, no, if the other side has its way, soon this will be law.

Madam Chair, I reserve the balance of my time.

Mr. REYES. Madam Chair, I now yield 2 minutes to the gentleman from Rhode Island, and a valued member of our committee, Mr. LANGEVIN.

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

Mr. LANGEVIN. I thank the gentleman for yielding and for his leadership on the Intelligence Committee.

Madam Chair, I rise in strong support of H.R. 2701.

This bill before us today funds critical intelligence activities that are vital to our national security. Of particular interest to me, it provides the resources for the foundational capabilities of a comprehensive cybersecurity strategy.

As the recent cyberattacks against Google and U.S. networks have demonstrated, our information infrastructure is far more vulnerable than many realize. It is absolutely imperative that the United States strengthen its cyberdefenses to ensure government and commercial functions are protected and to improve our ability to attribute attacks and hold aggressors accountable. The intelligence community has begun this work, and the President has committed to developing a broad strategy to secure U.S. information networks. I applaud those efforts.

In order to further foster cyberreadiness of our intelligence agencies, I offered an amendment requiring the administration to submit to Congress a plan for securing intelligence networks and determining whether we have the workforce we need to secure this vital part of cyberspace as well as the ability to recruit and retain the best and brightest in this field. I'm truly grateful this provision has been included in the manager's amendment that we're debating today.

Another issue of great importance is congressional oversight of our intelligence community. I'm pleased that this bill modifies the Gang of Eight notification process currently used to brief Congress on intelligence activities. During the last administration, we saw the danger of giving the executive branch too much leeway to engage in activities outside of congressional review. Reforming the mechanism governing congressional notification will restore Congress's ability to conduct oversight on our intelligence activities.

So with that I just want to thank Chairman REYES for his leadership in crafting this bill as well as his general leadership of the Intelligence Committee itself and particularly the attention he's paid to the issue of cybersecurity. I support the bill and I urge my colleagues to do the same.

Mr. HOEKSTRA. Madam Chair, I yield 2 minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chair, just to further again tell you how dangerous the amendment is on making it a criminal act for CIA officers to try to conduct interrogations, again I just want to read—this goes after specifically any intelligence officer or employee of the intelligence community. So saying we're just restating law simply isn't true. And then it goes on to say ''interrogation knowingly commits, attempts to commit, or conspires to commit an act of cruel, inhumane, or degrading treatment.'' ''Degrading,'' of course, is undefined.

But think of this: It goes on to explain at a further portion in their language ''if you seek to blaspheme his or

her religious beliefs.'' Now, we know that al Qaeda through their training always says when you're caught by the United States, allege abuse. It shuts the system down. Guess what we just did. Does that mean a Jewish FBI official is no longer able to go in and conduct an interview? I don't know. Does it mean that if an uncovered woman goes in to conduct an interview, we've blasphemed their beliefs and their religion? I don't know. But we've certainly made it easier to make the allegation, haven't we? We have made it almost impossible for them to do what we have to have them do, and that's extract information that's going to save lives. I mean you could go on to any sector of any religion that has become radicalized and understand it's impossible to meet that standard. Impossible. We are hugely restricting and handcuffing our intelligence community from doing what they need to do, and that's to get information, without torture, that keeps Americans safe and alive.

And, again, al Qaeda, Madam Chair, uses the technique, and we know this through a whole series of sources, to allege abuse. They use it in their media campaign, and they know it makes us chase our tail for weeks on end. This only enhances, this only strengthens their cause and al Qaeda's operational tactic to slow us down in the obtaining of that information.

I can't tell you how serious this amendment is with no debate and no discussion. It's dangerous. I urge rejection on this alone.

Mr. REYES. Madam Chair, it is now my privilege to yield 1 minute to the gentlewoman from California (Ms. RICHARDSON), who is a member of the Homeland Security Subcommittee on Emerging Threats.

Ms. RICHARDSON. Madam Chair, I rise to engage the chairman of the Intelligence Committee for purposes of a colloquy.

Mr. REYES. I am happy to oblige.

Ms. RICHARDSON. Mr. Chairman, as a member of the Homeland Security Committee and subcommittee Chair, I'm concerned that the members of the Homeland Security Committee have not consistently and were not adequately briefed by the administration on the events surrounding the failed Christmas Day terrorist attack. The Homeland Security Committee has an important role in congressional oversight over agencies within its jurisdiction.

Mr. Chairman, do you agree with me and Chairman THOMPSON that the Homeland Security Committee should be briefed in a timely manner on national security matters that play a central role in homeland security?

Mr. REYES. I believe that the Homeland Security Committees have an important role to play in congressional oversight of national security matters and that the committee should be briefed on national security matters that fall within its jurisdiction.

Ms. RICHARDSON. I thank the chairman for that response.

Mr. HOEKSTRA. Madam Chair, I yield 1 minute to my colleague from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Madam Chair, a few moments ago, a Member stated that the McDermott language only restates what's in current law. I would be very interested for any Member who can come to the floor and tell me where in current law it says any officer or employee of the intelligence community who forces an individual to be naked goes to jail for 15 years. Sometimes there's a good reason to ask someone to take their clothes off—to make sure they don't have bombs strapped around their waist. And yet an intelligence officer who does that under the McDermott language is liable for 15 years in jail.

The McDermott language says an officer or employee in the intelligence community who deprives an individual of necessary sleep goes to jail for 15 years.

Now, I cannot believe the many good Members on both sides of the aisle who are concerned about prosecuting terrorists, about keeping the country safe, have thought through the implications of this language. And to have it included in a manager's amendment along with 20 other amendments is just amazing to me.

I strongly encourage every Member of the House to read this language and be careful before you vote on it.

Mr. REYES. Madam Chair, I yield myself 2 minutes.

The manager's amendment includes language originally proposed by Mr. MCDERMOTT that reiterates existing law on torture and provides statutory criminal penalties for individuals who knowingly commit an act of cruel, inhumane, or degrading treatment. Torture is a reprehensible and counterproductive practice. The U.S., as we all know, has no business engaging in that. The language in the manager's amendment simply reasserts existing law.

Executive Order 13491 prohibits interrogators from engaging in any of the activities highlighted in the manager's amendment language. This Executive Order limits interrogations to the interrogation techniques that are authorized by the Army Field Manual. It also spells out the terms of Common Article 3 and relevant provisions of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment as the minimum standard for the United States to follow.

The language in the manager's amendment restates existing criminal law prohibitions like those in the Detainee Treatment Act and clearly establishes that the United States will adhere to the rule of law. It provides a specific criminal penalty for those who knowingly cause the death of a detainee. It is already a crime for an interrogator to knowingly murder a detainee. This provision merely adds a concrete statutory penalty to that conduct.

This language does not, does not, give terrorists greater rights than ordinary criminals.

We cannot afford another Abu Ghraib, and the language in the manager's amendment simply reasserts these important provisions already codified in law, plain and simple.

Madam Chair, I reserve the balance of my time.

Mr. HOEKSTRA. Madam Chair, I yield myself 1 minute.

I wish it were plain and simple. It's 11 pages, 11 pages dropped in in the middle of the night. No debate, no discussion, just inserted.

If it's already a crime, why are you putting it in here?

We haven't answered all the questions that we asked before. I notice that the sponsor of the amendment, who was here for an extended period of time, I'm not sure if he wanted to speak on the amendment or not but obviously wasn't given the opportunity to speak on the amendment if he wanted to. It's too bad because I think there's legitimate need for discussion and debate because I don't think it's at all clear that this is just a restatement of current law.

Answer the questions. The amendment would make it a crime to exploit phobias of the individual. Why is this a criminal offense for a member of the intelligence community but for no one else, not a criminal offense for a prosecutor? Why didn't we ever talk about this in committee? Why didn't we ever debate it?

Madam Chair, I reserve the balance of my time

Mr. REYES. Madam Chair, I now yield 1 minute to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the Chair for yielding.

I rise to commend Chairman REYES for including in the manager's amendment my amendment to develop a competitive grant program that will encourage the U.S. intelligence community to partner with Historically Black Colleges and Universities to recruit, train, and retain an ethnically and culturally diverse intelligence workforce.

We face a diverse and growing array of threats around the globe. As the means used by our enemies become more advanced, so must our defenses. Cultural, language, and educational barriers affect the quality of intelligence we can gather, and it's critical that our intelligence community have the human assets to overcome these barriers.

The area of Georgia that I represent is home to several HBCUs with specific expertise in languages and computer sciences. Engaging these centers of academic excellence, as this amendment does, will produce more sophisticated intelligence officers, who will in turn make our country more secure.

I want to thank Chairman REYES for his work on this important legislation,

and I urge my colleagues to support passage of this bill.

Mr. HOEKSTRA. Madam Chair, I yield 1½ minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Madam Chair, it's not that you're giving terrorists better rights than Americans. It's the fact that you're extending to foreign terrorists, foreign nationals, foreign-trained individuals coming here to commit acts of violence and kill civilians the same rights as Americans. That's wrong. They are enemy combatants.

You say, well, we can't have Abu Ghraib. You're right; we can't. Torture is illegal. It was illegal then, and guess what? It was investigated and they have been prosecuted, rightly so. They abused people. Wrong. They go to jail. That's what happens in this system.

What you're doing now is interjecting mass confusion into the people who are going to try to conduct debriefings all over the world, and they're going to go to dangerous places, and guess what? You've engaged one of the worst parts of the al Qaeda playbook that says, remember, when Americans are shooting at themselves and chasing their tail, they are not shooting at us. Allege abuse. You've just put 11 confusing pages right into the hands of our enemy to say, make it really hard on the folks who are risking their lives to save Americans so that we can continue to do what we do, and that's plan, train, recruit, and we will send people to America to kill American civilians.

This is a dangerous, dangerous, dangerous step that you take. No debate. No discussion. Lots of confusion. Don't do this to the men and women who risk their lives every day to protect the United States of America.

□ 1500

Mr. REYES. Madam Chair, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. REYES. Thank you, Madam Chair.

I rise to inform my colleagues on the other side that the men and women protecting this country are clear about their duties. They are focused on keeping us safe. They are not concerned about the political spin here. They are not concerned about the rhetoric that they hear. But they do appreciate actions more than rhetoric.

I know because I have been around the world visiting them. I have been to talk to various groups in the intelligence community. They know that we appreciate the work that they do each and every day to keep us safe. And they are not going to be fooled, like the American people are not going to be fooled, by the rhetoric that comes up, the spin that they try to put on the manager's amendment, and in particular the reiteration of something that is fundamentally American, and that is we have a Constitution. We have rules that we all have to live by. We understand the law. And we have to have respect for that law. It does not undermine any of that.

It is a good manager's amendment. I urge the adoption of the manager's amendment.

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

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. HOEKSTRA. Thank you.

Madam Chair, my colleague on the other side of the aisle is exactly right. The people in the intelligence community are watching exactly what we are doing. And actions do speak louder than words. The actions that they have seen, their colleagues were asked by this Congress, including, the record shows, the leadership of this House and the former administration, to do things on their behalf to keep America safe, and they see their colleagues now potentially being prosecuted because the rules changed under this administration.

As they see the rules changed for them and perhaps their colleagues being prosecuted, they see a global justice initiative coming out of the FBI where we are reading Miranda rights to our enemies on the battlefield in Afghanistan. They see the actions and they see the actions are very, very different.

They see that we are moving KSM from Gitmo to trial in New York City. Thankfully, the people in New York City are saying no way, we are not doing it. And at the same time that KSM is being promised a trial in civilian courts in the United States, they are seeing 11 pages of new vulnerabilities being placed on them after no hearings and no debate.

Yes, our men and women in the field are seeing a real difference. They are seeing a real difference in actions by this Congress and by this administration. They see that they have become kind of a target of this administration, that this is now not about keeping America safe, it is about putting them into a legal framework, an ugly legal net.

Madam Chair, I rise in strong opposition to this bloated Manager's Amendment. Its flaws powerfully demonstrate how the Intelligence Committee is failing to do its work and has in fact become counterproductive to the work of the intelligence community.

This amendment is everything that is wrong with intelligence policy in 2010. It is politicized, it fails to recognize or act on the serious threats that we continue to face as a nation, and it puts off the tough decisions indefinitely. Where it does take a substantive action, instead of taking meaningful steps to fix the problem it blames the men and women of the intelligence community for failing to follow a politically correct policy, even though that policy was ratified by Members of Congress at the highest levels. I think we have heard this story before.

The Managers Amendment contains the text of 22 Democratic amendments, and no Republican amendments. The Committee minority was not consulted on a single one of these amendments—in fact, one of them continues to reverse a bipartisan agreement on notification reform from last year.

Instead of taking meaningful steps to address critical national security problems such as the threat posed by bringing Guantanamo detainees to the United States, the flaws revealed in our intelligence sharing by the Fort Hood and Christmas attacks, and the issues posed by American citizens who join terrorist groups abroad, it would require 16 new reports, to bring the total for the bill to at least 57 new reports. And instead of supporting the men and women of our intelligence community, it would create a new criminal offense that not only would duplicate an existing law—it would apply only to our intelligence personnel. How's that for gratitude?

Instead of trying to provide proper procedures are in place to govern the conduct of covert action activities that could impact American citizens, the Majority believes it is more important to order yet another duplicative report on foreign language proficiency when the Committee is already briefed regularly and repeatedly on the efforts that are ongoing in this area.

Instead of trying to fix the intelligence sharing problems that were laid bare at the Fort Hood shooting and shown to be critical during the Christmas bombing attack, the Majority has instead chosen to put its head in the sand and order up a report on events in Argentina between the mid-1970s and the mid-1980s.

Instead of resolving the serious problems in coordinating the interrogation of the high-value detainees that became apparent when Miranda rights were read to a foreign radical jihadist, the Majority has chosen to require the intelligence community to write up not one, but two new reports and a "Task Force" on cybersecurity even though the Committee is in the middle of a series of comprehensive briefings and hearings on the subject and has conducted repeated oversight.

Madam Chair, I can't think of a single terrorist plot that has ever been disrupted by a report to Congress.

In addition to these more fundamental issues, I need to note for the record some specific serious problems with this amendment.

First, the amendment does even further damage to the bipartisan agreement that had been reached on reform of congressional notification. Instead of providing a mechanism that respects the separation of powers and the various equities of the President and the Congress, this amendment has ceded the decision of which Members of Congress will be briefed on sensitive covert actions entirely to the President, apparently to avoid the White House's veto threat on the bill. That is ironic for a majority who has claimed so long and so loud—despite clear records and the recollection of others to the contrary—that it was never briefed on intelligence policies that they explicitly helped to ratify on a bipartisan basis.

Second, the amendment does even further damage to years of carefully developed practice and procedure for how the congressional intelligence committees conduct oversight by attempting to cede its responsibility to the GAO. The original bill was flawed because it would have provided the GAO with virtually unfettered authority to insert itself into intelligence community matters without applying

the same rules that govern the congressional intelligence committees or limiting the dissemination of any work product to protect sources and methods.

It was so bad that even the Obama administration objected that the bill ''would fundamentally shift the longstanding relationship and information flow between the IC and intelligence committee members and staff.'' This Managers Amendment makes these problems even worse by allowing the Comptroller General to unilaterally develop procedures for handling of highly sensitive material with no requirement that it follow House or Committee rules, and in fact would allow committees other than the intelligence committees to request GAO review of the intelligence community.

This is contrary to the Rules of the House and the recommendations of the 9/11 Commission. How many times do we have to learn the simple lesson that intelligence oversight is most effective when it is conducted by the intelligence committees—at least when those committees do more than just require new reports.

Third, buried deep within the 22 amendments contained in this Managers Amendment is an extraordinary provision that would create a new criminal offense that would only apply to the men and women of the intelligence community. Title 18 of the U.S. Code, section 2340A, already gives effect to the Convention Against Torture and makes torture a criminal offense in the United States. Torture is already against the law.

Apparently, that's not enough for the Majority—it has to have a special offense that would apply only to the men and women of the Intelligence Community—just as Attorney General Holder has appointed a special prosecutor to investigate them. There is no legal reason to do this—it apparently exists only to make a political statement. The intelligence operatives on the front lines deserve our thanks and our support for doing hard things in hard places, like the men and women who made the ultimate sacrifice this year in Khost, Afghanistan. They do not deserve to be singled out for special criminal offenses. I believe that this is wrong.

Madam Chair, I strongly oppose this amendment.

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Chair, I'd like to extend my sincere thanks to Chairman REYES for accepting this amendment and taking an important step toward strengthening our Nation's cyber infrastructure against attack. Madam Chair, the protection of our country's cyber infrastructure is one of today's most pressing—and challenging—national security issues. Computers and Internet device technology have become pervasive in every type of crime and federal agencies are experiencing an increase in cyber-intrusions into our most secure and sensitive government computer networks. This growing threat is extraordinarily difficult to address. The technology used to perpetrate these crimes evolves constantly and rapidly, and it can be exceedingly difficult to track down the perpetrators. It is our duty to ensure that our Intelligence Community and our Nation's law enforcement agencies have every tool necessary in their arsenal to combat cyber criminals and cyber terrorists who seek to access or steal protected information.

To be successful in preventing security breaches, Madam Chair, the agencies tasked with protecting the country from cyber attacks must constantly revise and improve their primary functions of data collection, analysis, and dissemination to keep pace with expanding threats. Experts in the field have pointed to several areas of the law which may need to be reviewed and updated to ensure their effectiveness and to best protect American individuals, businesses, and our national security.

Our proposal would establish the Cybercrime Task Force to analyze the current tools available to the Intelligence Community and law enforcement and provide legislative recommendations on ways to strengthen those resources, reduce our national exposure, and prevent and deter cyber attacks, cyber terrorism, cyber espionage, and cybercrimes.

The goals of the task force include improving attribution to specific criminals, understanding the nontraditional targets of attackers, and strengthening federal computer crime statutes to deter would-be perpetrators.

First, crucial to better deterrence—and the possibility of implementing sanctions—is improving the IC's ability to designate concrete attribution for cyber attacks. Attacks committed with the aid of computer or Internet device technology are often cleared with negative clearance. In order words, the IC is not able to detect and identify hostile foreign actors because of missing data at Internet service providers. The task force shall provide evidence-based recommendations on mandatory data retention requirements that balance the privacy of an individual's data, the technical and financial limitations of companies and Internet service providers, and the need to ensure effective cybercrime investigation.

The task force shall incorporate in their recommendations suggestions to minimize barriers to entry into the service provider industry and to lessen any negative impact on innovation or new start-ups in the industry.

Second, Madam Chair, in light of the rapidly evolving nature of the crimes, we must better understand the likely, but nontraditional, targets to which perpetrators may seek unauthorized access. Cyber attacks are increasingly the preferred method of foreign intelligence services collection of data against the U.S., raising a host of novel training, counterintelligence and investigative issues. To improve these operations in the IC's understanding of the extent to which computer and Internet device technology pervades traditional crimes, the task force shall compile a list of nontraditional targets (i.e., economic or industrial bases) in the U.S. that the IC has not traditionally dealt with as a target for foreign intelligence services.

Finally, Madam Chair, an increasing number of ''terrestrial'' (i.e., physical) crimes are being committed with the aid of a computer or Internet services. The task force shall survey the current federal crime statute for computer fraud and abuse to determine whether it is sufficient in light of the advanced nature of the crimes being committed and to enhance the ability of our law enforcement agencies to identify, detect and apprehend suspects as well as enhance investigative and prosecutorial efforts.

The task force shall survey the current federal crime statute for computer fraud and abuse (as provided in 18 U.S.C. 1030) to determine whether it is sufficient in light of the advanced nature of the crimes being committed. It shall determine the adequacy of the laws for which cybercrime and cyber espionage constitute a predicate offense and provide recommendations for updating those statutes when warranted. The task force shall establish and disseminate guidelines for States to revise their State-level statutes equivalent to 18 U.S.C. 1030 to help ensure they keep pace with Federal changes.

An increase in the prevalence of crimes facilitated through computer fraud and abuse raises novel investigative, prosecutorial and training issues because of the complex and unique attributes of computer and Internet technology. To improve law enforcement's understanding of the extent to which computer technology pervades traditional crimes, the task force shall compile a list of which crimes are most often committed with the aid of computers or Internet devices, determine whether the relevant prosecutorial tools are up to date, and provide specific legislative recommendations on how to update the statute to improve prosecution efforts while simultaneously providing for individual privacy and data security.

The task force shall also advise whether a need exists to outlaw, or more clearly prohibit, certain behavior (i.e., unauthorized access) regardless of intent or resulting damage, whether monetary or to a computer system. The recommendations should take into account the increasing prevalence of individuals using preprogrammed hacking tools to commit a crime without necessarily understanding the full implications or potential consequences of the technology.

The task force shall analyze existing Federal and State data breach notification requirements and advise whether and how current law should be amended to strengthen requirements and improve compliance, including notification of relevant law enforcement authorities as well as any individuals whose personally identifiable information may be at risk from the breach. Currently, forty-three States have enacted breach notification requirements, and they vary widely, resulting in low compliance levels. The task force shall analyze discrepancies among existing State-level statutes, determine barriers to compliance, and provide recommendations for overcoming such barriers (i.e., through Federal legislation, tying a company's obligations to specific jurisdiction and their requirements, or through some other means).

Finally, the task force shall determine whether and how current victim restitution statutes should be amended in order for victims of cyber attacks to be made whole. Currently States have varying forms of recourse for victims of cyber attacks, particularly when a person is hurt because a company's data was breached. The task force shall recommend whether a Federal law is needed to address this and if so, how it should be structured.

Madam Chair, I urge my colleagues to ensure that we stay a step ahead of hackers and cyber terrorists seeking to cause us harm and to pass this important amendment.

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

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–419.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

Insert after section 354 the following new section:

SEC. 355. PUBLIC RELEASE OF INFORMATION ON PROCEDURES USED IN NARCOTICS AIRBRIDGE DENIAL PROGRAM IN PERU.

Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General of the Central Intelligence Agency entitled ''Procedures Used in Narcotics Airbridge Denial Program in Peru, 1995-2001'', dated August 25, 2008.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Madam Chair, I would like to yield myself as much time as I may consume.

Madam Chair, this is a very straightforward amendment. I thank the Rules Committee for making it in order. It basically says that for not later than 30 days after the enactment of this act, the Director of the Central Intelligence Agency shall make publicly available an unclassified version of the report of the Inspector General entitled ''Procedures Used in Narcotics Airbridge Denial Program in Peru.''

Many of you may remember that this was a very tragic incident where, with the assistance of our intelligence community, two of my constituents were tragically killed in Peru, shot down by the Peruvian Air Force. We need an unclassified version of this report being made available to the public, and more importantly, to the families, the families of those who were killed.

You know, it wasn't that long ago, it was within the last month that there was a discussion about an accountability review. Almost 9 years after that tragic shoot-down, there was an Accountability Board that had been convened. And its results have been made or were reported to our committee. Roughly 4 weeks ago I asked the Director of the CIA whether the families of those killed would be briefed on what was found in the Accountability Board and the accountabilities that were put in order. To date I am yet waiting for an answer.

This has been unfair to these families, it has been unfair to the American public that when we have had such a tragic failing in the intelligence community, which included, from my perspective, an attempted coverup by the previous administration or by the intelligence community as to exactly what happened, how it happened, and how these Americans were killed, that we have been so closed in sharing that information with the American public and the families.

I reserve the balance of my time.

Mr. REYES. I would like to claim the time in opposition, even though I am not opposed to it.

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

There was no objection.

Mr. REYES. I yield such time as she may consume to my friend from California (Ms. HARMAN).

Ms. HARMAN. I thank the chairman for yielding, and surely hope that we will accept his amendment. I recall during my years as ranking member on the committee when we were, in quotes, ''briefed'' on this incident. I am very disappointed about the way it was handled. I personally think the gentleman from Michigan is correct, and I applaud what he is doing.

As we debate this bill, we must thank again the thousands of patriotic and courageous women and men who are serving in our intelligence community around the world. As I so often say, a grateful Nation salutes them for their efforts to keep us safe. Our Nation also remembers and honors those who lost their lives, most recently at Forward Operating Base Chapman in Afghanistan.

Madam Chair, in addition to this excellent amendment, I applaud the underlying bill's provisions to reform the way Congress is notified of sensitive covert programs, briefings that for too long were limited to the so-called ''Gang of Eight.'' During my years as ranking member, it was clear that effective oversight required providing the entire committee with information previously limited to its leadership. And so this bill rightly provides for full committee notice of Gang of Eight briefings, a contemporaneous record of those briefings, something we sorely lacked, and it entitles the full committee to receive the same briefings as the Gang of Eight within 180 days.

These changes go a long way toward correcting the frustration felt on both sides of the aisle during my tenure on the committee. We should not have been put in the position of on the one hand upholding our oath of secrecy, while on the other hand being starved for information to conduct necessary oversight.

Just last week, pursuant to a FOIA request, memoranda describing some of our briefings were declassified. The documents, which are available to the public, show repeated pushback from Intelligence Committee members, surely including me, about the failure to brief us or to provide documents or other timely information.

Madam Chair, last time I checked, Congress was an independent branch of government. We must assert our prerogative to monitor and rectify problems that surface in the programs we oversee. In the intelligence world, some of these problems affect our core values as well as our Constitution. Security and liberty are not a zero sum game. It is our sworn duty to protect both. The language in the underlying bill and this amendment offered by Mr. HOEKSTRA go a long way to rectify long-existing problems.

I urge support for the bill and support for this amendment.

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

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

Mr. REYES. Madam Chairwoman, I am prepared to accept the amendment, and want the record to reflect that Ms. SCHAKOWSKY from Illinois is very much in agreement with Mr. HOEKSTRA.

I yield back the balance of my time.

Mr. HOEKSTRA. Madam Chair, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. HOEKSTRA. Thank you, Madam Chair.

I would like to thank my colleagues on the other side of the aisle and the chairman for accepting the amendment, my colleague from California for the kind words that she had to say. We worked on this program for a number of years together. And it has taken us such a long period of time to get the answers that help understand but do not explain what happened.

This amendment is intended to get more information to the American people, more information to the families. I do hope that over the coming days that the Director of the CIA, that the people in the intelligence community decide to give the families full access to the Accountability Board.

I appreciate the support of the chairwoman of the subcommittee, Ms. SCHAKOWSKY from Illinois. This is a case where we have worked uniquely in a bipartisan way to address failings within the intelligence community, to try to right those wrongs, and to try to move us forward in a constructive and positive way. I thank my colleagues who have enabled that process to work and to work effectively.

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

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–419.

Mr. HASTINGS of Florida. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Florida:

Insert after section 352 the following new section:

SEC. 353. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) FINDINGS.—Congress finds the following:

(1) To most effectively carry out the mission of the intelligence community to collect and analyze intelligence, the intelligence community needs personnel that look and speak like the citizens of the many nations in which the United States needs to collect such intelligence.

(2) One of the great strengths of the United States is the diversity of the people of the United States, diversity that can positively contribute to the operational capabilities and effectiveness of the intelligence community.

(3) In the past, the intelligence community has not properly focused on hiring a diverse workforce and the capabilities of the intelligence community have suffered due to that lack of focus.

(4) The intelligence community must be deliberate and work hard to hire a diverse workforce to improve the operational capabilities and effectiveness of the intelligence community.

(b) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(c) CONTENT.—The report required by subsection (b) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chair, I would like to correct some things, because I have been here all day listening to our colleagues complain about the process. This is the beginning of the process. And it is an important one, one that has not been undertaken in 4 years, such that we have not had an authorization bill for all that time.

Now, I am sure that my colleagues know that when this measure is completed, and on the other side in the other body, that we will have a conference. And many of the discussions that are being heard here today are likely to be addressed in that conference report.

Now, I have stated time and again that the intelligence community is not diverse enough to do its job of obtaining and analyzing foreign countries' secrets. Diversity is a mission imperative. We need people who blend in, speak the language, and understand the cultures and the countries that we are targeting.

The intelligence community is our Nation's first line of defense against the increasing dangers and threats we face around the world. From the scourge of terrorism, to the proliferation of weapons of mass destruction, to hostile governments, intelligence work is often unseen, and mostly thankless.

Now, I keep hearing all this talk about Mirandizing people on the battlefield. I have a lot of difficulty understanding when that happened. I have been on the committee for 10 years, and I don't know that that is a methodology that is being employed with any regularity.

I have had the honor and privilege of meeting many of our intelligence professionals during my oversight travel as a member of the Intelligence Committee to more than 50 countries. I cannot overstate how much all of us, Democrats and Republicans, every Member of this House and every President that I have known, are appreciative and humbled by their service. And yes, I will stand and say that when this authorization measure passes that I do support the men and women in the 16 elements of the intelligence services and appreciate them very much.

I am proud to support this measure for several reasons. It substantially increases funding for human intelligence collection and counterintelligence activities, tools that have been underresourced in the past years.

□ 1515

The bill continues the essential funding to support the critical efforts of U.S. warfighters in Iraq, Afghanistan and Pakistan, and provides additional funding to address significantly emerging issues in Africa, Latin America and elsewhere. And I would urge my colleagues to footnote that.

There is no place that I think that we should focus as much attention as we have with Iran as Yemen. It is going to be critical for us to pay attention to that area of the world.

This bill also adds funds and authorities for language programs. Chairman REYES and I and countless other members on this committee have fought this issue repeatedly for us to make progress in languages; and, I might add, we have been successful. If you see the new people entering the service, if you visit our operational activities, you begin to see more and more people that are in the service.

I do have something to quarrel about, and that is, the gays in the military provision that allows, among other things, that we're putting people out of the service who are Farsi and Arabic speakers because they're gay, and I think that's ridiculous in the environment that we're operating in.

But we still don't have enough women. We still don't have enough Arabs. We still don't have enough North Koreans, and I could go on and on.

While the intelligence community has made some progress in hiring people with diverse backgrounds, education and experience, including, indeed, more women and minorities, this progress has been at a glacial speed. The intelligence community has been historically slow to recognize the wealth and abundance of talent and skills that reside in first-, second-, and even third-generation Americans. We still don't have an intelligence workforce that looks like our country. We aren't even close.

The bottom line is that we, until we have every segment of society participating in the intelligence community, our capabilities will not rise to the level needed to defeat terrorism.

I'd like to yield the balance of my time to the distinguished chairperson of the Intelligence Committee, and to thank the Members of the Democrat and Republican staff on the House Intelligence Select Committee.

Mr. REYES. I just want to thank the vice chair of our Intelligence Committee for his hard work. I know he's worked ever since he's been on the committee on this very important issue that keeps, I think, the face of the intelligence community reflecting the face of this Nation.

Mr. HOEKSTRA. Madam Chairman, I'd like to claim the time in opposition, although I will not be opposed to the amendment.

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

There was no objection.

Mr. HOEKSTRA. I would like to recognize my colleague from Texas (Mr. THORNBERRY) for 1 minute.

Mr. THORNBERRY. The gentleman from Florida (Mr. HASTINGS) has been a forceful and eloquent advocate for greater diversity in the intelligence community. And he's exactly right: we will be more effective when we have greater diversity in the intelligence community. We're more effective human collectors when we look like those from whom we are collecting. We will be more effective when we have a greater range of language talents including dialects. All of that is absolutely true.

My point, in addition, however, is that it's not just getting them into the intelligence community. It's how we treat them once they're hired. And some of the recent actions over the last year, whether it's a special prosecutor to go after, again, interrogators after they have already been investigated, or whether it's releasing classified

memos, even though five CIA directors recommend not having it done, that cuts against the ability to keep these qualified people in government service after we have them hired. And I can think of nothing worse than to threaten these people with 15 years of prison if they stray across the line in an interrogation as far as encouraging our intelligence professionals to stay with the government.

Mr. HOEKSTRA. Madam Chairman, I yield myself the balance of the time.

Madam Chairman, I will not oppose the amendment. I support the amendment. I think the report on highlighting the progress that we have made or that we may not have made toward our objectives of increasing the diversity within the intelligence community is something that is needed and something that my colleague has been championing for all the years that we have served on the committee together. I support the amendment and urge my colleagues to support it as well.

I yield back the balance of my time.

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

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

Mr. HASTINGS of Florida. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. ROGERS OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–419.

Mr. ROGERS of Michigan. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROGERS of Michigan:

Strike section 349 (page 64, lines 8 through 24) and insert the following new section:

SEC. 349. FEDERAL BUREAU OF INVESTIGATION FIELD OFFICE SUPERVISORY TERM LIMIT POLICY.

None of the funds authorized to be appropriated by this Act may be used to implement the field office supervisory term limit policy of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after a specific term of years.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. ROGERS of Michigan. Madam Chairman, it's with a heavy heart I rise with this amendment. This has been a bipartisan issue for, I hate to say it, going on 5 years where the Director of the FBI implemented a new policy, and the policy was designed to try to get a different talent pool of individuals to come to Washington, D.C. to be supervisors in their new bureaucracy of the intelligence community, if you will. They were having a difficult time doing it.

So what they ended up doing is they forced supervisors in the field. These are FBI experts in a whole variety of fields—it could be white- collar crime, it could be organized crime, it could be foreign counterintelligence, could be counterterrorism efforts—and arbitrarily said, after 5 years you're done. You either have to step down, you have to come to Washington, D.C. and apply to be an ASAC or other job, or you have to move on. You can either leave the Bureau, you can step down and go back to the ranks of what we used to call a brick agent in the FBI.

Five years ago we said, you know this is really unfair to a lot of agents. You're going to lose agents. Unfortunately, they implemented it, we lost agents, senior agents, talented agents. And from both sides of this aisle we heard stories after stories where we represented about good, quality, talented, seasoned FBI agents being forced to make decisions based on their families. Some were just not in a position to come back to Washington, D.C., so their reward for all that honorable service is get out.

Well, the Director cut a deal with this Congress, not this particular session, but a Congress a few years ago, 5 years ago: I will fix this problem for the agents who this harmed. We are still waiting today.

This is called the up-and-out policy of the FBI. It is wrong, Mr. Director. It is absolutely unconscionable that this continues to be a problem, after they've given the Congress of the United States your word it would be fixed. I just implore the Director to fix this problem.

The only way for us to join together to get this fixed for the men and women who have risked their lives, who moved their families, who make the difficult choices to be an agent of the FBI, is to offer this amendment and say, no more. We're not playing anymore. Fix this problem. It's wrong to treat the men and women of the FBI with this blatant disregard for what has been harmful to them and their families, in some cases, their pensions as well. It's wrong.

I know it has been bipartisan in the past, and I hope that it continues to be a bipartisan effort. And, Madam Chairman, I can't strongly enough say that I support it. But also, I have a letter here from the FBI, the Federal Bureau of Investigation Agents Association, representing literally tens of thousands of former and current agents all across the country who have stood up and said this is the right thing. They support this amendment unconditionally.

Let us stand with those men and women who are doing so much to keep us safe today. This is the one thing that we can do and send a message to this Director. For all the good and all the bad that happened since 9/11 and he's been part of a lot of good things, this could be a horrible black mark on what could otherwise be a great career there if you don't take care of the people who have been taking care of America.

I reserve the balance of my time.

The Acting CHAIR. Does any Member seek time?

Mr. ROGERS of Michigan. Seeing there's no further speakers, I would just urge the body's quick support and, again, hopefully we can stand with the men and women who have stood with us in difficult times across the country. I yield back my time.

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

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–419.

Ms. ESHOO. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. ESHOO:

At the end of subtitle A of title III, add the following new section:

SEC. 305. CONFLICT OF INTEREST REGULATIONS AND PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT FOR INTELLIGENCE COMMUNITY EMPLOYEES.

(a) CONFLICT OF INTEREST REGULATIONS.—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) CONFLICT OF INTEREST REGULATIONS.—(1) The Director of National Intelligence, in consultation with the Director of the Office of Government Ethics, shall issue regulations prohibiting an officer or employee of an element of the intelligence community from engaging in outside employment if such employment creates a conflict of interest or appearance thereof.

''(2) The Director of National Intelligence shall annually submit to the congressional intelligence committees a report describing all outside employment for officers and employees of elements of the intelligence community that was authorized by the head of an element of the intelligence community during the preceding calendar year. Such report shall be submitted each year on the date provided in section 507.''.

(b) OUTSIDE EMPLOYMENT.—

(1) PROHIBITION.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

''PROHIBITION ON CERTAIN OUTSIDE EMPLOYMENT OF OFFICERS AND EMPLOYEES OF THE INTELLIGENCE COMMUNITY

''SEC. 120. An officer or employee of an element of the intelligence community may not personally own or effectively control an entity that markets or sells for profit the use of knowledge or skills that such officer or employee acquires or makes use of while carrying out the official duties of such officer or employee as an officer or employee of an element of the intelligence community.''.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of such Act (50

U.S.C. 401 note) is further amended by inserting after the item relating to section 119B the following new item:

''Sec. 120. Prohibition on certain outside employment of officers and employees of the intelligence community.''.

Page 71, strike line 11 and insert ''section 510.''.

Page 71, after line 11 insert the following:

''(K) The annual report on outside employment required by section 102A(s)(2).''.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentlewoman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ESHOO. Madam Chairman, I rise to offer an important amendment to the Intelligence Authorization Act.

Madam Chairman, many of the provisions that I supported and authored are already in the legislation that was reported out of the committee. Today I'm offering this amendment to address a problem that arose after our consideration of the bill last year.

Earlier this month we discovered that intelligence community employees have been starting businesses to sell private companies the very skills they use in their employment for the government. For example, a number of CIA employees launched a company to sell deception detection services to hedge funds and ran this company while they were Federal employees. I'm very troubled by this. I questioned the Director of National Intelligence about this at HPSCI's worldwide threats hearing, and he said he would look into it. While waiting for a formal answer, I discovered, to my great surprise, that this activity had already been approved by their agencies. Clearly, we need to tighten up that process.

All Federal agencies are required to have conflict of interest guidelines that set limits on employees' outside employment. Now, these guidelines are developed jointly by the agency and by the Office of Government Ethics. But the DNI has not issued intelligence community-wide policy guidance on conflicts of interest for outside employment.

So this amendment does two things. First, it requires the DNI to establish an intelligence community-wide conflict of interest regulation working in connection with, and in conjunction with, the Office of Government Ethics to establish a community-wide process for checking outside employment for conflicts of interest, and also to submit an annual report to the intelligence committees on outside employment activities that were approved in the last year.

Second, it would prohibit employees from owning companies that sell skills that are related to their government service.

I think that government employees, and especially those in the intelligence community, should adhere to the highest ethical standards. The American people have to have confidence that government employees are working in the best interest of the Nation and not in just a personal self-interest.

I want to thank my colleagues from the HPSCI, Representatives TIERNEY, BOREN, SCHAKOWSKY, THOMPSON, HOLT, ROGERS and MYRICK, for cosponsoring this amendment. And I urge the adoption of it.

Madam Chairman, how much time do I have left?

The Acting CHAIR. 2½ minutes is remaining.

Ms. ESHOO. I yield to the gentleman from Michigan (Mr. ROGERS) 1½ minutes.

Mr. ROGERS of Michigan. Madam Chairman, I want to thank my good friend, Ms. ESHOO from California. You know, sometimes you can get ahead of a problem. We don't often do that in Congress. I think this is a great way to get ahead of a problem.

Given the fact that these individuals who have, who are doing great things for their country, we're thankful for it, takes sometimes a piece of intellectual property that really belongs to the people of the United States, and some of it is very sensitive, very compartmentalized. It's information that is shared with very few. So it is an incredible responsibility. And for us not to have a policy on how we make sure that those people don't use that information for personal gain on the outside of that community, especially the intelligence community, I think is wrong. And I think this is a good measure that puts some really basic protections, not only for them, but for the intelligence community and the people of America.

And I want to commend the gentlelady for her work and effort on this. And I wholeheartedly support this effort.

□ 1530

Ms. ESHOO. I want to thank the gentleman for his support. This is a bipartisan amendment.

I just want to add, Madam Chair, this is in no way a ban across the entire Federal Government and Federal workers. There are some that teach at universities at night; there are others that make really very low salaries—GS–1s in the $17,000 range—that do have some outside employment.

This goes directly to the skill set that the American people train these CIA officers and others in the intelligence community to do their work relative to national security. That shouldn't be sold off in bits and parts by moonlighting.

So I think that we've done that respectfully, and I think that we've done it thoughtfully. And I'd like to thank the chairman again for this, Mr. ROGERS, and Members that have supported it. I think it's a good amendment.

I yield back the balance of my time.

The Acting CHAIR. Who seeks time in opposition?

With no one seeking time in opposition, the question is on the amendment offered by the gentlewoman from California (Ms. ESHOO).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. CONAWAY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–419.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CONAWAY:

Page 87, strike line 21 and all that follows through page 88, line 9, and insert the following:

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is imperative that intelligence community-wide auditability be achieved as soon as possible;

(2) the Business Transformation Office of the Office of the Director of National Intelligence has made substantial progress and must be of sufficient standing within the Office of the Director of National Intelligence to move the plan for core financial system requirements to reach intelligence community-wide auditability forward;

(3) as of the date of the enactment of this Act, the National Reconnaissance Office is the only element of the intelligence community to have received a clean audit; and

(4) the National Reconnaissance Office should be commended for the long hours and hard work invested by the Office to achieve a clean audit.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Thank you, Madam Chair.

This amendment is a pretty simple, straightforward one. It's about good governance. It's about protecting the assets of the American taxpayer as utilized by the intelligence community.

This bill came out of committee 8 months ago. We've now learned some things in the last 8 months that we didn't know then, and this amendment would simply substitute a new paragraph A for the old paragraph A. This paragraph would simply say it's an important initiative for the intelligence community to work to get audited financial statements across all of the entities. This takes a lot of work, a lot of effort to make that happen.

I'd like to call the Chair's attention to the National Reconnaissance organization, who is the only entity within the intelligence community that has, in fact, achieved an unqualified audit opinion on their financial statements. Under Dr. Scott Large's leadership, that hard work was done. And then more directly, Karen Landry, the Chief Financial Officer for the NRO, and Sandra Van Booven, the Director of Financial Management, led an incredible team to do an awful lot of hard work to make that happen. I don't discount

how hard that is. From my professional experience, I know it's hard. But they're to be commended as the agency that has achieved clean audited financial statements.

As important as that is, it's an ongoing effort, and I hope that General Bruce Carlson, who is now the leader at NRO, will continue to lead the efforts needed to make that happen.

This is a top-down function. It has to have the initiative of the leadership. The Office of Director of Intelligence has to make this a priority. And this amendment would seek to recognize that priority and continue to draw attention to it from our body so that the executive branch body, in fact, knows that we believe that it's important to get this done. So it's a pretty straightforward amendment, Madam Chair.

I recognize the hard work of some of the folks over at NRO is kind of a pat on the back for having done it correctly, shown us how it can be done, an incredible amount of hard work done by the team led by Ms. Landry and Ms. Van Booven.

So, with that, I encourage my colleagues on the floor today to support this good governance amendment that would further the hard efforts being done across the community to achieve unqualified audit opinions on their financial statements and all of the internal controls and systems that go behind that.

One final comment. There are some tough decisions ahead for Director Blair and others to make this happen, and I encourage them to make those decisions sooner than later. And I encourage my colleagues to support the amendment.

I yield back.

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

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ARCURI

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–419.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ARCURI:

Insert after section 354 the following new section:

SEC. 355. CYBERSECURITY OVERSIGHT.

(a) NOTIFICATION OF CYBERSECURITY PROGRAMS.—

(1) REQUIREMENT FOR NOTIFICATION.—

(A) EXISTING PROGRAMS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a notification for each cybersecurity program in operation on such date that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(B) NEW PROGRAMS.—Not later than 30 days after the date of the commencement of operations of a new cybersecurity program, the President shall submit to Congress a notification of such commencement that includes the documentation referred to in subparagraphs (A) through (E) of paragraph (2).

(2) DOCUMENTATION.—A notification required by paragraph (1) for a cybersecurity program shall include—

(A) the legal justification for the cybersecurity program;

(B) the certification, if any, made pursuant to section 2511(2)(a)(ii)(B) of title 18, United States Code, or other statutory certification of legality for the cybersecurity program;

(C) the concept for the operation of the cybersecurity program that is approved by the head of the appropriate agency or department;

(D) the assessment, if any, of the privacy impact of the cybersecurity program prepared by the privacy or civil liberties protection officer or comparable officer of such agency or department; and

(E) the plan, if any, for independent audit or review of the cybersecurity program to be carried out by the head of the relevant department or agency of the United States, in conjunction with the appropriate inspector general.

(b) PROGRAM REPORTS.—

(1) REQUIREMENT FOR REPORTS.—The head of a department or agency of the United States with responsibility for a cybersecurity program for which a notification was submitted under subsection (a), in consultation with the inspector general for that department or agency, shall submit to Congress and the President, in accordance with the schedule set out in paragraph (2), a report on such cybersecurity program that includes—

(A) the results of any audit or review of the cybersecurity program carried out under the plan referred to in subsection (a)(2)(E), if any; and

(B) an assessment of whether the implementation of the cybersecurity program—

(i) is in compliance with—

(I) the legal justification referred to in subsection (a)(2)(A); and

(II) the assessment referred to in subsection (a)(2)(D), if any;

(ii) is adequately described by the concept of operation referred to in subsection (a)(2)(C), if any; and

(iii) includes an adequate independent audit or review system and whether improvements to such independent audit or review system are necessary.

(2) SCHEDULE FOR SUBMISSION OF REPORTS.—The reports required by paragraph (1) shall be submitted to Congress and the President according to the following schedule:

(A) An initial report shall be submitted not later than 180 days after the date of the enactment of this Act.

(B) A second report shall be submitted not later than one year after the date of the enactment of this Act.

(C) Additional reports shall be submitted periodically following the submission of the reports referred to in subparagraphs (A) and (B) as necessary, as determined by the head of the relevant department or agency of the United States in conjunction with the inspector general of that department or agency.

(3) COOPERATION AND COORDINATION.—

(A) COOPERATION.—The head of each department or agency of the United States required to submit a report under paragraph (1) for a particular cybersecurity program, and the inspector general of each such department or agency, shall, to the extent practicable, work in conjunction with any other such head or inspector general required to submit such a report for such cybersecurity program.

(B) COORDINATION.—The heads of all of the departments and agencies of the United States required to submit a report under paragraph (1) for a particular cybersecurity program shall designate one such head to coordinate the conduct of the reports on such program.

(c) INFORMATION SHARING REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security and the Inspector General of the Intelligence Community shall jointly submit to Congress and the President a report on the status of the sharing of cyber threat information, including—

(1) a description of how cyber threat intelligence information, including classified information, is shared among the agencies and departments of the United States and with persons responsible for critical infrastructure;

(2) a description of the mechanisms by which classified cyber threat information is distributed;

(3) an assessment of the effectiveness of such information sharing and distribution; and

(4) any other matters identified by the Inspectors General that would help to fully inform Congress or the President regarding the effectiveness and legality of cybersecurity programs.

(d) PERSONNEL DETAILS.—

(1) AUTHORITY TO DETAIL.—Notwithstanding any other provision of law, the head of an element of the intelligence community that is funded through the National Intelligence Program may detail an officer or employee of such element to the National Cyber Investigative Joint Task Force or to the Department of Homeland Security to assist the Task Force or the Department with cybersecurity, as jointly agreed by the head of such element and the Task Force or the Department.

(2) BASIS FOR DETAIL.—A personnel detail made under paragraph (1) may be made—

(A) for a period of not more than three years; and

(B) on a reimbursable or nonreimbursable basis.

(e) SUNSET.—The requirements and authorities of this section shall terminate on December 31, 2012.

(f) DEFINITIONS.—In this section:

(1) CYBERSECURITY PROGRAM.—The term ''cybersecurity program'' means a class or collection of similar cybersecurity operations of an agency or department of the United States that involves personally identifiable data that is—

(A) screened by a cybersecurity system outside of the agency or department of the United States that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cybersecurity, outside the agency or department of the United States that was the intended recipient of the personally identifiable data; or

(C) transferred, for the purpose of cybersecurity, to an element of the intelligence community.

(2) NATIONAL CYBER INVESTIGATIVE JOINT TASK FORCE.—The term ''National Cyber Investigative Joint Task Force'' means the multi-agency cyber investigation coordination organization overseen by the Director of the Federal Bureau of Investigation known as the Nation Cyber Investigative Joint Task Force that coordinates, integrates, and provides pertinent information related to cybersecurity investigations.

(3) CRITICAL INFRASTRUCTURE.—The term ''critical infrastructure'' has the meaning given that term in section 1016 of the USA PATRIOT Act (42 U.S.C. 5195c).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from New York.

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

The threat of cyberattack on our computer and Internet infrastructure as well as the threat of cyberwarfare cannot be overstated. The need for congressional action to assure adequate funding is in place to guarantee that our country is prepared for any contingency that may arrive in this relatively new area of warfare is critical. I believe, as a nation, our investment in cybersecurity will be the Manhattan Project of our generation.

H.R. 2701 authorizes the funding to make this investment a reality. Cyberthreats and attacks are real, and they threaten our financial and defense networks every day. Nearly every aspect of everyday life in our global society is dependent on the security of our cybernetworks. We rely on these systems to carry virtually all of our business transactions, control our electric grid, emergency communication systems, and even traffic lights.

The most troubling cyberthreat may be the very real prospect of state-sponsored cyberattacks against sensitive national security information. We must take steps to protect our cyberinfrastructure, but to do that in such a way that we do not infringe on individuals' rights to privacy.

We have a number of organizations in government that work on cybersecurity, and we in Congress need to ensure that these organizations are sharing this information with each other in an effective, reliable, and safe manner. This must be one of our top priorities.

Over the next few years, the administration and the intelligence community will begin new and unprecedented cybersecurity programs to combat these threats with cutting-edge technologies. These new programs will present new legal and privacy challenges.

To ensure that Congress can properly oversee these programs, my amendment requires the President to submit detailed notifications to Congress on current and newly created cybersecurity programs so that Congress may perform the oversight that the Constitution requires.

My amendment sets a preliminary framework for the administration and congressional oversight to ensure that the government's national security programs are consistent with legal authorities and preserve individuals' reasonable expectations of privacy. It requires the President to notify Congress of new and existing cybersecurity programs and provide Congress with the program's legal justification, a general description of its operation, and describe how it impacts privacy and sensitive data and to detail any plan for any independent audit or review of the program. This amendment is a reasonable and responsible continuation of this effort.

Earlier this month, the House approved a Cybersecurity Enhancement Act to expand programs to strengthen our Nation's cybersecurity and to require a cybersecurity workforce assessment to give us a clearer picture of our cybercapabilities in both the Federal Government and private sector to combat future attacks.

Given the increasing number and sophistication of cyberattacks that are being aimed at our networks and the degree to which we must expand our cybercapabilities, we must also ensure that we maintain our oversight abilities. My amendment is similar to the oversight provisions included in the Senate legislation, and I ask that all Members support these important safeguards.

I reserve the balance of my time.

Mr. THORNBERRY. I seek to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

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

Madam Chair, I don't think anyone in this House can deny the importance of cybersecurity. Certainly the Intelligence Committee is devoting a great deal of time and effort to understanding the threat to our potential responses and how we go about it. I am perhaps, however, a lonely voice expressing caution about the number of reports that accumulate on top of one another year after year after year and weigh down our intelligence community.

I mentioned earlier that there are 41 new reports of one kind or another that are in the underlying bill. The manager's amendment, which we've debated, has at least 17 more reports on top of that. And I believe, if you look at all of the 20, 21 provisions of the manager's amendment, there are at least two reports on cybersecurity plus a task force.

Now, the issue is important, but surely the goodness—we have some responsibility in Congress to pay attention to the cost in terms of dollars, the cost in terms of manpower to do all of these reports that get added on top of the intelligence community but often never go away, that just stack on top of each other year after year.

So I appreciate the gentleman's interest in cybersecurity. I share that, by the way. I think the gentleman's right on the importance of it. But I would just encourage him and all Members, before you come demanding another report of one sort or another, maybe it would be good to inquire as to what it would take to actually complete that report, how much money that costs the taxpayers. If we do, I think we are going to be a little more hesitant to stack report upon report upon report.

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

Mr. ARCURI. Madam Chair, I thank the gentleman for his comments, and I think he's right. I think, clearly, the fact that a report is requested simply for the sake of requesting a report is redundant and is taxing on our intelligence community. But I think when we look at what happened during 9/11 and the fact that some of the intelligence branches of government were not sharing information, I think we need to learn something from that.

In my district, I have an Air Force research lab that really focuses a great deal on cybersecurity, and I want to make sure the information that they're developing and the technologies that they're developing are being shared with other branches of the military and the intelligence community. And I think it's very important that we allow congressional oversight and that we ensure that in our role as Congressmen, that we are making sure that they are doing that, that they are sharing the information the way they should.

So I certainly appreciate your point, but I think this is one of the places where it's critically important that we ensure that the information sharing is being done.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. BURTON OF INDIANA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–419.

Mr. BURTON of Indiana. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. BURTON of Indiana:

Page 135, after line 12, insert the following new section:

SEC. 505. SENSE OF CONGRESS HONORING THE CONTRIBUTIONS OF THE CENTRAL INTELLIGENCE AGENCY.

It is the sense of Congress to—

(1) honor the Central Intelligence Agency for its contributions to the security of the United States and its allies;

(2) recognize the Central Intelligence Agency's unique role in combating terrorism;

(3) praise the Central Intelligence Agency for its success in foiling recent terrorist plots and capturing senior members of al-Qaeda;

(4) thank the Central Intelligence Agency for its crucial support of United States military operations in Afghanistan and Iraq;

(5) commend the men and women who gave their lives defending the United States in the service of the Central Intelligence Agency, especially noting those individuals who remain unnamed; and

(6) urge the Central Intelligence Agency to continue its dedicated work in the field of intelligence-gathering in order to protect the people of the United States.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BURTON of Indiana. First of all, Madam Chair, I want to thank the

Rules Committee for making this amendment in order. It is a very straightforward amendment, and it's one that I think is very, very important because the CIA has been under such intense criticism over the last several months—maybe the last few years—that it's time to let them know and the people of this country know that we really appreciate what they're doing to secure the safety of this country.

What the bill does is:

It honors the Central Intelligence Agency for its contributions to the security of the United States and our allies;

It recognizes the Central Intelligence Agency's unique role in combating terrorism;

It praises the Central Intelligence Agency for its success in foiling recent terrorist plots and capturing senior members of al Qaeda;

It thanks the Central Intelligence Agency for its crucial support of U.S. military operations in Afghanistan and Iraq;

It commends the men and women who gave their lives defending the U.S.—named and unnamed; and, finally,

It urges the Central Intelligence Agency to continue its dedicated work in the field of intelligence gathering in order to protect the people of the United States.

I believe that all of us would agree with everything that is in this amendment. But I'd like to add just a couple of things that I've been watching during this debate that really concerns me.

□ 1545

There is language in here that is going to, I think, have an adverse impact on the Central Intelligence Agency's agents who are out in the field and doing their job and are trying to protect us against the terrorists. You know, some of the things that they say may be abrasive or objectionable to some of the people they are interrogating. The way this language reads, it could be interpreted to mean that they are guilty of not following the intent of the law in dealing with the terrorists.

Also, there are prison sentences for people who are involved in terrorist or torturous activities such as ''waterboarding.'' I would like to point out to my colleagues, many of whom don't know this, waterboarding has been a technique that has been used in the training of U.S. Navy SEALs and our Special Forces people over the years.

Now, let me say that one more time. Waterboarding and other techniques have been used in the training of our Navy SEALs so they would know how to deal with an enemy if they were captured, and it's been used by Special Forces military personnel in their training. So it has never been considered torture by our own military personnel.

Now, we have three Navy SEALs right now that are being court-martialed, and they are being court-martialed because they captured an al Qaeda terrorist in Fallujah in Iraq. And this al Qaeda terrorist took four American contractors, tortured them, dragged them through the streets, burned their bodies and hung them from a bridge.

He also cut off the head of a leading person that was over there gathering news and information for the news media. This guy is really an out-and-out horrible terrorist. Now, when he was captured he was turned over to the Iraqi military for 2 days, and he came back and he said that he had been hit in the stomach and they split his lip, and because of that these three Navy SEALs are being prosecuted. They are being prosecuted in a court martial.

What kind of a message does that send to our Navy SEALs, to the people in the field who are capturing and fighting these al Qaeda and Taliban terrorists? What kind of a message does that send? We are trying to send the same kind of message to the CIA operatives who are out there trying to get information that will protect this country and protect the American people around the world against these people who want to destroy us and want to destroy our way of life.

It really bothers me, and I do appreciate the House approving this amendment that I have introduced. Obviously it's something that I think is very important. But, in addition to that, I don't believe we ought to be sending a message to the CIA or the Navy SEALs or our Special Forces men and women in the field that we are not going to back them up when they go out and get a terrorist or extract information from them that is vital in securing the safety of the people of this country.

One of the al Qaeda terrorists they are going to bring to New York. The main al Qaeda terrorist that was involved in the 9/11 attack, after he was waterboarded about 80 times, and he wouldn't give up information, he finally did. He said that there was an attempt going to be made to fly a plane into a building in Los Angeles. Had he not choked up and given that information, we might have lost another 2,000 or 3,000 people like we did on 9/11.

It just seems silly to me and crazy to me that we are not going to allow our intelligence-gathering operatives to do their job. We ought to be supporting them completely day and night in anything they do to protect this Nation.

[From the National Review Online, Feb. 25, 2010]

WHILE YOU ARE DISTRACTED BY THE SUMMIT, OBAMA DEMOCRATS ARE TARGETING THE CIA

(By Andy McCarthy)

The Obama Democrats have outdone themselves.

While the country and the Congress have their eyes on today's dog-and-pony show on socialized medicine, House Democrats last night stashed a new provision in the intelligence bill which is to be voted on today. It is an attack on the CIA: the enactment of a criminal statute that would ban ''cruel, inhuman and degrading treatment.''

The provision is impossibly vague—who knows what ''degrading'' means? Proponents will say that they have itemized conduct that would trigger the statute (I'll get to that in a second), but it is not true. The proposal says the conduct reached by the statute ''includes *but is not limited to*'' the itemized conduct. (My italics.) That means any interrogation tactic that a prosecutor subjectively believes is ''degrading'' (e.g., subjecting a Muslim detainee to interrogation by a female CIA officer) could be the basis for indicting a CIA interrogator.

The act goes on to make it a crime to use tactics that have been shown to be effective in obtaining life saving information and that are far removed from torture.

''Waterboarding'' is specified. In one sense, I'm glad they've done this because it proves a point I've been making all along. Waterboarding, as it was practiced by the CIA, is not torture and was never illegal under U.S. law. The reason the Democrats are reduced to doing this is: what they've been saying is not true—waterboarding was not a crime and it was fully supported by congressional leaders of both parties, who were told about it while it was being done. On that score, it is interesting to note that while Democrats secretly tucked this provision into an important bill, hoping no one would notice until it was too late, they failed to include in the bill a proposed Republican amendment that would have required full and complete disclosure of records describing the briefings members of Congress received about the Bush CIA's enhanced interrogation program. Those briefings, of course, would establish that Speaker Pelosi and others knew all about the program and lodged no objections. Naturally, members of Congress are not targeted by this criminal statute—only the CIA.

More to the point, this shows how politicized law-enforcement has become under the Obama Democrats. They could have criminalized waterboarding at any time since Jan. 20, 2009. But they waited until now. Why? Because if they had tried to do it before now, it would have been a tacit admission that waterboarding was not illegal when the Bush CIA was using it. That would have harmed the politicized witch-hunt against John Yoo and Jay Bybee, a key component of which was the assumption that waterboarding and the other tactics they authorizied were illegal. Only now, when that witch-hunt has collapsed, have the Democrats moved to criminalize these tactics. It is transparently partisan.

In any event, waterboarding is not defined in the bill. As Marc Thiessen has repeatedly demonstrated, there is a world of difference between the tactic as administered by the CIA and the types of water-torture methods that have been used throughout history. The waterboarding method used by the CIA involved neither severe pain nor prolonged mental harm. But it was highly unpleasant and led especially hard cases like Khalid Sheikh Mohammed (i.e., well-trained, committed, America-hating terrorists) to give us information that saved American lives. The method was used sparingly—on only three individuals, and not in the last seven years. The American people broadly support the availability of this non-torture tactic in a dire emergency. Yet Democrats not only want to make it unavailable; they want to subject to 15 years' imprisonment any interrogator who uses it.

What's more, the proposed bill is directed at ''any officer or employee of the intelligence community'' conducting a ''covered interrogation.'' The definition of ''covered

interrogation'' is sweeping—including any interrogation done outside the U.S., in the course of a person's official duties on behalf of the government. Thus, if the CIA used waterboarding in training its officers or military officers outside the U.S., this would theoretically be indictable conduct under the statute.

Waterboarding is not all. The Democrats' bill would prohibit—with a penalty of 15 years' imprisonment—the following tactics, among others:

—''Exploiting the phobias of the individual''

—Stress positions and the threatened use of force to maintain stress positions

—''Depriving the individual of necessary food, water, sleep, or medical care''

—Forced nudity

—Using military working dogs (i.e., *any* use of them—not having them attack or menace the individual; just the mere presence of the dog if it might unnerve the detainee and, of course, ''exploit his phobias'')

—Coercing the individual to blaspheme or violate his religious beliefs (I wonder if Democrats understand the breadth of seemingly innocuous matters that jihadists take to be violations of their religious beliefs)

—Exposure to ''excessive'' cold, heat or ''cramped confinement'' (*excessive* and *cramped* are not defined)

—''Prolonged isolation''

—''Placing hoods or sacks over the head of the individual''

Naturally, all of these tactics are interspersed with such acts as forcing the performance of sexual acts, beatings, electric shock, burns, inducing hypothermia or heat injury—as if all these acts were functionally equivalent.

In true Alinskyite fashion, Democrats begin this attack on the CIA by saluting ''the courageous men and women who serve honorably as intelligence personnel and as members of our nation's Armed Forces'' who ''deserve the full support of the United States Congress.'' Then, Democrats self-servingly tell us that Congress ''shows true support'' by providing ''clear legislation relating to standards for interrogation techniques.'' I'm sure the intelligence community will be duly grateful.

Democrats also offer ''findings'' that the tactics they aim to prohibit cause terrorism by fueling recruitment (we are never supposed to discuss the Islamist ideology that actually causes terrorist recruitment, only the terrible things America does to provide pretexts for those spurred by that ideology). These ''findings'' repeat the canards that these tactics don't work; that they place our captured forces in greater danger (the truth is our forces captured by terrorists will be abused and probably killed no matter what we do, while our enemies captured in a conventional war will be bound to adhere to their Geneva Convention commitments—and will have the incentive to do so because they will want us to do the same); and that ''their use runs counter to our identity and values as a nation.''

Unmentioned by the Obama Democrats is that officers of the executive branch have a solemn moral duty to honor their commitment to protect the American people from attack by America's enemies. If there are non-torture tactics that can get a Khalid Sheikh Mohammed to give us information that saves American lives, how is the use of them inconsistent with our values?

Here is the fact: Democrats are saying they would prefer to see tens of thousands of Americans die than to see a KSM subjected to sleep-deprivation or to have his ''phobias exploited.'' I doubt that this reflects the values of most Americans.

Mr. REYES. Madam Chair, I rise to claim time in opposition to the Burton amendment, even though I am not opposed to the amendment.

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

There was no objection.

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

Madam Chair, I want to tell the gentleman I appreciate him wanting to honor the personnel of the Central Intelligence Agency. As I have said many times on the floor, I have had the privilege of visiting with members of the CIA and members of their families, members of the CIA throughout the world under probably the most difficult of circumstances. I understand the hardships that they face.

Most recently, I was with family members and survivors of the Khost bombing, which illustrates the danger they put themselves in willingly to protect our country. I would also remind the gentleman that we should not mix and compare apples to oranges. There is a big difference between a training exercise that simulates waterboarding and waterboarding an individual for 183 times. That's a huge difference.

The other thing I would point out is that when the last administration decided to take us down that road, that enhanced interrogation techniques would be authorized and approved. There has been a great amount of disagreement in terms of the legal authorization of these techniques, considered torture by most anybody's standards. I would also remind us that the CIA did not have any expertise in waterboarding. They had to actually go out and contract DOD personnel to be able to acquire that technique. It puts them in a tough situation.

I will tell you what I hear from the men and women of the Central Intelligence Agency. They understand the difference between politics and bad policy. They understand the difference between doing the kinds of things that they are expected to do to keep our country safe and responding to the kind of political spin that, unfortunately, we hear about their work.

But, the one thing that comes across when I hear from them is they appreciate the support that they receive from the Congress. They appreciate the fact that regardless of what side of the aisle we sit on, we respect the work that they do.

We, despite all of the arguments that are proffered here in this great Chamber, in the final analysis they know that they have a job to do. They know that they have a duty to perform. They know that they are committed professionals and that they expect and deserve the support of every member of this Chamber. That's why I appreciate the gentleman's sponsoring this amendment.

That's why I think we ought to accept it. I accept it. I think we ought to leave it at that and leave the politics and leave the rhetoric and remind ourselves that the message we need to send them is that we support their work. The message we should send them is that we honor them for their service to this great country.

The message that we deliver to the families of those victims of the Khost bombing is that we will support them. We will have our differences politically, we will articulate those differences, but we will never stop supporting the great work that the men and women of the Central Intelligence Agency do for all of us.

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

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

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–419.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HOLT:

At the end of subtitle A of title V, add the following new section:

SEC. 505. REVIEW OF INTELLIGENCE TO DETERMINE IF FOREIGN CONNECTION TO ANTHRAX ATTACKS EXISTS.

(a) REVIEW.—The Inspector General of the Intelligence Community shall conduct a review of available intelligence, including raw and unfinished intelligence, to determine if there is any credible evidence of a connection between a foreign entity and the attacks on the United States in 2001 involving anthrax.

(b) REPORT.—

(1) IN GENERAL.—The Inspector General shall submit to the Permanent Select Committee on Intelligence, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate a report containing the findings of the review conducted under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control of 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Madam Chair, as you may know, the Federal Bureau of Investigation announced last week that it is formally closing its investigation into the 2001 anthrax attacks, a major bioterrorist attack on America. Those attacks are believed to have originated from a postbox in New Jersey, disrupting the lives and livelihoods of many of my constituents and yours.

We already know that the FBI too quickly jumped to conclusions about the nature and the profile of the culprit or culprits and quickly zeroed in on one individual who later received a

multimillion dollar settlement and apology for mistaken accusations.

Subsequently, the investigators focused on another individual, who then killed himself. Although the FBI never produced any physical evidence tying that individual specifically to the attacks, they closed the case.

Indeed, this investigation was botched at multiple points, which is why reexamining it is so important. Given that the samples of the strain of anthrax that was used in the attacks may have been supplied to foreign laboratories, we think it's prudent to have the Inspector General of the intelligence community examine whether or not evidence of a potential foreign connection to the attacks was overlooked, ignored, or simply not passed along to the FBI.

Mr. BARTLETT and I are offering an amendment that would require the Inspector General to examine whether or not evidence of a potential foreign connection to the attacks was overlooked, ignored or simply not passed along. The report would be unclassified with a classified annex and would go to Intelligence, Foreign Affairs, Judiciary and Homeland Security Committees.

To date, there has been no independent comprehensive review of this investigation, and a number of important questions remain unanswered. This amendment would address one of those questions.

I reserve the balance of my time. May I ask how much time is remaining?

The Acting CHAIR. The gentleman from New Jersey has 3 minutes remaining.

Mr. HOLT. Madam Chair, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I thank the gentleman for yielding. I want to thank him very much for his initiative in this effort. Dr. Ivins was my constituent, the laboratory at which he worked is in my district, indeed, just a few miles from my home, so I was very much involved in this case. His colleagues say that he would not have done it, and the FBI said early on that he could not have done it because the spores were weaponized, and he had no ability to do that. More recently, they have been saying something a bit different than that.

I have here some quotes that I think will be relevant here. Jeffrey Adamovicz, the former chief of bacteriology—''former'' is important here, because they would not let the current scientist at Fort Detrick talk to me. He just left. The former chief of bacteriology for the U.S. Army Medical Research Institute for Infectious Diseases in Frederick, Maryland, where Ivins worked, wrote to The Frederick News-Post expressing serious misgivings about the FBI findings that Ivins sent the deadly letters that killed 5 and sickened 17 in 2001.

''The evidence is still very circumstantial and unconvincing as a whole,'' he wrote. ''I'm curious as to why they closed the case while the National Academy of Science review is still ongoing. Is it because the review is going unfavorable for the FBI?

''Ivins' death came about a month after the Justice Department agreed to pay an out-of-court settlement valued at $5.85 million to scientist Steven Hatfill, who had long been the key suspect in the case. Hatfill had sued the Justice Department, which had labeled him 'a person of interest.' He alleged that the Federal Government went on a smear campaign and leaked information that was damaging to his reputation.''

Apparently they agreed they had. They paid him $5.85 million. They subsequently agreed, conceded that he was not involved in the case.

Gary Andrews, another former chief of the bacteriology lab in Frederick, said it wouldn't have been unusual for Ivins to work odd hours because he was working with animals, and it was more convenient to do it then. He says that ''Bruce didn't have the skill to make spore preps of that concentration. He never ever could make a spore prep like the ones found in the letters.''

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

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

□ 1600

Mr. BARTLETT. Thank you very much for your lead in this.

This has been devastating to my constituents and the scientists at Fort Detrick. This needs to be brought to a proper close. They did not believe he would have done it; the FBI said earlier on he couldn't have done it. Thank you very much for leading in this.

Mr. HOLT. Madam Chair, it is beyond question that the FBI jumped to conclusions at least once, perhaps more than once, and many questions remain. This amendment would address one of those questions.

Beyond this amendment, we still need a more complete examination of our government's response to these attacks, the most serious bioterrorist attack against the United States. This will look at whether there is a foreign connection to those attacks that has been overlooked, ignored, or not pursued.

Madam Chair, I yield back the balance of my time, asking support for this amendment.

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

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. CASTLE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–419.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CASTLE:

Insert after section 354 (page 69, after line 15) the following new section:

SEC. 355. REITERATION OF REQUIREMENT TO SUBMIT REPORT ON TERRORISM FINANCING.

Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of the Treasury, shall submit to Congress the report required to be submitted under section 6303(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3750).

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

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

This amendment, offered with Mr. LYNCH, requires the President, through the Secretary of the Treasury, to submit to Congress a comprehensive report on terrorism financing that was first mandated by the Intelligence Reform Bill of 2004, but has yet to be submitted.

Following the 9/11 terrorist attacks, our government acted quickly to combat terrorist financing. However, post-9/11 terrorist financing has become more decentralized, and those involved are using less sophisticated means to move money and avoid official banking systems. Terrorist financiers are exploiting new technology to transfer money electronically and employing money laundering schemes to cover up their activities.

In response to the 9/11 Commission recommendations, Congress passed the Intelligence Reform and Terrorism Prevention Act of 2004. Section 6303 of this 2004 law required the President to submit to Congress a comprehensive report evaluating and making recommendations on the current state of U.S. efforts to fight terror financing. This important report was due in September of 2005, but it has never been completed.

Multiple U.S. Government departments and agencies are involved in the effort to combat terrorist financing, including Treasury, Justice Department, Homeland Security, State Department, Defense Department, FBI and the CIA. These various entities are to be commended for their efforts to track and disrupt complex terrorist financing schemes since 2001. Still, with so many government entities involved in combating terrorist financing, it is critical that we heed the lessons of the past and undertake a thorough assessment of our progress.

The amendment I am offering today with Congressman LYNCH reiterates Congress' requirement that the President undertake a thorough evaluation of our efforts to disrupt terrorist financing, including the ability to coordinate our intelligence and keep pace with evolving trends.

The bottom line is that terrorists need money to operate, and we need to

be fully prepared and adaptable to combating their ability to access these funds. There is no room for delay in this endeavor, especially since top U.S. intelligence officials indicate a possible likelihood of another attempted terrorist attack on the United States at some time in the relatively near future.

Thank you for the opportunity to discuss my amendment. I look forward to working with the members of the committee on these important matters.

Madam Chairwoman, I reserve the balance of my time.

Mr. LYNCH. Madam Chair, I rise to claim time in opposition.

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

There was no objection.

Mr. LYNCH. Madam Chair, I actually rise to support my colleague's amendment.

As the co-chairman of the Task Force on Terrorist Financing and Proliferation, I, too, am well aware that having an effective strategy on targeting the sources of terrorists in financing their operations is a very important part of our strategy.

This straightforward amendment offered by my friend, Mr. CASTLE of Delaware, simply restates the basic requirement that the President, through the Treasury Department, report to Congress on the current status of U.S. efforts to combat terrorism financing. This reporting requirement is not new; in fact, it was mandated in the Intelligence Reform and Terrorist Prevention Act of 2004. A report was due out in 2005, but here today it has yet to be submitted.

I've had an opportunity, as co-chair of the task force, to spend a lot of time with our Treasury employees, very brave and courageous Treasury and State Department employees, in Afghanistan and Pakistan and Jordan and the Maghreb, North Africa; and they're doing wonderful and courageous work. However, that much being said, Congress still retains its oversight responsibility; and without this report we are not able to be certain, I think, that we have an accurate picture of the entire antiterrorist financing protocol and we are not fully informed as to whether or not we are operating as effectively as we could be. Only by understanding where we currently stand—what our strengths are and, indeed, what our weaknesses are—can we ensure that the best possible strategy for cutting out terrorist financing is ultimately accomplished.

Again, I want to thank Congressman CASTLE, the gentleman from Delaware, for his support of this amendment, and I urge my colleagues to support it.

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

Mr. CASTLE. Madam Chairwoman, we hope this report can be done relatively soon. The amendment actually allows for 180 days more from this time in order to submit it. We have been in touch with the administration. We know that they're aware of this, and hopefully it can be completed. I think it may help with the safety of our country and perhaps dealing with the financing of terrorists in this world, so we look forward to it.

I appreciate the support. I also appreciate all the words and support of Mr. LYNCH in getting to this point.

With that, I encourage everyone to support it and yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. WALZ

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–419.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. WALZ:

Page 85, after line 20 insert the following:

(d) EDUCATION ON COMBAT-RELATED INJURIES.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection:

''(i) EDUCATION ON COMBAT-RELATED INJURIES.—

''(1) IN GENERAL.—The head of the entity selected pursuant to subsection (b) shall take such actions as such head considers necessary to educate each authorized adjudicative agency that is an element of the intelligence community on the nature of combat-related injuries as they relate to determinations of eligibility for access to classified information for veterans who were deployed in support of a contingency operation.

''(2) DEFINITIONS.—In this subsection:

''(A) CONTINGENCY OPERATION.—The term 'contingency operation' has the meaning given the term in section 101(a)(13) of title 10, United States Code.

''(B) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(C) VETERAN.—The term 'veteran' has the meaning given the term in section 101(2) of title 38, United States Code.''.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Minnesota (Mr. WALZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Thank you, Madam Chairwoman. And I thank the chairman of the committee and the ranking member for your work in securing our Nation and bringing this piece of legislation to the floor.

The amendment that I am offering, Madam Chair, serves a twofold purpose. First, it allows us to fulfill our obligation to our returning combat veterans coming back and integrating back into civilian life. And it also recognizes the unique skill set that these veterans have that are absolutely perfectly suited for intelligence and national security work.

What I am asking for in this amendment is to make sure there is a level playing field for these warriors. A large number of our troops are coming back; and either through a lack of understanding or a misunderstanding, the security adjudicators are either revoking or denying security clearances for wounds that were received, either physical or mental—PTSD, and others—during the conflicts that they served in.

What this amendment asks for is it requires the intelligence community to educate security clearance adjudicators on the nature of these wounds. The purpose is to make sure that they have the best knowledge available to make informed decisions and give our returning warriors the opportunity to receive their clearances, to retain their clearances, and then go on to further serve this Nation in these critical capacities.

So I thank the committee for their work. The Intelligence Committee, the Armed Services and the Veterans' Affairs Committee are all in support of this. I think it will go a long ways toward leveling the playing field and allowing this Nation to use the incredible skills and resources that those wounded warriors bring back, but still have the capacity to serve.

With that, Madam Chair, I reserve the balance of my time.

Mr. BURTON of Indiana. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. BURTON of Indiana. I agree with what the gentleman said about our wounded warriors and how we ought to be giving them all the support that we possibly can, but the reason I took this time in opposition is because the chairman and I couldn't reach an agreement to discuss one of the provisions in the bill.

I sincerely feel, Madam Chairman, that we are endangering our capability of getting information from terrorists because we are limiting our CIA and our intelligence officials with this legislation and these procedures that they can use to elicit that information. I know there are some differences of opinion, and I know we have in our hearts the best security that we can think of for the American people, but the one thing that really, really bothers me is we're telling CIA officials—and some of our military people in the field, not with this bill—but we are telling a lot of our intelligence officials and people in the field that they have to be very, very careful and walk on eggs when they are trying to get information from a terrorist, al Qaeda or Taliban terrorist, to make sure that we aren't violating or torturing them in any way.

The American people certainly don't want torture, and there is a big difference of opinion on whether or not water boarding, for instance, is torture. But the fact of the matter is if we have another major attack like the one we had on 9/11, the American people are going to come down like a ton of bricks on the people in this House that put restrictions on our intelligence-gathering capability. They're going to say, why didn't you do whatever it took to secure the safety of the people of this country? And because we are putting this language in this bill, we are saying to the CIA and the other intelligence agencies, you've got to be real careful; you've got to make absolutely sure you don't do something that might get you in trouble and might even put you in jail.

And when you say things like that to the people that are out there in the field risking their lives, what you do is you intimidate them, maybe not intentionally, but you intimidate them and you stop the possibility of getting all the information that we need to protect this country.

Now, I know there is a disagreement; I just talked to some people on the other side. Khalid Sheikh Mohammed was water boarded 80-something times, I think, or something like that; and when he first started out, he said, well, you'll find out what's going to happen. And later, after he was water boarded, he said, yes, there was going to be a plane that was going to fly into a building in Los Angeles. Well, that plane, had it flown into a building in Los Angeles, might have killed another 2,000 or 3,000 people.

And so the only reason I came here is to just say, let's don't break the legs of our intelligence officers who are trying to protect this country. It's just too important. We ought to be doing everything we can to back them up to make sure this country is safe. Our intelligence people are telling us right now we're likely to have another attack within the next 6 months or 1 year. So we ought to be giving every intelligence agency and every officer we possibly can all the support they need to stop that.

With that, I thank you very much for yielding and yield back the balance of my time.

Mr. WALZ. I hope I have the gentleman's support on this bill, providing the trained and courageous veterans who are returning home. We are not asking for preferential treatment. What we are asking is that our adjudicators be clearly informed what these combat veterans have gone through, making sure we are able to bring them back, place them in their positions if they choose to continue to serve this Nation. I would ask for the support of this body on this amendment.

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

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

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. SCHAUER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–419.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. SCHAUER:

Insert after section 354 the following new section:

SEC. 355. REPORT ON ATTEMPT TO DETONATE EXPLOSIVE DEVICE ON NORTHWEST AIRLINES FLIGHT 253.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines flight number 253 on December 25, 2009. Such report shall describe any failures to share or analyze intelligence or other information within or between elements of the United States Government and the measures that the intelligence community has taken or will take to prevent such failures, including—

(1) a description of the roles and responsibilities of the counterterrorism analytic components of the intelligence community in synchronizing, correlating, and analyzing all sources of intelligence related to terrorism;

(2) an assessment of the technological capabilities of the intelligence community to assess terrorist threats, including—

(A) a list of all databases used by counterterrorism analysts;

(B) a description of the steps taken by the intelligence community to integrate all relevant terrorist databases and allow for cross-database searches; and

(C) a description of the steps taken by the intelligence community to correlate biographic information with terrorism-related intelligence;

(3) a description of the steps taken by the intelligence community to train analysts on watchlisting processes and procedures;

(4) a description of how watchlisting information is entered, reviewed, searched, analyzed, and acted upon by the relevant elements of the intelligence community;

(5) a description of the steps the intelligence community is taking to enhance the rigor and raise the standard of tradecraft of intelligence analysis related to uncovering and preventing terrorist plots;

(6) a description of the processes and procedures by which the intelligence community prioritizes terrorism threat leads and the standards used by elements of the intelligence community to determine if follow-up action is appropriate;

(7) a description of the steps taken to enhance record information on possible terrorists in the Terrorist Identities Datamart Environment;

(8) an assessment of how to meet the challenge associated with exploiting the ever-increasing volume of information available to the intelligence community; and

(9) a description of the steps the intelligence community has taken or will take to respond to any findings and recommendations of the congressional intelligence committees, with respect to such failures, that have been transmitted to the Director of National Intelligence.

The Acting CHAIR. Pursuant to House Resolution 1105, the gentleman from Michigan (Mr. SCHAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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

As a member of the Aviation Subcommittee of the Transportation and Infrastructure Committee, I believe it is critical for the Director of National Intelligence to submit to Congress a report on the attempted bombing of Northwest Flight 253.

The failed Christmas day attack over Detroit reinforces the notion that the threat of al-Qaeda is real and that our intelligence community, whether under a Democratic or Republican administration, must improve the way it protects the United States against terrorist attacks.

□ 1615

People in Michigan want answers.

My amendment says, not later than 180 days after the date of enactment of the act, the Director of National Intelligence shall submit to Congress a report on the attempt to detonate an explosive device aboard Northwest Airlines Flight No. 253 on December 25, 2009.

This amendment will require the Director of National Intelligence to report to Congress information about any failures to share or to analyze intelligence within or between elements of the Federal Government related to this failed terrorist attack.

More importantly, the Director of National Intelligence also must submit a description of the measures that the intelligence community has taken or will take to prevent such failures from occurring again. This would include information on how the government intends to improve the interoperability of terrorist screening databases and to improve airline watch listing procedures. These tools are critical in preventing terrorists from getting an opportunity to kill innocent civilians.

It is imperative that Congress be fully informed so that it may conduct rigorous oversight on this important national security concern.

I appreciate President Obama's candor and openness when speaking to the American people about the improvements needed to our intelligence community, and I applaud the President for taking swift action in ordering a thorough review of the incident. President Obama has stated his willingness to work with Congress to solve this problem. This amendment will help ensure that Congress will be fully briefed on the results of that review. I urge the full support of this amendment.

I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Chair, I want to say I appreciate the amendment and the gentleman's interest.

This amendment would require the director of the DNI to submit to the Intelligence Committees a report on the attempted bombing of Northwest Airlines Flight No. 253.

This report would provide an assessment on any failures to share information within or between elements of the Federal Government and the measures that the intelligence community has taken or will take to prevent such failures in the future.

This report also covers issues such as analytic tradecraft, watch listing procedures, technical deficiencies, training database management. Many of the elements of this report mirror portions of the review of the DNI, which they are currently doing.

Requiring the DNI to provide this report will allow the Intelligence Committees to conduct rigorous oversight on this important national security concern.

Additionally, this amendment requires the DNI to submit responses to any findings or recommendations made by the Intelligence Committees.

With that, Madam Chair, I fully support this amendment.

Mr. HOEKSTRA. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOEKSTRA. Madam Chair, I will not oppose the amendment. Although, I do believe, and I would hope that my colleague from Michigan would agree that, perhaps, when we are talking about the scope of this amendment, it is broader than what is just written here.

One of the things that we are very, very concerned about which, I believe, should be included in this—because, like you, I believe, if the intelligence community had worked properly, perhaps we could have stopped this attack; but this is not just a matter of connecting databases and those types of things. It is also about missing clues that we had that were highlighted before Christmas Day.

What am I talking about?

We have known for quite some time that Awlaki was a concern. We saw kind of a mirror image of what happened on Christmas Day a couple of months earlier at Fort Hood, where 14 Americans were killed and where 14 Americans died in a tragic terrorist attack, linked to Awlaki, linked to al Qaeda on the Arabian Peninsula.

I had an amendment that went along those lines, but it was not accepted by the majority, and I think it may well have fallen within the scope of the amendment of yours, Mr. SCHAUER, which you are offering, which says:

If we had had these insights into al Qaeda on the Arabian Peninsula, if we had had these insights into Awlaki's involvement with Major Hasan, if we had had these insights into the communications, the emails, between Hasan and Awlaki, what did we do between November 5 and Christmas Day to target Awlaki, to target al Qaeda on the Arabian Peninsula and to use this information that these individuals and this group might be targeting the U.S. and whether we missed opportunities in those 2 months to identify the threat and respond to it?

Are those the kind of questions that you might see which could also be addressed in this or are these outside of the scope of what you are looking for?

I yield to my colleague from Michigan.

Mr. SCHAUER. Thank you, Mr. HOEKSTRA, and thank you for your leadership on the Intelligence Committee.

Absolutely, my amendment deals directly with having the Director of National Intelligence describe failures and to share or to analyze intelligence or other information within or between elements of the United States Government. So I think it is clearly my intent that the dots be connected.

Mr. HOEKSTRA. Reclaiming my time, I thank my colleague for that clarification because I think that is probably the bigger untold story here of how much and how many insights we might have had into al Qaeda on the Arabian Peninsula and how we failed to act on that intelligence and how we failed, as we've now been saying for a long period of time, to connect those dots, to be able to put in preventative measures and to actually have stopped Awlaki and al Qaeda on the Arabian Peninsula from carrying out this attack on Detroit and on the State of Michigan.

With that, I reserve the balance of my time.

Mr. SCHAUER. Madam Chair, how much time remains?

The Acting CHAIR. The gentleman from Michigan (Mr. SCHAUER) has 1½ minutes remaining, and the gentleman from Michigan (Mr. HOEKSTRA) has 1½ minutes remaining.

Mr. SCHAUER. I yield 1 minute 20 seconds to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Madam Chair, I rise today in support of the Schauer amendment to the Intelligence Authorization Act for Fiscal Year 2010.

Like many Americans, my Christmas Day spent with family was interrupted by the news of the attempted terrorist attack on Northwest Flight No. 253 to Detroit.

As a lifelong Michigan resident whose friends, family, and constituents regularly fly in and out of Detroit Metropolitan Wayne County Airport, the Christmas Day attempt was especially chilling. While it was certainly fortunate that no lives were lost in the Christmas Day attempt, the attack exposed serious and unacceptable shortcomings in our ability to gather intelligence and to connect the dots.

I believe that protecting the American people is Congress' number one priority and responsibility. The Christmas Day incident showed us that security officials need to work more closely with their counterparts overseas and within the United States intelligence community to ensure tougher and more coordinated screening.

I appreciate my friend Congressman SCHAUER's leadership on this important issue, and I am proud to support the Schauer amendment because it will help ensure that we learn as much as possible about the failures that allowed the events of Christmas Day 2009 to transpire.

I urge the adoption of this amendment.

Mr. HOEKSTRA. Madam Chair, I will not oppose the amendment. As a matter of fact, I will support the amendment in its larger context, recognizing that this report by the DNI has to include the time prior to Fort Hood, the Fort Hood attack, and then the time from Fort Hood until Christmas Day. That is the area that we have been trying to get information on from the intelligence community over the last 3 or 4 months, and it has been the area that they have been most reluctant to provide us information on.

As a matter of fact, when I was in Yemen on New Year's Day, less than 2 months ago, I was specifically prohibited from getting information on exactly those kinds of questions as to what did the intelligence community know about Awlaki, about al Qaeda on the Arabian Peninsula. The individuals both in the intel community and with the Ambassador were specifically instructed not to share that information, which tells me that there is some information there, and for some reason, they have not wanted to share that information with us.

So, with the understanding that that type of information will be shared with Congress in this report, also then recognizing that this may end up being a classified report which you may not have access to unless the committee agrees to provide you access to it, I support the amendment. I look forward to the DNI's completing this report and to his submitting it to the committee.

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

Mr. SCHAUER. I thank Mr. HOEKSTRA for his support, and I urge Members to support this amendment.

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

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

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

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

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

Mr. REYES. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Ms. JACKSON LEE of Texas, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R.

2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 1109, I call up from the Speaker's table the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians, with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. EXTENSION OF SUNSETS.

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking ''February 28, 2010'' and inserting ''February 28, 2011''.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking ''February 28, 2010'' and inserting ''February 28, 2011''.

Amend the title so as to read: ''An Act to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 until February 28, 2011.''.

MOTION OFFERED BY MR. CONYERS

Mr. CONYERS. I have a motion at the desk.

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

The Clerk read as follows:

Mr. Conyers moves that the House concur in the Senate amendments to H.R. 3961.

The SPEAKER pro tempore. Pursuant to House Resolution 1109, the motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on the Judiciary.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to insert extraneous material on this matter.

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.

Mr. Speaker and Members, this measure before us will extend three provisions of our foreign intelligence surveillance laws for 1 year. The provisions are section 206 of the PATRIOT Act, governing roving wiretaps; section 215, which addresses the collection of business records; and the so-called ''lone wolf surveillance law.''

□ 1630

Without extension, these provisions will expire on Sunday coming.

As we consider this short-term extension, I make these observations:

As one who has found that the USA PATRIOT Act needs a great deal of improvement and that there have been many excesses and sometimes abuses of these broad powers over the years, I have found that too little consideration of the impact of this type of surveillance on our civil liberties has been looked into. And that's why the Judiciary Committee has undergone an extensive process over the past year and reported out a bill that attempts to reform these provisions and enhance congressional oversight. In the other body, the Judiciary Committee has also passed out a bill that improves, in my view, the PATRIOT Act. So we're very close to real reform.

The House bill has new protections for library and bookseller records. It clarifies the reach of roving authority to prevent ''John Doe'' blanket wiretaps. It tightens the standards for national security letters that have been abused in the past. It has extensive new reporting oversight and sunset provisions to greatly strengthen congressional oversight and makes other changes to the related provisions of law.

Please understand, Members, that this extension is not the final word on the PATRIOT Act, and what we will do is use the time between now and the year that will elapse to improve and pass real reform.

Now, while I would prefer to do this now, it is not to me strategically wise nor logistically possible to accomplish this at this time. And with the provisions expiring in a matter of 3 days, the other body has sent us this extension bill, so there is no reasonable possibility that they could pass a broader measure such as a Judiciary-passed bill at this time.

In other words, we have no other choice but to go along with this extension because there isn't sufficient time. Well, tomorrow is the last day of the week. It's physically impossible. So under these circumstances, it seems to me the best course is to merely maintain the status quo and work with the other body and the administration towards some improvements that I have in mind. I can announce we've made progress towards reaching common ground, and I believe an orderly path forward between now and during the next year will lead us to a much better result.

Now, although this extension doesn't reform underlying law, we recognize there's some value in a process that brings us quickly to another sunset date. Experience has taught that there's nothing like an approaching sunset to bring both the executive branch and the other body to the table with the will to see this resolved. So while I'd rather pass the Judiciary Committee bill out and truly make the reforms that I think are necessary, because of the time constraints that we find, I recommend that we take the next year and continue the process.

I urge your careful consideration of this very important measure.

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

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

Mr. Speaker, the war on terror is real, and it's all around us. Despite multiple attempted terror attacks and a warning of an imminent attack from our national security experts, apparently the best this Congress can do is a 1-year extension of our most critical national security laws.

On Christmas Day Omar Farouk Abdulmutallab attempted to murder 288 innocent civilians by trying to set off an explosion aboard a Northwest flight bound for Detroit. Thankfully, he failed in his attempt at mass murder, not because of our national security procedures but because of his own ineptness and the quick response from passengers and crew. But we may not be so fortunate the next time.

Last November in my home State of Texas, Major Nidal Hasan killed 13 and wounded 30 others when he opened fire at the Fort Hood Army Base. In September three terrorist plots were successfully thwarted in New York City, Springfield, Illinois, and Dallas, Texas. And now intelligence experts warn us that another terrorist attack may be imminent. Yet after all those near misses, the House majority refuses to pass a long-term extension of three essential PATRIOT Act provisions.

The PATRIOT Act works. It has proven effective time and time again in preventing terrorist attacks and keeping Americans safe. The expiring provisions give national security investigators the authority to conduct roving wiretaps, to seek certain business records, and to gather intelligence on lone terrorists who are not necessarily affiliated with a specific terrorist group.

We cannot afford to play dice with the security of the American people. We must continue these intelligence-gathering measures to win our fight against terrorists. The Obama administration recognized this last year when it called for Congress to authorize the expiring provisions without any

changes that undermine their effectiveness. Instead of working with the administration and listening to national security experts, the House majority is only offering another short-term extension.

The majority may think that by pushing the reauthorization until after the election, they will then be able to pursue legislation to water down these provisions a year from now. But if so, they are playing with fire and innocent Americans are the ones who will get burned.

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

Mr. CONYERS. Mr. Speaker, I am pleased now to yield such time as he may consume to the chairman of the Intelligence Committee, Mr. SYLVESTRE REYES, who has served on this committee for 10 years.

Mr. REYES. I thank the chairman for his work on this very important and vital issue and also for the opportunity to speak on an issue that is of such great importance to our country and to our country's national security.

It is important that we reauthorize the expiring PATRIOT Act and the provisions that the brave men and women of the intelligence community continue to utilize and to have these tools that they need to keep us all safe.

This 1-year extension will provide Congress the opportunity to examine important aspects of the PATRIOT Act and to make substantive changes that strike the right balance between protecting the rights of Americans and protecting our national security.

Recently, I introduced H.R. 3969, the Counterterrorism Authorities Improvements Act of 2009. This bill makes improvements to the PATRIOT Act which will strengthen the tools used to combat terrorism and to enhance at the same time the privacy and the rights of Americans.

Additionally, both the House and the Senate Judiciary Committees have passed PATRIOT Act reauthorization bills that would make important improvements in the law that will increase oversight while at the same time preserving critical intelligence authorities.

Some of the more important changes proposed by the House and the Senate include: one, modifying the FISA standard for obtaining business records to ensure that the government is required to show a connection to terrorism; two, requiring a higher standard to obtain library or bookseller records; three, increasing public reporting on the use of national security letters and FISA, including their impact on the privacy of Americans, a right that we all cherish; and, finally, number four, requiring the Inspector General of the Department of Justice to conduct regular audits of the use of these authorities. I am confident that a 1-year extension will provide Congress with sufficient time to make these important changes.

As always, Mr. Chairman, I look forward to working with you, especially in the coming year as we look at ways to make sure that we draw that balance between giving the men and women that keep us safe the ability to utilize essential and vital tools and also at the same time ensuring that the rights and the privacy of all Americans are protected.

With that, I thank you for yielding.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the chairman emeritus of the Judiciary Committee, the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this legislation to extend three provisions of the USA PATRIOT Act that are scheduled to expire on Sunday.

The attacks of September 11, 2001, tragically affirmed the urgency of updating our laws to address the clear and present danger presented by international terrorism. Although the memories of this day may have faded in the minds of some Americans, including some of my colleagues, the danger we face from terrorists and terrorist organizations has not faded. We continue to face an imminent danger, made clear by the attempted Christmas Day attack.

The three provisions scheduled to expire are, first, section 206, the roving wiretap provisions of the PATRIOT Act; second, section 215, the business record provisions of the PATRIOT Act; and, third, section 6001, the ''lone wolf'' provision of the Intelligence Reform and Terrorism Prevention Act.

Of particular importance is the lone wolf provision, which closes the gap in the Foreign Intelligence Surveillance Act that, if allowed to expire, could allow an individual terrorist to slip through the cracks and endanger thousands of innocent lives. When FISA was originally enacted in the 1970s, terrorists were believed to be members of an identified group. That's not the case today, and we need to respond accordingly.

Many modern-day terrorists may subscribe to a movement or certain beliefs but do not belong to or identify themselves with a specific terrorist group. Allowing the lone wolf provision to expire could impede our ability to gather intelligence about perhaps the most dangerous terrorists operating today. Regarding the lone wolf provision, FBI Director Mueller stated that ''while we have not used it with regard to an indictment, it continues to be available for that individual whom we lack evidence to put with a particular terrorist group but does present a threat as an international terrorist.''

The close call we had on Christmas Day demonstrates the need for tough laws like the PATRIOT Act. Terrorist organizations appear to be stepping up their efforts against us, and we cannot let this happen. Our national security is at stake and so are the lives of thousands of innocent people, both Americans and visitors to our country. Our law enforcement officials must be provided with the needed tools to keep us safe, and we in Congress cannot drop the ball on our national security. We must reauthorize these provisions now.

For too long opponents of the PATRIOT Act have transformed it into a grossly distorted caricature that bears no relationship whatsoever to the legislation itself. The PATRIOT Act has been misused by some as a springboard to launch limitless allegations that are not only unsubstantiated but are also false and irresponsible.

□ 1645

The fact remains that the USA PATRIOT Act is vital to maintaining America's safety. The White House and Attorney General have called for extension of the three expiring provisions of the PATRIOT Act, and I commend the administration for recognizing the value of these important national security tools and for rightly urging the Congress to reauthorize each of them. This is your administration, Mr. Speaker and majority Democrats, not our administration, and they have recognized the reason for that.

I urge my colleagues to vote in favor of reauthorizing these provisions before they expire.

Mr. CONYERS. Mr. Speaker, I am pleased to yield as much time as he may consume to the chair of the Constitution Subcommittee on the House Judiciary, the gentleman from New York, JERRY NADLER.

Mr. NADLER of New York. Thank you, Mr. Chairman.

Mr. Speaker, I rise in opposition to this motion to concur in the Senate amendment, which would extend for a period of 1 year the sunset of three provisions of the USA PATRIOT Act. I very much regret that we have to be here today in this situation and that I have to oppose this legislation. I understand we are facing a deadline of this weekend, but I also believe that we have an obligation to do more than punt. That is effectively what we are doing today. We are punting this question to the next Congress.

Both the House and the Senate have worked hard to examine not just these three provisions, but the entire PATRIOT Act, and to craft legislation that would improve its effectiveness, and that would better protect the civil liberties of all Americans. That process should be allowed to continue. Today, with this vote, that process effectively ends.

The PATRIOT Act was passed at a time of panic, and in an extremely rushed manner. Many of its provisions were not well thought out, which is why Congress decided that certain parts of the PATRIOT Act should be enacted on a temporary basis so that we could revisit them after we had time to see how they worked.

The original passage of the bill in 2001 was hijacked at the last minute in a way that should have stood as an embarrassment to the House. The Judiciary Committee back then reported the

bill unanimously, with support from the most conservative to the most liberal members. We did business the way the American people have always said they wanted us to do business, through negotiation and compromise in open committee meetings. That was the high point. The low point came in the dead of night. Then-Attorney General Ashcroft objected to the bill, and so with the cooperation of the then-Republican leadership that bill was junked, and the bill that came to the floor was an entirely new bill written behind closed doors and not seen until shortly before we voted on it on the floor.

The bill that recently passed the Judiciary Committee would have extended the expiring provisions, but would have improved them in response to the problems that experience has brought to light. With respect to roving wiretaps, for example, the committee extended the provision until 2013, and added language to clarify congressional intent that the government must describe its roving target with a sufficient degree of particularity to allow a judge to be able to distinguish the target from other potential users of places or facilities to be surveilled.

Our bill would have allowed the ''lone wolf'' provision of FISA to sunset. This provision allows the issuance of a FISA warrant against individuals with no connection to a foreign power or other foreign entity or to a terrorist group. That is not the purpose of FISA, and in fact Todd Hinnen, Deputy Assistant Attorney General for the Justice Department's National Security Division, testified in the hearing before my subcommittee that this provision has never been used in the 8 years in which it has been enforced. There is no reason why a so-called ''lone wolf,'' concededly unconnected, not connected to a foreign power, not connected, concededly, to a terrorist group—otherwise he wouldn't be a lone wolf—there is no reason why such a person could not be subject to a normal Title III wiretap warrant. That is why the committee voted to let this provision sunset.

We also added some procedural protections to section 215 orders which allow the government to seize all sorts of information concerning what an individual has been reading without a warrant. The bill would have required the President to report to Congress on whether the procedures for sensitive collections could be further modified so as to enhance civil liberties protections without undermining national security objectives. This provision was also extended to the end of 2013 in the legislation reported by the Judiciary Committee.

My bill controlling the use of the much-abused National Security Letters was included in this bill as well. These letters, issued with no court oversight, have been used to obtain all sorts of material, and have been joined with gag orders on the recipients, gag orders that were recently struck down as unconstitutional by the courts. The Justice Department's Office of Inspector General has issued some damning reports on the misuse of these letters, and the section is in dire need of reform. These reforms, which were a part of the bill reported by the Judiciary Committee, should be part of any legislative action extending these provisions of the PATRIOT Act.

I regret that we are not going to continue this process of improving the PATRIOT Act. I regret we do not have before us a very short-term extension designed to give us more time to finish this work in the balance of this Congress. But we are punting to the next Congress, which for all practical purposes means that we are extending the PATRIOT Act unchanged for the indefinite future. I believe that our Nation and our liberties will suffer as a result of this. I hope that this vote today, contrary to what I expect, will not stop my colleagues from continuing to improve our intelligence-gathering laws, and specifically continuing to examine and improve the PATRIOT Act in a timely manner.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. LUNGREN), a senior member of both the Judiciary Committee and the Homeland Security Committee.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, it is probably the highest honor of my life is to serve in this House, and as a part of that to serve on the Judiciary Committee. I have great respect for the members of that committee and the work that we do. But in some ways, I would echo the comments of the gentleman from New York, although I would not agree with his conclusions, of the disappointment that this primary obligation of the Judiciary Committee, that is to deal with legislation that goes to the common defense of this Nation, would be viewed in the legislative agenda as an afterthought.

I am the author of the sunset provisions from the 2005 extension of the PATRIOT Act. I put those sunset provisions in, or I offered them and got the support of Members on both sides of the aisle precisely because I understood there was some controversy about those three, and that there was a need for us to take a serious look at it.

Unfortunately, while we have established other priorities in this Congress, in this House, it does not appear that the PATRIOT Act has been one of them. Because if it were otherwise, we would be spending hours, if not days, on this floor talking about the implications of the PATRIOT Act. And in the context of that debate, I am absolutely assured that the vast majority of this House would support the continuation of these provisions, as is the conclusion of this administration.

These three provisions provide tools for our intelligence community to not only connect the dots, but gather the dots. There seems to be a misunderstanding at times that if we were to take some of these provisions and establish a higher degree of proof, or a higher degree of suspicion that somehow that would make these tools more available. That I believe is a misunderstanding of some of these tools. These tools allow to us start the search. You don't know if someone is involved with a terrorist group under some circumstances.

Someone like Abdulmutallab, having his father come to the embassy and just report his suspicions about his son would not be sufficient for us to believe that he was necessarily allied with some terrorist group. In fact, you would believe that by the terms of the lone wolf provision, he would be right squarely in the middle of that provision. And yet what did our committee do? Our committee decided that because it had not been used before, we should reject it. Well, you know, we were never hit by airplanes with unbelievable amounts of fuel and human beings into towers in New York until it happened. Now, the argument that, well, it never happened before so we shouldn't have been prepared for it doesn't ring true.

And so while I believe that we did take a look at these three provisions in our committee, I was extremely disappointed by the resolution of that review. And we could, it seems to me, if we had this as a priority, bring this bill to the floor, look at it and say if it is important enough for us to have these tools against al Qaeda and similarly situated terrorist groups and individuals, then maybe we ought to extend it for more than a year. Does anybody on this floor, does anybody within the reach of my voice believe that al Qaeda is going to stop 1 year from the 28th of this month?

Maybe we have a new 72-hour rule. We have been talking about a 72-hour rule meaning we should have bills on the floor for 72 hours. Here we have the fact that we wait until we are within 72 hours of the expiration of key parts of the law which allow us to protect ourselves against terrorists before we act. The American people must be scratching their heads and saying, This is the leadership we look for? These are the people who take an oath to the Constitution and to give us the ability to defend ourselves against enemies?

Mr. Speaker, I guess I would say as proud as I am of my service on the Judiciary Committee, I am profoundly disappointed that this bill is being brought forward with just a single year, within a 72-hour space, and we still have not had an examination on this floor of the seriousness of the profound protections of civil liberties contained in these provisions of the law. This is in fact a good law. These are good provisions of that law being utilized by our intelligence community.

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

Mr. SMITH of Texas. Mr. Speaker, I yield the gentleman an additional 2 minutes.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for the additional time.

So these are individual parts of a law that has served us well. Ironic it is that on the very day that our committee considered the lone wolf provision and decided because it had not been used before we should withdraw it, we had the terrible I won't call it a tragedy, I will call it a terrible terrorist attack at Fort Hood. Within hours of us rejecting the notion that we needed a lone wolf provision, we had a domestic lone wolf. Now, of course the PATRIOT Act does not apply to someone who is an American citizen. But my point is had we had such an attack before that attack took place, doesn't it seem a little nonsensical to say because it hadn't happened before we ought not to have some tools at our disposal which would help us fight it?

Let me just underscore again, these provisions in the law allow our intelligence community to collect the dots. The 9/11 Commission criticized our government for a failure to connect the dots. You need to first have the dots. You need to first have the information. And that is what these tools allow us to provide to our intelligence community so that they can analyze those things.

So Mr. Speaker, I reluctantly support this legislation because it is a mere 1-year extension. It deprives us of the debate that should be front and center of this representative body. If we truly believe our first obligation is to protect the people we represent, we must provide for the common defense. The PATRIOT Act does this. These provisions do this. We should act on this with full knowledge, full debate, and full confidence in our intelligence communities that we can move forward and protect the American people.

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

Mr. SMITH of Texas. Mr. Speaker, I am happy to yield 4 minutes to an esteemed senior member of the Judiciary Committee, the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. I thank my friend from Texas, and thank him for elevating me to the esteemed status. I am not sure I deserve that.

Mr. Speaker, I don't want to be a prophet of gloom and doom, but there are many people in this world who every night retire, prior to sleeping, with one thought in mind, and that one thought is destroy America. The PATRIOT Act has served as a useful impediment to thwart that effort of destruction, and it must not be allowed to expire.

The majority has had over a year to reauthorize the three expiring provisions, but we failed to do so. In 2005, Mr. Speaker, I chaired the Crime Subcommittee of Judiciary, and we oversaw nine hearings to thoroughly examine all of the intelligence-gathering provisions of the PATRIOT Act. The Republican-led Judiciary Committee completed these and additional full committee hearings, a full committee markup, and floor consideration to reauthorize nearly one dozen provisions, all prior to the August recess.

□ 1700

The current majority, Mr. Speaker, has conducted only one subcommittee hearing, a markup, but still hasn't brought a commonsense bill to the full House floor.

Again, I don't want to promote gloom and doom, but time could be running out on us because one of these days, one of these people who retire with that, before they fall asleep with the one desire to destroy America, they may result in success. We need the impediment to stand thoroughly against this effort, and that impediment, among others, is the PATRIOT Act.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield to SHEILA JACKSON LEE, a senior member on the Judiciary Committee, who will be our closing speaker; and I will yield to her as much time as she may consume.

Ms. JACKSON LEE of Texas. Mr. Chairman, sometimes we come to the floor, Mr. Speaker, but we don't understand, really, the impetus and the importance of the work that is being done here.

To my colleagues, what we are doing is securing the American people. We know that right now there is a major debate that is occurring with leadership dealing with health reform. We will also be addressing the question of jobs. But let it be very clear, nothing is going to stop us from addressing the question of national security.

Chairman CONYERS has been working on the reform and the refitting, if you will, of the PATRIOT Act to make sure that it provides more security for the American people.

I just came from a hearing on Homeland Security of which I am a member, with the Secretary of Homeland Security, asking hard questions about the reinforcement of security, the provisions of support for personnel at the Department of Homeland Security, and the ability to give more resources so that the traveling public can be secure.

In this instance, we are acting expeditiously and responsibly, because what is now occurring is that we are providing for the extension of the PATRIOT Act so we can, in fact, engage the other body and work constructively, one, to, with no doubt, commit ourselves, as the President has done, in committing to use every instrument of national power to fight terrorism, including intelligence and military operations, as well as the criminal justice system. That's the Judiciary Committee.

There's never been a doubt about the commitment of the Obama administration or the Judiciary Committee, the chairman and our colleagues in the other body. But it is important for us to handle our business and to do our duty, and that is to look with a fine-toothed comb at the PATRIOT Act to ensure that it does not violate the rights of Americans. No matter what your political persuasion, you have a sense of understanding of the Constitution. You understand due process. You understand unreasonable search and seizure. And so it is our obligation to do so.

As I listened to the debate on the Intelligence bill, I was struck by the efforts that have been made to shore up any of the missing links to provide us a pathway away from the Fort Hood incident or the Christmas Day bombing. And one of the things I want to emphasize is the importance for horizontal integration: Homeland Security, Department of Justice, Intelligence, the agencies dealing with national security as we attempted to do after 9/11. We must ramp up the coordination of information. There must be a focus not only on enhanced coordination, which is the premise of the PATRIOT Act, to get information and to ensure the obligation to ensure your civil liberties; but we must also be somewhat unique and distinct on how we assess who might be a threat.

I have constantly asked that we consider this thing called human assessment and behavior. A lot of people will call for profiling and that that's the way to do it. And I can tell you, colleagues, that you can profile from this morning until the end of time, and you will miss someone who doesn't fit the caricature, if you will, of who you might think happens to be a terrorist. Timothy McVeigh didn't fit that profile.

And so it is important for them to be developed human intelligence and human behavior assessment. That would have been an appropriate approach to the captain at Fort Hood. That's not profiling; it's assessing the behavior of interacting on the Internet, of speaking to the imam in Yemen, very conspicuous behavior that was assessed in Washington before he was transferred to Fort Hood, behavior that was not transmitted, if you will, in the right way.

And then we can look at the Christmas Day bomber, which we hope will never happen again. We had the shoe bomber. And so behavior should send up a red flag.

When we look at the premise of the PATRIOT Act, it is gathering information. And I know my colleagues would not want us to rush to judgment. And so what we have in place now is the opportunity for America to be protected, to use this cross-signal of information.

Might I also mention the assessment of the actions of the Department of Justice. There's not been one moment of a decision that has jeopardized the American people. Yes, there's been a decision that initially was accepted by local officials, as we understand it, to try individuals in a particular area.

There were provisions, obviously, to be made for that. That decision alone and whatever happens on the decision after about where that trial will be held has nothing to do with undermining America's security.

We have Mirandized people before, and they have given us information and we've garnered that information to use for our security. We have tried people in the civilian courts under our legal system, and we have found them guilty on the basis of what they have done, and we've protected the American people.

So I am concerned that there is some labeling going on, that there is not the convergence of resources in the Obama administration, there's not the work on behalf of the Judiciary Committee chaired by Chairman CONYERS that steadily puts together building blocks to secure the American people.

I hope that we will rise to vote for this extension of the PATRIOT Act to allow this Congress, bipartisan, to sit down and do its work. But in the meantime, would we not be irresponsible if we did not come to the floor today to protect the American people, just as we've done with an authorization of the Intelligence bill which has never been done for over a large number of years. We are now doing that because we believe in the security of the American people.

I look forward to moving forward on this legislation. I look forward to pressing the intelligence community on human behavior assessment now, not tomorrow, but now; and I look forward to us going forward on securing the American people with the tools that the Obama administration is working on.

Mr. Speaker, I rise in support of the motion to concur in the Senate amendments to H.R. 3961—Extending Expiring Provisions of the USA PATRIOT Improvement and R. 2082. I support this motion to extend expiring amendments though I offered several amendments as we debated this issue in the Judiciary Committee that I believe would have made the existing provisions of the ACT more effective.

H.R. 3961 extends for one year—through Feb. 28, 2011—three antiterrorism provisions which would otherwise expire on February 28, including the "roving wiretap" authority that allows the government to conduct surveillance on suspects who communicate on multiple devices, or repeatedly change their cell phone numbers or carriers; a provision that permits federal law enforcement authorities to seek a court order for "any tangible thing" they deem related to a terrorism investigation such as business records; and the "lone wolf" provision that allows for surveillance of terrorists who are not connected to terrorist groups.

The measure also extends, for one year, a provision under current law that expanded authority to access records or "any tangible item," including business and library records, through the use of Section 215 orders. The provision has been one of the focal points of criticism of the PATRIOT Act, uniting liberals and libertarians who express concern that it was too broadly written and could have allowed the government to access a virtually unlimited range of records.

Mr. Speaker, prior to the enactment of the USA PATRIOT Act, court orders requested under the Foreign Intelligence Surveillance Act (FISA) for access to business records had to assert that there were "specific and articulable facts giving reason to believe that the person to whom the records pertain [was] a foreign power or an agent of a foreign power." The law limited these records to those of hotels, motels, car and truck rental agencies, and storage rental facilities.

The provision in the USA PATRIOT Act modified requirements for a FISA court order to include "any tangible things"—such as library or bookstore records—regardless of the business or individual holding the item, as long as law enforcement officials assert that the records are sought in an effort to obtain foreign intelligence or in a terrorism investigation. An application for access to business records under this provision must provide a "statement of facts" proving that the information sought is "relevant" to the investigation.

A September 2009 letter from the Justice Department reports that the FISA court had issued about 220 orders to produce business records over the period of 2004 to 2007. The letter noted that 173 of those orders were issued prior to 2006 in combination with FISA pen register orders "to address an anomaly in the statutory language that prevented the acquisition of subscriber identification information normally associated with pen register information." The 2006 reauthorization of the Patriot Act included language to clarify the law, and the Justice Department says the change made the use of the "business records" provision for such information unnecessary. The remaining business records orders were used to obtain transactional information that did not fall within the scope of other authorities.

The department called on Congress to reauthorize this provision because there would "continue to be instances in which FBI investigators need to obtain information that does not fall within the scope of national security letter authorities and are operating in an environment that precludes the use of less secure criminal authorities."

My amendment would have made an improvement to the public's oversight of the PATRIOT Act by extending the life of these intrusive government surveillance programs for two years rather than four years as proposed. Specifically, my amendment focused on Sections 102 and 202 of the underlying bill. The change to Section 102 would have extended the sunset dates of roving wiretaps and FISA business records to December 31, 2011 rather than 2013. The change to Section 202 provides a sunset date of December 31, 2011 rather than December 31, 2013 for national security letters, with the effect of expediting the return of the relevant national security letter statutes to their statuses as they read on October 25, 2001.

These proposed changes in those amendments that I offered in the Judiciary committee focused on the idea of increasing public oversight and transparency. These changes would have permitted Congress to review these sections in two years rather than four years. In two years, we may find that these tools are in fact unnecessary, or that new tools are required.

Mr. Speaker, the motion also extends, for one year, a provision that allows law enforcement officials to pursue terrorists who use multiple devices, or change cell phone numbers or carriers repeatedly to thwart surveillance efforts under FISA. The law permits authorities to obtain multipoint or "roving" wiretaps so that officials do not have to file multiple applications to continue their investigation.

Under current law, applications for a wiretap do not have to include specific information on the location of the wiretap or the names of third parties who would be involved in assisting authorities with setting up the wiretap. Instead, court orders apply to the person or persons and not a particular device or location. Under prior law, the government would have to return to the FISA court for an order that named the new communications carrier, landlord, etc., before tapping the new device or location.

The law requires the FISA court to base its finding on "specific facts" included in an application, and it requires court orders for roving wiretaps to describe in detail the specific target in cases in which the target's identity is unknown. In the cases when the location of surveillance was unknown at the time of a court order, investigators would be required to notify the court within 10 days of the start of surveillance at any new location. The court can extend this notification time to up to 60 days.

According to a September 2009 letter from a Justice Department official, the provision has "proven an important intelligence-gathering tool in a small but significant subset of FISA electronic surveillance orders." The letter noted that this authority is only available when the government is able to provide specific information that the target of surveillance may engage in counter-surveilance activities. The letter noted that the government has sought to use it "in a relatively small number of cases (on average, twenty-two applications per year)."

Additionally, the measure extends by one year the so-called "lone wolf" provision that allows federal law enforcement officials to seek warrants from the Foreign Intelligence Surveillance Court to conduct surveillance on suspected individuals or "targets" who are engaging in international terrorism activities or preparation for such activities, but cannot be connected to terrorist groups or foreign nations. The provision applies only if the target is not a United States person, i.e., is not a citizen, legal immigrant or resident.

Before 2004, national security officials had to show a court that a target was an agent of a foreign power, or acting on behalf of a foreign power, in order to get permission to monitor him or her, which some argued prevented monitoring a lone wolf operating as an individual. According to the Justice Department, the authority was aimed at situations in which information linking a target to an international group is absent or insufficient, but where the target's engagement in "international terrorism" has been sufficiently established. The department noted that in practice, the government "must know a great deal about the target," but must also be unable to connect that person to any group meeting the definition of "foreign power" under FISA.

A Justice Department official, in a September 2009 letter, stated that the department had never filed a FISA application using this provision since it became law in 2004, but

stated the department's support for reauthorizing the provision because of potential situations in which it could be the only avenue for surveillance.

Mr. Speaker, I believe it is very important that we extend the expiring provisions of the PATRIOT Act and urge my colleagues to join me in supporting the motion and work to restore civil liberties and secure America.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi, an active member of the Judiciary Committee and a former city prosecutor, Mr. HARPER.

Mr. HARPER. Mr. Speaker, the purpose of the PATRIOT Act is to keep suspected terrorists under surveillance in an attempt to prevent another attack on our country like we suffered on September 11, 2001. I believe that it has been successful, and I support its extension. I firmly believe that our safety for the nearly 8½ years since 9/11 is due in part to the PATRIOT Act and the fine men and women who are able to use it each day to keep our country safe from harm.

I particularly believe that the lone wolf provision which allows for the surveillance of individual terrorists who might not be part of a larger international terrorist group is very important, and I'm very happy to see its inclusion in this extension.

I applaud those who worked in a bipartisan manner to pass this legislation in 2001, and I look forward to seeing that provisions of the PATRIOT Act continue to be used in an effort to keep Americans safe.

While I wish that a bill with the intention of extending the PATRIOT Act for longer than a year would have been before the House, I support the legislation before us today. I hope that my colleagues will join with me in supporting the extension of this very important counterterrorism tool.

Mr. CONYERS. Mr. Speaker, I continue to reserve.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to my colleague from Texas, a senior member of the Intelligence Committee, Mr. THORNBERRY.

Mr. THORNBERRY. Mr. Speaker, I appreciate the distinguished ranking member yielding to me.

Mr. Speaker, it is very, very important that we ensure that our intelligence professionals and our law enforcement professionals have the tools and the support they need to do their job. And we should never forget that their job is to protect us and prevent further terrorist attacks from killing Americans.

Now, over the course of the day today, as we consider the Intelligence authorization bill, there have been a lot of words spoken in support of those intelligence and law enforcement professionals. But I would suggest that actions matter more than words. One of the actions we can take is to ensure that they have the tools they need to gather the information to stop terrorist plots. And these three expiring provisions of the PATRIOT Act that are being renewed for a year under this bill are some of the critical tools they need to gather that information and to protect us.

Mr. Speaker, I count about eight plots or attempted terrorist attacks since last summer that have made the press, that have been stopped or thwarted in some way or another. One of them, unfortunately, was successful, and that was the attack at Fort Hood. One of them was stopped out of sheer luck and the awareness of passengers on the Christmas Day bombing attack over Detroit. But a number of the other attempted attacks or plots over the past few months and years have been stopped, I believe, because of the tools included in the PATRIOT Act that have helped prevent American casualties. And I would suggest we cannot afford a single day without those tools, including the three that are extended over the course of this bill.

I would prefer, as others have said, that it were longer than a year. But it is absolutely critical that we not allow them to expire and that we put them at least on somewhat of a longer term basis so that these professionals can actually do their job.

I would just say, Mr. Speaker, that in addition to the tools, legal authorities, financial resources that are necessary for them to do their job to protect us, we also must provide these professionals in the intelligence community and the law enforcement community the support they need to do their job. And it is not supporting them, for example, to have a special prosecutor appointed by the Justice Department of this administration to re-investigate interrogators that have already been investigated. And it would not be supportive if we adopt the provision we've talked about earlier today, to establish new crimes against interrogators. They deserve the tools and support. Both can come today with the right votes.

Mr. CONYERS. I'm pleased now to recognize a former senior member of the Intelligence Committee for over 10 years—she served as ranking member—and I yield now to JANE HARMAN as much time as she consumes.

Ms. HARMAN. I thank Mr. CONYERS for yielding and commend him for his leadership of the Judiciary Committee. He has authored many bills which I am proud to cosponsor, one of which includes amendments to these three expiring provisions of the PATRIOT Act.

I rise today because I think we are missing an opportunity. There are good ideas in this House about how to curb the abuses with national security letters, how to clarify that roving wiretaps are limited to a single identifiable target, and how to eliminate the lone wolf provision which has never been used and for which existing title III authority can suffice. Those ideas have been the subject of hearings in the Judiciary Committee, but they're not being debated on this floor.

Instead, we hear that the only way to protect America is to extend the PATRIOT Act as is for another year. We could have extended it for a shorter period and fully debated how to amend the PATRIOT Act on this floor. I think this is a real missed opportunity. As one who was here when we first passed The PATRIOT Act, I recognize that my approach has been controversial.

□ 1715

I am one of very few Members who opposed initially rolling back the so-called library provision, which I agree was an overreach in the initial PATRIOT Act. But I opposed rolling it back because the amendment as initially drafted included eliminating access to Internet sites at libraries. And as one who studies the terrorism threat carefully, I know that terrorists use the Internet frequently as a way to communicate. So when the library provision was finally drafted to exclude Internet sites, I proudly voted for it.

The PATRIOT Act is a valuable tool. Those who have spoken on the other side are right, we need it. But we have enough knowledge in this House to tweak it to be much more fair to innocent Americans who have inadvertently been caught up in its web.

Let me also mention that under the Intelligence Reform Act of 2004, we required that the White House establish a privacy and civil liberties commission to oversee the development and implementation of laws with respect to terrorism. That commission was never fully established in the last administration, and this administration has yet to name a chairman and a vice chairman.

I urge the President again to fully implement the provisions of the 2004 Intelligence Reform Act. Standing up that commission would send a message that we can protect our security, but we can also protect our liberty. This is not a zero-sum game.

And let me finally address something we will hear as we close debate on the Intelligence authorization bill, and that is a view by some that we should bar trials or terrorist suspects in Article III courts.

The prior administration tried virtually everyone charged with terrorism-related crimes in Federal court. Most of those people were convicted and are now incarcerated. There was a 90 percent conviction rate over hundreds of trials since 9/11. In contrast, military commissions convicted three people, two of whom are no longer serving.

So if you just look at the conviction rate, we are safer if we use article III courts.

In a letter from Secretary Gates and Attorney General Holder dated today to the leadership, they express their opposition to any legislation or amendments that would restrict the ability of the executive branch to effectively prosecute alleged terrorists in Federal courts or reformed military commissions in the United States.

Their point, and my point, is we can have reformed military commissions—

and I know that the President and many here are considering reforms which I may support—but we also must permit robust use of our Federal courts. I think it's disingenuous to claim that after 300 people have been sent to jail for long sentences, we can't safely try terrorists in U.S. courts under Federal law. I agree with Secretary of Defense Gates and Attorney General Holder that such an amendment would make us less safe by removing a critical tool from the Nation's arsenal, and that's the use of our Federal justice system.

In conclusion, we must live our values. When we fail to do that, we offer a huge recruiting tool to those who would attack us. If we live our values by carefully amending expiring PATRIOT Act provisions, by standing up a privacy and civil liberties board and by saying that Federal Courts can try many of those we apprehend for terrorism-related crimes, we have the best chance of winning in this era of terror.

Madam Speaker, I take a backseat to no one in the effort to defeat the terror threat against us. I take the threat very seriously. I read proposed legislation carefully. Today, we could have, as Mr. NADLER suggested, passed a short-term extension and then had a robust public debate about amendments to expiring PATRIOT Act provisions. This is a missed opportunity and I oppose the extension.

Mr. SMITH of Texas. I am prepared to close. I will reserve my time.

Mr. CONYERS. How many minutes remain?

The SPEAKER pro tempore. The gentleman from Michigan has 2 minutes remaining.

Mr. CONYERS. I reserve my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, extending the expiring provisions of the PATRIOT Act will give our law enforcement officials and intelligence agents the authority they need to meet terrorists' threats. It is unfortunate, though, that some reject a long-term reauthorization. Refusing to reauthorize our national security laws for the long term signals weakness to our enemies. It says we are not serious about protecting American lives.

Repeated extensions of this law create uncertainty for intelligence officials and increase the danger that intelligence is missed and threats unidentified. The PATRIOT Act is not broken. And if it isn't broken, we shouldn't try to fix it.

Congress has already undertaken a sweeping review of the PATRIOT Act following extensive hearings in the Judiciary Committee. We approved a reauthorization in 2006 that made permanent all but three provisions and enhanced important civil liberty protections. The Obama administration, a bipartisan Senate, and House Republicans all support a long-term reauthorization of the PATRIOT Act.

Mr. Speaker, while I support this bill, our national interests would have been better served if we had considered a long-term extension. Mr. Speaker, I urge my colleagues to support this legislation even though a long-term piece of legislation would have been a much-improved situation.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield the remainder of our time to the distinguished gentleman from Ohio, DENNIS KUCINICH.

Mr. KUCINICH. I thank Mr. CONYERS.

I rise in opposition to H.R. 3961, legislation to extend the expired provisions of the PATRIOT Act. The three provisions being extended today include the ''roving wiretaps,'' which allow the Foreign Intelligence Surveillance Court to issue secret orders to wiretap any target without having to specify the target or the device. This extension also includes the ''lone wolf'' surveillance provision, which allows intelligence agencies to conduct investigations of non-U.S. individuals not connected to a foreign power or terrorist group, a provision that the administration has never had to use. Finally, this legislation would extend section 215 powers of the PATRIOT Act, which allows the government to order any entity to turn over ''any tangible things'' as long as it specifies its for ''an authorized investigation.'' Section 215 orders constitute a serious violation of Fourth and First Amendment rights by allowing the government to demand access to records often associated with the exercise of First Amendment rights, such as library records.

Through years of documentation evidencing abuse of these provisions during the Bush administration, the Department of Justice has failed to hold Bush administration officials accountable for illegal domestic spying by barring any lawsuits to be brought against those officials. Months into this administration, The New York Times reported that the National Security Agency had ''intercepted private e-mail messages and phone calls of Americans in recent months on a scale that went beyond the broad legal limits'' and that the practice was ''significant and systematic.''

Passage of this legislation continues to make Congress complicit in the violations of constitutional rights.

A letter written by the American Bar Association in 2005 to Congress expressed grave concern over ''inadequate congressional oversight of government investigations undertaken pursuant to the Foreign Intelligence Surveillance Act'' . . . ''to assure that such investigations do not violate the First, Fourth, and Fifth Amendments.''

As Members of Congress swore to protect the rights and civil liberties afforded to us by the Constitution, we have a responsibility to exercise our oversight powers fully, and significantly reform the PATRIOT Act, ensuring that the privacy and civil liberties of all Americans are fully protected. More than 8 years after the passage of the PATRIOT Act, we failed to do so. As National Journal correspondent Shane Harris recently put it, we've witnessed the rise of an ''American Surveillance State.'' We've come to love our fears more than we love our freedoms.

Mr. BLUMENAUER. Mr. Speaker, in 2001, I voted against the USA PATRIOT Act because it granted law enforcement powers too broad, too removed from oversight, and at the expense of Americans' civil rights. I am disappointed that H.R. 3961 simply extends three of these provisions without any additional protections or oversight.

This is a missed opportunity to rebalance the need to pursue violent extremists with the need to respect our own citizens. Continuing to allow the government to obtain "any tangible thing" relevant to a terrorism investigation, including library records, is a disturbingly low bar. We can do better.

Committees in the House and Senate have offered drafts to improve the PATRIOT Act, and I strongly suggest that we move forward immediately to amend this law.

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

Pursuant to House Resolution 1109, the previous question is ordered.

Pursuant to clause 1(c) of rule XIX, further proceedings on this motion are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion 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.

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

TEMPORARY EXTENSION ACT OF 2010

Mr. MCDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4691) to provide a temporary extension of certain programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4691

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 ''Temporary Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''February 28, 2010'' each place it appears and inserting ''April 5, 2010'';

(B) in the heading for subsection (b)(2), by striking ''FEBRUARY 28, 2010'' and inserting ''APRIL 5, 2010''; and

(C) in subsection (b)(3), by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families

Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''February 28, 2010'' and inserting ''April 5, 2010'';

(B) in the heading for paragraph (2), by striking ''FEBRUARY 28, 2010'' and inserting ''APRIL 5, 2010''; and

(C) in paragraph (3), by striking ''August 31, 2010'' and inserting ''October 5, 2010''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''February 28, 2010'' each place it appears and inserting ''April 5, 2010''; and

(B) in subsection (c), by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking ''1009'' and inserting ''1009(a)(1)''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) the amendments made by section 2(a)(1) of the Temporary Extension Act of 2010; and''.

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''February 28, 2010'' and inserting ''March 31, 2010''.

(b) CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.—

(1) CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: ''or consists of a reduction of hours followed by such an involuntary termination of employment during such period (as described in paragraph (17)(C))''; and

(B) by adding at the end the following:

''(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

''(A) NEW ELECTION PERIOD.—

''(i) IN GENERAL.—For the purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual on or after the date of the enactment of this paragraph shall be treated as a qualifying event.

''(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any case of an individual referred to in clause (i), the period of such individual's continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

''(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

''(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

''(B) NOTICES.—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual's involuntary termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

''(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred on or after the date of the enactment of this paragraph.''.

(2) CODIFICATION OF CURRENT INTERPRETATION.—Subsection (a)(16) of such section is amended—

(A) by striking clause (ii) of subparagraph (A) and inserting the following:

''(ii) such individual pays, the amount of such premium, after the application of paragraph (1)(A), by the latest of—

''(I) 60 days after the date of the enactment of this paragraph,

''(II) 30 days after the date of provision of the notification required under subparagraph (D)(ii), or

''(III) the end of the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986.''; and

(B) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

''(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and''.

(3) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking ''of the first month''.

(4) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end the following: ''In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than $110 per day for each failure to comply with such determination of such Secretary after 10 days after the date of the plan sponsor's or issuer's receipt of the determination.''.

(5) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g)(9) of section 35 of the Internal Revenue Code of 1986 is amended by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(B) Section 139C of such Code is amended by striking ''section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(C) Section 6432 of such Code is amended—

(i) in subsection (a), by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009'';

(ii) in subsection (c)(3), by striking ''section 3002(a)(1)(A) of such Act'' and inserting ''section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009''; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:

''(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

''(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee's employment, and

''(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee,

the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee's employment.''.

(D) Subsection (a) of section 6720C of such Code is amended by striking ''section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsection (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act;

(2) the amendments made by subsection (b)(2) shall take effect as if included in the amendments made by section 1010 of division B of the Department of Defense Appropriations Act, 2010; and

(3) the amendments made by subsections (b)(3) and (b)(4) shall take effect on the date of the enactment of this Act.

SEC. 4. EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.

(a) IN GENERAL.—Except as provided in subsection (b), for purposes of the continued extension of surface transportation programs and related authority to make expenditures from the Highway Trust Fund and other trust funds under sections 157 through 162 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), the date specified in section 106(3) of that resolution (Public Law 111–68; 123 Stat. 2045) shall be deemed to be March 28, 2010.

(b) EXCEPTION.—Subsection (a) shall not apply if an extension of the programs and authorities described in that subsection for a longer term than the extension contained in the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), is enacted before the date of enactment of this Act.

SEC. 5. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended—

(1) in subparagraph (A), by striking ''February 28, 2010'' and inserting ''March 31, 2010''; and

(2) in subparagraph (B), by striking ''March 1, 2010'' and inserting ''April 1, 2010''.

SEC. 6. EXTENSION OF MEDICARE THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2009'' and inserting ''March 31, 2010''.

SEC. 7. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) is amended by striking ''March 1, 2010'' and inserting ''March 31, 2010''.

SEC. 8. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 1005 of Public Law 111–118, is further amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting March 28, 2010, for the date specified in each such section.''.

SEC. 9. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''February 28, 2010'' and inserting ''March 28, 2010''.

(b) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration – Business Loans Program Account'', $60,000,000, to remain available through March 28, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section,

Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

SEC. 10. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''February 28, 2010'' and inserting ''March 28, 2010''; and

(B) in subsection (e), by striking ''February 28, 2010'' and inserting ''March 28, 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''February 28, 2010'', and inserting ''March 28, 2010''.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''February 28, 2010'' and inserting ''March 28, 2010''; and

(2) in paragraph (3)(C), by striking ''March 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''March 29, 2010''.

SEC. 11. DETERMINATION OF BUDGETARY EFFECTS.

(a) IN GENERAL.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—This Act, with the exception of section 5, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 5, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from California (Mr. HERGER) each will control 20 minutes.

The Chair recognizes Mr. MCDERMOTT.

GENERAL LEAVE

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

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

This bill provides a short-term extension for a number of programs.

When you have the other body basically operating on filibusters continuously on everything, it's not surprising that suddenly somebody wakes up over there and figures out that they're going to have to go to work and pass some legislation.

By the end of March, 1.2 million people will run out of unemployment benefits, so we're extending unemployment benefits through the 8th of April, 2010. That is another month. The Senate likes to have a vote on unemployment about once a month. For whatever reason they want to come out here and do this when they can see the problem and they want to drag the American people through this process over and over again, I cannot understand. The Republicans over there using filibusters to stop the Senate from doing anything simply don't care about workers in this country.

Now, there is also an extension of COBRA assistance. We're extending that until the 28th of March, 2010, so people have health insurance for another month. Thanks a lot. And we're extending surface transportation programs, which makes related expenditures for surface transportation until March 28, 2010.

We're extending the Medicare physician update, which extends the increase in physicians' payments until March 28, 2010. We're extending the Medicare therapy cap exceptions until March 28, 2010. We're extending the poverty guidelines. And I could go on down this list. I have got a whole bunch more.

□ 1730

The fact is, we passed, in December, out of this House, a 6-month extension in unemployment benefits, but somebody decided we had to have a filibuster in the Senate, so they stepped on the bill. And suddenly we come to 5:28 p.m. on the 25th of February and somebody says, oh, my God, there are going to be people in my district with no check. They have been calling my office for the last 2 weeks. Are they going to extend benefits? Will my benefits be extended? What's going to happen to us?

Well, this is their answer. We will give them another month's reprieve, and I urge all my colleagues to vote for this bill.

I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume. This legislation provides for a 1-month extension of several important programs, including unemployment insurance and health coverage for Americans laid off in this recession, a postponement of severe cuts in Medicare payments to physicians and a satellite television law that allows Americans in rural areas to get access to local news and programming.

It's important to realize that this is not a jobs bill. On the contrary, the extension of unemployment insurance is needed because the 2009 stimulus bill didn't create the jobs Democrats promised. Laid-off workers should not be punished for that.

Instead of creating 3.7 million jobs as promised, the stimulus bill was followed by 3.3 million additional job losses. A record 16 million are now unemployed, and Americans are asking ''where are the jobs?''

The legislation before us continues the payment of a record 99 weeks of total unemployment benefits, but millions will soon be exhausting those benefits and wondering what comes next, and they will face a job market that on top of everything else is now burdened by mammoth unemployment payroll tax hikes caused by all the unemployment benefits paid to date. So the need to pass this bill today is the result of the failure of the Democrat stimulus bill to create the jobs they promised. If it had created those jobs, and unemployment were now under 8 percent and falling, as Democrats predicted it would be, we would be in a position to start winding these benefits down.

Instead, unemployment is near 10 percent, and even the administration thinks it will remain so through at least this year.

The CBO has estimated this bill will add over $10 billion to the deficit. Less than 2 weeks after the Democrats' pay-as-you-go bill was signed into law, we

are already seeing billions of dollars designated as ''emergency spending'' so we don't have to pay for it.

With abundant unused TARP and stimulus money that could pay for this bill, it's clear Democrats are not serious about fiscal responsibility.

We also need to craft policies that will actually create jobs so unemployed workers can get back to work. That will require ending the massive taxing, spending, and borrowing plans this Democrat Congress and administration has. These policies have created severe uncertainty among American workers and businesses, causing economic stagnation and discouraging hiring. We could eliminate this uncertainty and get the private-sector American job creation engine humming again by immediately extending all expiring tax cuts, scrapping plans for a government takeover of health care, scrapping plans to impose a national energy tax via a cap-and-trade program, repealing wasteful stimulus spending, and committing to not increasing taxes until the economy has fully recovered.

I reserve the balance of my time.

Mr. McDERMOTT. I yield 3 minutes to my distinguished colleague from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Well, what we face is the highest number of long-term unemployed for over 60 years, 6.3 million people, long-term unemployed. We have 15 million people looking for work.

I came in just in the middle of the statement from my friend from California. I don't think this is the time for us to be arguing over past programs. I have never understood what the minority was thinking about in terms of job creation. They have voted against Recovery Act bills.

But this isn't the time to be using the plight of the unemployed to try to make points about previous actions. This is the time for us to once again face up to the fact that we have huge numbers of people who are looking for work and can't find it. This is the time for us to understand the pain for individuals in this circumstance. We passed a jobs bill here some months ago, unfortunately, without bipartisan support. But I don't want to argue about that. We should be talking about providing. It's really not a safety net; it's a subsistence issue. It's people who have been laid off through no fault of their own who need a continuation of unemployment compensation.

If we do not do this, the estimate is that over 1 million people nationally will lose their unemployment benefits in March. That's 1 month alone, 1.2 million people. If that isn't sobering enough to get us to focus on an extension of unemployment compensation and health benefits for these people, I don't know what else we will do.

So I hope we will come here and pass this bill and not use it as a vehicle to be talking about something other than the plight of the unemployed of this country who can't find a job, 6 or 7 people looking for a job for every job that might open up.

I urge that we pass this overwhelmingly.

Mr. HERGER. Mr. Speaker, I reluctantly support this legislation. While it has major flaws, which I outlined earlier, the current job market in so many parts of the country, including my own congressional district in northern California, is so bad that the help, especially for long-term unemployed individuals, in this bill is both needed and merited during the weeks covered by this legislation at the very least.

I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, as I listened to my friend from Michigan (Mr. LEVIN) talk about the situation, it brings you almost beyond anger to realize that one person in the other body has stopped the unemployment extension for several months. We don't know, even as we pass this bill over there today, what will happen if that gentleman does not lift his restriction on the Senate bill. We may be into a cloture situation again. Now what they did before, they held up unemployment insurance, they held it up and held it up, and then, when it came to the end, everybody voted for it.

It is clear, from the first words out of my colleague from California's mouth, that this is about trying to prove to the people that the Democrats can't run the Congress. They can't run the Congress with the filibuster in the Senate stopping issues like this that are going to go through here unanimously. Nobody in his right mind is going to vote against health care and unemployment benefits for people who are out there struggling, and nobody is going to vote against flood insurance for people and nobody is going to vote against small business loan guarantees and a lot of other things that are in this extension bill because of the filibuster in the Senate.

I urge my colleagues to vote for this, and I urge the other body to think about changing the filibuster.

Mr. LINDER. Mr. Speaker, I rise in opposition to this legislation.

This bill would increase Federal spending by $10 billion, or $125 per family of four in the U.S. None of which would be paid for. And that's just a fraction of $1,000 per family of four it will cost to extend these programs through the end of the year, as is already in the works. That, too, will get added to our children's already enormous tab of government debt. They deserve far better.

Ironically, just two weeks ago the President signed Democrats' "paygo" bill into law. He said "the PAYGO bill . . . says very simply that the United States of America should pay as we go and live within our means again—just like responsible families and businesses do."

Yet today, with this bill, we're not living within our means, yet again.

A second flaw of this bill has to do with jobs. This legislation simply won't create any.

Some say that extending unemployment benefits stimulates job creation. If that were so, we would be at full employment already. Today record numbers of Americans—over 11 million—collect unemployment checks instead of paychecks. They collect record weeks of benefits—up to 99 weeks per person. And Congress added another $100 per month to those checks, for the first time ever. Yet since these programs started in 2008, the unemployment rate has jumped from 5.5 percent to over 10 percent as almost 8 million jobs disappeared.

So if these unemployment benefits are creating jobs, they are sure hard to see. But what we can see are mammoth payroll tax hikes this year in most States, as they struggle to pay for these benefits. As employer after employer has said, those tax hikes will further harm job creation when businesses and workers are already hurting.

In fact, some respected scholars argue these record unemployment benefit expansions actually are resulting in more unemployment, not less. That seems more than plausible.

At this time I would request ask unanimous consent to insert in the RECORD an article from the November 17, 2009 New York Post, which states:

As Larry Summers, the president's top assistant for economic policy, noted in July, ''the unemployment rate over the recession has risen about 1 to 1.5 percentage points more than would normally be attributable to the contraction in GDP''. . . Summers knows why the US rate is so high. He explained it well in a 1995 paper co-authored with James Poterba of MIT: ''Unemployment insurance lengthens unemployment spells.'' . . . (T)he evidence is overwhelming that the February stimulus bill has added at least two percentage points to the unemployment rate. If Congress and the White House hadn't tried so hard to stimulate long-term unemployment, the US unemployment rate would now be about 8 percent and falling rather than more than 10 percent and—rising.

Mr. Chairman, we have tried extending unemployment benefits again and again. And we have only gotten more unemployment. Yet what unemployed workers really want are jobs and paychecks. We need to start over and do the things that really help create jobs for unemployed workers. That means eliminating uncertainty by scrapping Democrats' government health care takeover and cap and tax energy plans, extending expiring tax cuts on businesses and individuals, repealing wasteful stimulus spending, and committing to not increasing any tax until the economy has fully recovered.

Until we do that, additional extensions of unemployment benefits will simply spend even more money we don't have without truly helping unemployed workers find jobs, which must be our real goal.

[From the New York Post, Nov. 17, 2009]

THE 'STIMULUS' FOR UNEMPLOYMENT

(By Alan Reynolds)

Why did the unemployment rate rise so rapidly—from 7.2 per cent in January to 10.2 percent in October? It was clearly the administration's ''stimulus'' bill—which in February provided $40 billion to greatly extend jobless benefits at no cost to the states.

As Larry Summers, the president's top assistant for economic policy, noted in July, ''the unemployment rate over the recession

has risen about 1 to 1.5 percentage points more than would normally be attributable to the contraction in GDP.'' And the rate has moved nearly a percentage point higher since then, even though GDP increased. Countries with much deeper declines in GDP, such as Germany and Sweden, have unemployment rates far below ours.

Summers knows why the US rate is so high. He explained it well in a 1995 paper co-authored with James Poterba of MIT: ''Unemployment insurance lengthens unemployment spells.''

That is: When the government pays people 50 to 60 percent of their previous wage to stay home for a year or more, many of them do just that.

And the stimulus bribed states to extend benefits—which have now been stretched to an unprecedented 79 weeks in 28 states and to 46 to 72 weeks in the rest. Before mid–2008, by contrast, only a few states paid jobless benefits for even a month beyond the standard 26 weeks.

When you subsidize something, you get more of it. Extending unemployment benefits from 26 to 79 weeks was guaranteed to leave many more people unemployed for many more months.

And longer unemployment translates to higher unemployment rates—because the relatively small numbers of newly unemployed are added to stubbornly large numbers of those who lost their jobs more than six months ago.

Until benefits are about to run out, many of the long-term unemployed are in no rush to make serious efforts to find another job—or to accept job offers that may involve a long commute, relocation or disappointing salary and benefits.

(Incidentally, the ''mercy'' of longer benefits does no long-term favors: The literature is quite clear that a prolonged period on unemployment tends to depress income for years after you finally go back to work.)

The median length of unemployment hovered around 10 weeks for six months before February's ''stimulus'' plan. Since half the unemployed found jobs within 10 weeks, more than half of those counted among the unemployed in one month would no longer be included three months later. In other words, more frequent turnover among the unemployed held down monthly unemployment.

But after February, with jobless benefits stretched out to 46 to 79 weeks, the median duration of unemployment nearly doubled, reaching 18.7 weeks by October.

The unemployment rate has not been rising because of growing numbers of newly jobless people. Indeed, initial claims for unemployment benefits are way down. And the number of unfilled private job openings increased by 9.3 percent from the end of April to the end of September.

The unemployment rate has been rising because unprecedented numbers of those who became unemployed six to 19 months ago are remaining ''on the dole'' until their benefits are nearly exhausted.

Summers isn't the only administration economist who understands this very well. Assistant Secretary of the Treasury for Economic Policy Alan Krueger co-authored a 2002 survey of the topic with Bruce Meyer of the University of Chicago. They found that ''unemployment insurance and worker's compensation insurance . . . tend to increase the length of time employees spend out of work.'' Last August, Krueger and Andreus Miller of Princeton also found that ''job search increases sharply [from 20 minutes a week to 70] in the weeks prior to benefit exhaustion.''

Similarly, Meyer found ''the probability of leaving unemployment rises dramatically just prior to when benefits lapse.'' In other words: If you extend benefits to 79 weeks, many people won't find an acceptable job offer until the 76th or 78th week.

Meyer and Lawrence Katz of Harvard estimated that ''a one-week increase in potential benefit duration increases the average duration of the unemployment spells . . . by 0.16 to 0.20 weeks.'' Apply that formula to the 20-to-53-week extension we've seen, and you get an average of three to ten more weeks spent on unemployment. And, sure enough, the average unemployment spell has risen by seven weeks this year—to nearly 27 weeks by October.

Katz also found that extended benefits, by making it easier for workers to wait and see whether they get their old jobs back, also makes it easier for employers to delay recalling laid-off workers. Just before unemployment benefits run out, Katz found ''large positive jumps in both the recall rate and new job finding rate.''

The White House recently made the mysterious claim of having ''saved'' 640,329 jobs, at a cost of only $531,250 per job ($340 billion).

In reality, the evidence is overwhelming that the February stimulus bill has added at least two percentage points to the unemployment rate. If Congress and the White House hadn't tried so hard to stimulate long-term unemployment, the US unemployment rate would now be about 8 percent and falling rather than more than 10 percent and—rising.

Mr. POMEROY. Mr. Speaker, I rise in support of H.R. 4691, Temporary Extensions Act of 2010, which temporarily extends a number of important expiring provisions to assist workers hit hard by the economy as well as averts the impending cuts under Medicare for physician services. These are important policies that we should not let lapse.

However, there are also a number of critical rural health payment adjustments under Medicare that expired last year which are not included in this package. These payment adjustments were created under the Medicare Modernization Act to correct flaws in Medicare payments and have made a tremendous difference to rural hospitals, physicians, ambulances, and laboratories and the seniors they serve. Congress has a long record of extending these important rural health care provisions. Most recently the House found it appropriate to include extensions of these critical rural health care provisions in legislation passed last year.

These provisions have not yet been signed into law and I am deeply concerned that failing to extend these important policies could impact the ability of rural providers to continue delivering much-needed care to our seniors. A lapse in these provisions, even temporarily, has created a great level of instability for our affected providers and the patients that they serve. That is why 69 bipartisan members of the bipartisan Rural Health Care Coalition have joined me in urging leadership to extend these important policies. A copy of this letter will follow my remarks.

I am committed to retroactively extending these important provisions which help preserve access to quality health care services in rural America and will fight to ensure that they are addressed.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 24, 2010.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.
Chairman CHARLES B. RANGEL,
House Committee on Ways and Means,
Washington, DC.
Chairman HENRY A. WAXMAN,
House Committee on Energy and Commerce,
Washington, DC.
Minority Leader JOHN A. BOEHNER,
House of Representatives, Washington, DC.
Ranking Member DAVE CAMP,
House Committee on Ways and Means,
Washington, DC.
Ranking Member JOE BARTON,
House Committee on Energy and Commerce,
Washington, DC.

DEAR SPEAKER PELOSI, MINORITY LEADER BOEHNER, CHAIRMAN RANGEL, RANKING MEMBER CAMP, CHAIRMAN WAXMAN, AND RANKING MEMBER BARTON: As members of the House Rural Health Care Coalition, we are writing on behalf of our rural health care providers and the patients that they serve to urge Congress to retroactively extend critical rural health payment adjustments under Medicare that recently expired. These rural support payments help preserve access to quality health care services in rural America and failing to swiftly extend them could impact the ability to continue delivering much-needed care to our constituents.

The Medicare Modernization Act (MMA) made important corrections to flaws in Medicare payments that have made a tremendous difference to the hospitals, doctors, nurses and other providers in our states and throughout rural America. Congress has a long record of extending these important rural health care provisions. Most recently, the House found it appropriate to include extensions of many of these critical rural health care provisions in legislation it passed last year. However, these provisions have not yet been signed into law. Therefore, we ask for your continued support to improve rural health care by including in legislation Congress may consider in the coming weeks an extension of the critical rural health provisions described below:

Rural Hospitals: Our rural hospitals provide essential inpatient, outpatient and post-acute care to nearly 9 million Medicare beneficiaries. We support an extension of the geographical wage index reclassifications for the more than 100 ''Section 508 Hospitals,'' in order to continue to providing greater wage parity within a state in order to address increasingly competitively labor markets. In addition, it is critical that Congress ensures that small rural hospitals continue to be reimbursed for their costs for their laboratory services and preserves outpatient hold harmless payments for sole community and small rural hospitals. We also support an extension of direct billing under Medicare for certain grandfathered labs for the technical component of pathology services provided to certain rural hospitals. Lastly, we support extending the recently expired Rural Community Hospital Demonstration project, which tests the feasibility and advisability for reasonable cost reimbursement for small rural hospitals.

Rural Doctors and Practitioners: Only ten percent of physicians practice in rural America even though more than a quarter of the population lives in these areas. In order to help recruit and retain physicians where they are needed most, it is imperative that we continue to maintain the 1.0 floor on

the physician work geographic practice cost index (GPCI).

Rural Ambulance: In providing critical emergency health care to patients, it costs rural ambulance service providers more per transport than their urban counterparts because of the greater distances rural providers travel and their lower transport volume. In fact, many of our rural ambulance service providers are staffed primarily by volunteers to stay afloat. That is why it is necessary to ensure that rural ambulance providers continue to receive an additional 3 percent in Medicare reimbursement, and for super rural ambulance service providers to continue to receive 22.6 percent to their base rate which helps cover the costs of serving patients located in these extremely rural areas.

These rural equity policy provisions are critical to the ability of our rural health care providers to continue to provide quality care to rural Americans. A lapse in these provisions, even temporarily, has created a great level of instability for our affected providers and the patients that they serve. We urge your continued leadership in championing these important rural issues.

Sincerely,

Earl Pomeroy, *Co-Chair, Rural Health Care Coalition,* Greg Walden, Chet Edwards, Rick Boucher, Dennis Moore, Michael H. Michaud, Timothy Walz, Leonard L. Boswell, Cathy McMorris Rodgers, David Loebsack, Bruce Braley, Jim Marshall, Kathleen A. Dahlkemper, Brett Guthrie, Don Young, Scott Murphy, Carolyn Kilpatrick, Carol Shea-Porter, John Boozman, Ben Chandler, Michael Arcuri, Ron Paul, Frank Kratovil, Kevin Brady, Heath Shuler, Phil Hare, Charlie Melancon, Marion Berry, Jim Matheson, Mike Ross, Jo Ann Emerson, Shelley Moore Capito, Rubén Hinojosa, Michael K. Simpson, Gene Taylor.

Jerry Moran, *Co-chair, Rural Health Care Coalition*, James L. Oberstar, Chaka Fattah, Peter Welch, Raúl M. Grijalva, Ron Kind, Bill Foster, Eric Massa, Dennis Cardoza, Blaine Luetkemeyer, Bob Etheridge, Adrian Smith, Brad Ellsworth, Larry Kissell, Donald A. Manzullo, John W. Olver, Sam Graves, Gabrielle Giffords, Deborah L. Halvorson, Rick Larsen, Charles A. Wilson, John Barrow, Rodney Alexander, Stephanie Herseth Sandlin, John Salazar, Christopher P. Carney, Lincoln Davis, Harold Rogers, Sanford D. Bishop, Jr., Mike McIntyre, Todd Tiahrt, Bill Delahunt, Nick J. Rahall II, Ike Skelton, Bart Stupak.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, H.R. 4691.

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

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 5 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1838

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HIMES) at 6 o'clock and 38 minutes p.m.

MEDICARE PHYSICIAN PAYMENT REFORM ACT OF 2009

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the motion offered by the gentleman from Michigan (Mr. CONYERS) to concur in the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion by the gentleman from Michigan.

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

Mr. POSEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 315, nays 97, not voting 20, as follows:

[Roll No. 67]

YEAS—315

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clay
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (TX)
Ellsworth
Emerson
Eshoo
Etheridge
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Halvorson
Harper
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Hoekstra
Holden
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Napolitano
Neugebauer
Nunes
Nye
Obey
Olson
Ortiz
Owens
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Petri
Platts
Poe (TX)
Pomeroy
Posey
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Scalise
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Walden
Walz
Wamp
Wasserman Schultz
Watson
Weiner
Whitfield
Wilson (OH)
Wittman
Wolf
Yarmuth
Young (FL)

NAYS—97

Abercrombie
Baldwin
Bartlett
Becerra
Berman
Bishop (UT)
Blumenauer
Boccieri
Braley (IA)
Capuano
Chaffetz
Chu
Clarke
Cleaver
Cohen
Costello
Crowley
Cummings
DeFazio
Dingell
Doggett
Duncan
Edwards (MD)
Ehlers
Ellison
Engel
Farr
Filner
Frank (MA)
Fudge
Green, Al
Grijalva
Hare
Harman
Hastings (FL)
Heller
Hinchey
Hirono
Holt
Honda
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kucinich
Larson (CT)
Lee (CA)
Lewis (GA)
Loebsack
Luján
Maffei
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Meeks (NY)
Michaud
Miller, George
Minnick
Moore (WI)
Nadler (NY)
Neal (MA)
Oberstar
Olver
Pallone
Pastor (AZ)
Paul

Payne
Perriello
Pingree (ME)
Polis (CO)
Price (NC)
Richardson
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Scott (VA)
Serrano
Shea-Porter
Sherman
Speier
Thompson (CA)
Tierney
Towns
Velázquez
Visclosky
Waters
Watt
Waxman
Welch
Woolsey
Wu
Young (AK)

NOT VOTING—20

Barrett (SC)
Bishop (NY)
Boucher
Capps
Deal (GA)
Dent
Fallin
Gingrey (GA)
Hall (TX)
Mack
Myrick
Pitts
Price (GA)
Radanovich
Reichert
Stark
Stupak
Sullivan
Westmoreland
Wilson (SC)

□ 1926

Messrs. THOMPSON of California, MAFFEI, DEFAZIO, FRANK of Massachusetts, COSTELLO, PAYNE, HONDA, NEAL of Massachusetts, LARSON of Connecticut, HASTINGS of Florida, TIERNEY, BARTLETT, HELLER, BERMAN, GEORGE MILLER of California, SARBANES, CLEAVER, HARE, ENGEL, EHLERS, RYAN of Ohio and PRICE of North Carolina and Ms. SCHAKOWSKY, Ms. RICHARDSON, Ms. CLARKE and Ms. RUDGE changed their vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL URBAN CRIMES AWARENESS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 227, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 227, 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. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 68]

YEAS—411

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Barrett (SC)
Bishop (NY)
Boucher
Capps
Deal (GA)
Dent
Fallin
Gingrey (GA)
Hall (TX)
Mack
Myrick
Pitts
Price (GA)
Radanovich
Reichert
Stark
Stupak
Sullivan
Tsongas
Westmoreland
Wilson (SC)

□ 1948

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.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1103

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 1103, a bill originally introduced by Representative WEXLER of Florida, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

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

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2847) ''An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.'', with an amendment.

The message also announced that pursuant to Executive Order No. 13531, the Chair, on behalf of the Majority Leader, announces the appointment of the following Members to the National Commission on Fiscal Responsibility and Reform:

The Senator from Illinois (Mr. DURBIN).

The Senator from Montana (Mr. BAUCUS).

The Senator from North Dakota (Mr. CONRAD).

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HANDLING WITH KID GLOVES THE ENEMIES OF THIS NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, sometimes I just do not understand this place. We are fighting people who will cut off your head, who will blow up a building and kill 3,000 people with an airplane. They will do anything they can to destroy America. Yet, when we pass an intelligence bill, we want to do everything we can to treat them with kid gloves. It just doesn't make any sense to me. The bill we are going to be voting on tomorrow in the manager's amendment says this:

It would define ''cruel, inhuman, and degrading treatment'' in intelligence interrogations, and it would provide a penalty of up to 15 years in prison for the use of this treatment during an interrogation.

They're talking about our CIA people who are interrogating a terrorist—an al Qaeda terrorist, a Taliban terrorist or somebody who is threatening the security of the United States. I want to read that again.

It would define ''cruel, inhuman, and degrading treatment'' in intelligence interrogations, and it would provide a penalty of up to 15 years in prison for the use of this treatment during an interrogation.

Now, what intelligence agent in his right mind would go that extra mile to get information from a terrorist who had information about flying a plane into a building to kill a couple of thousand people? Because, if he used anything that didn't fit within this category, he could be jailed. He could be prosecuted and could go to jail for 15 years. That's insane.

Then it goes on to say that it would also provide a criminal penalty of up to 5 years in jail for medical professionals who enable such activities.

Look, I don't believe in torture, and I don't believe in mistreating human beings, but when you're talking about the security of the United States of America, that's number one. That is number one. When we take our oath of office here, we swear to uphold and defend the Constitution against all enemies, foreign and domestic. If these terrorists are enemies of the United States, we need to do whatever we can to make sure that we get information from them to protect this country. The people who are doing that job frontline are the FBI, the CIA, the DIA, and all of our intelligence agencies. To hamstring them makes no sense to me whatsoever.

My liberal colleagues on the other side want to pat them on the head and give them Jell-O for lunch and do all the other crazy things that you should do. They're living better down at Guantanamo than the people in our prisons here in the United States—Americans. Yet we want to make sure that we treat them with kid gloves.

Right now, we have three Navy SEALs who are going to be court-martialed because they captured an al Qaeda terrorist in Fallujah, in Iraq, a terrorist who dragged four American contractors through the streets, burned their bodies, tortured them, and hung them from a bridge. In addition to that, he cut the head off of Daniel Pearl, a newsman, and he put his head on a pike.

You know, that guy, I'm sure, deserves a little extra sweet treatment, but I don't think so. Because he said he was hit in the mouth, had a bloody lip and got hit in the stomach, the three Navy SEALs who captured him are being court-martialed.

It makes no sense. This place is going nuts. We ought to be doing everything we can to defend and protect this country, and that means doing whatever is necessary, with certain limits, to extract any information we can from a terrorist. For us to put language in there like we're going to give a 15-year penalty in prison for a CIA agent who goes a little beyond by using cruel, inhuman, or degrading treatment—and, boy, I don't know how you'd define that—what CIA agent is going to want to take that risk?

I just don't understand it, Mr. Speaker. We are in a war against people who want to destroy us and our way of life. They are willing to do all kinds of things—fly planes into buildings, do everything else, cut off heads, torture people. Yet we want to make sure we treat them with kid gloves. It makes absolutely no sense, and I will not vote for that bill tomorrow or anything that looks like it.

HONORING THE HEROES OF THE HAITIAN DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, on Tuesday, the House unanimously passed House Resolution 1066, recognizing the bravery and efforts of the United States Armed Forces, local first responders, and other members of Operation Unified Response for their swift and coordinated action in light of the devastation wrought upon the nation of Haiti after a horrific 7.0 magnitude earthquake struck Port-au-Prince and surrounding cities on the 12th of January, 2010.

I have the unique honor of representing both Fort Bragg and Pope Air Force Base. Men and women from the base were critical to the Haitian relief effort, and soldiers were involved in rescue and recovery operations as well as in humanitarian relief—passing out food and water to victims of this terrible disaster.

I would like to thank all of the military and civilian personnel who responded so effectively and quickly to this disaster, serving honorably under less than ideal conditions.

The 2nd Battalion of the 82nd Airborne Division and the 18th Airborne Corps were among the first responders, with hundreds of people on the ground within days of the disaster and thousands within a week.

□ 2000

The 2nd of the 319th Airborne soon joined them. The entire United States Army Garrison Fort Bragg came together and deployed units from the 82nd Airborne and 18th Corps in their support for our neighbors to the south.

In times of disaster, restoring and supporting the most basic requirements of life becomes a challenge. The 43rd and the 440th Maintenance Operations Squadrons and the 43rd Logistics Readiness Squadron provided the support for the fundamental requirements desperately needed by the Haitians: water, meals, and basic shelter. Of course, even the most needed supplies are useless on a tarmac. The 3rd Aerial Port Squadron, the 43rd Missions Support Squadron, the 440th Air Wing, and the 2nd Airlift Squadron got the materials where they were needed. The 145th Air Wing of the North Carolina National Guard worked with Pope Air Force personnel to make these deliveries happen. Matching the supplies and the need is no small task. The 43rd Operations Support Squadron and the 43rd Communication Squadron brought it all together under the able direction of the 43rd OG Command Post and assistance of the 43rd Security Forces.

The devastation of the nation of Haiti was tremendous. The infrastructure we take most for granted was destroyed. Roads, airports, and water infrastructure were made useless in an instant. The 43rd Civil Engineering Squadron arrived to put out fires and stayed to rebuild these fundamental needs.

The military personnel were not the only ones from North Carolina who responded to the crisis. Civilians, first responders, individual volunteers, and generous donors all helped make a difference to the people of Haiti. Communities of faith across the State moved

to help all Haitians, many building upon decades of commitment to that island nation. Churches of every denomination and members of all faiths worked together in acts of charity. As the Gospel tells us to do, they fed the hungry, gave water to the thirsty, sent shelter to strangers, provided clothing to the suddenly destitute, offered comfort and medical care, and, in the saddest charity of all, some helped to bury the dead. In addition to the efforts of the churches, synagogues, mosques, and other places of prayer, the Lions, the Masons, and the Daughters of the American Revolution all pulled out the stops to reach across the ocean.

Mr. Speaker, the military support, the people of faith, and the civilian first responders are not three groups; they are all one community. These groups are interwoven threads that came together to weave a safety net of volunteers, food, comfort, and shelter for the suffering in Haiti. I am proud of their efforts as they've worked to support the needs in Haiti. I am proud to represent such an amazing tapestry of generosity and talent in the 2nd District of North Carolina. And I was proud to support this legislation.

Mr. Speaker, let me say tonight to all Americans: I thank them for their help to these people in their hour of need.

THE ADMINISTRATION'S ENERGY-KILLING POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the administration's new budget proposal will strangle small business. But there's one small business the new budget is targeting with both barrels: the small, independent mom-and-pop oil and gas producers.

Getting energy out of the ground is a tough business, and it's expensive. These wildcatters hire a lot of people and risk a lot of their own money to find oil and natural gas. Banks don't lend money to these people for risky propositions; so a group of investors has to come together and risk their own money to drill in an oil or gas well, and the Federal Government gives incentives for taking this risk with a tax writeoff for part of their drilling expenses, because, frankly, America needs this energy.

The removal of the tax deduction plus new taxes on all energy producers will be in the billions. But removal of tax deductions especially hurts small businesses that take the risk. Ninety percent of the wells drilled, owned, and operated in this country are independent small operators. Let me repeat. Ninety percent of the wells drilled, owned, and operated in this country are independent small operators. They're called the ''wildcatters.''

These independent operators go out and hire other businesses to drill oil wells. They hire geologists to help find the right place to drill for oil and natural gas. Backhoe drivers clear the drilling areas. Truck drivers haul equipment and make deliveries. The food service industry feeds the independent crews. And these taxes threaten the whole infrastructure that supports the independent oil and gas industry.

According to the Texas Alliance of Energy Producers, 88 percent of natural gas in Texas comes from small independent operators. These wildcatters represent the independent spirit of this Nation that has made us the greatest country in the world, the small businesses that are the backbone of this country.

If we stop the tax incentives, this in essence puts a new tax on these independents. It will kill off these small businesses, decrease discovery of new oil and natural gas in our Nation, and it will choke off the infrastructure that promotes and provides most of America's natural gas. Now, my question is, why would the administration intentionally put people, including many blue collar workers, out of business and out of work?

These new taxes are punishing the little guy, and when they go after the little guys, they're going to have to stop the drilling. There will also be fewer refineries.

Natural gas is the clean burning transition fuel of the future, and you have to drill a hole in the ground to get it. Natural gas will be the bridge until we have something else to transition to. We can't switch to an all-illusionary green energy resource that doesn't yet exist overnight. But we have 100 to 150 years of proven natural gas reserves in just our own country. You have to drill for it. It's in the ground. Some of it's underwater. But it's a clean-energy fuel.

How can the administration justify subsidizing a green technology that doesn't even exist but they won't let the small oil and gas independents deduct a part of their risk drilling for natural gas?

Nearly 60 percent of our oil comes from other countries all over the world, and most of those countries don't like us. If we kill off the independent oil and gas industry in America, what are we going to do? Try to import more oil?

I probably represent more refineries than any other Member of Congress. If this legislation passes, it will cost southeast Texas billions of dollars in new taxes. It will hammer the refinery industry and put thousands out of work.

Now, why would the administration target America's energy producers? Why would we want to send more money to countries in the Middle East? Why would we want to send more money to Hugo Chavez? Wouldn't that money be better spent on American energy provided by American companies who offer jobs here in America?

So what are we going to do right now if we drastically reduce America's energy production, if we cut our ability to deliver natural gas? Are we going to just sit at home and freeze in the dark?

Most places, except in big cities, there is no public transportation. How are people supposed to get to work? Where I represent in southeast Texas, people drive to work. Their vehicle sometimes is their car—it's called a pickup truck.

The energy-killing policies are proposed by the administration this year, not 10 years from now, but it's in the next budget. It will kill off American jobs. It will kill off productivity. It will make America more vulnerable to our enemies, and it will send money, American money, overseas, and it will continue to make us dependent on foreign countries for our oil. It's not a good idea to destroy America's energy industry. The government should not tax our energy industry out of business.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

INTERROGATION TACTICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, earlier today we heard some pretty imaginative accusations from my Republican colleagues when they were talking about an amendment I offered to the Intelligence Authorization Act. While my amendment is being removed from the manager's amendment up in the Rules Committee, I want to take this opportunity to clear up a few things.

When President Obama took office last year, one of his first Executive orders was to extend the Army field manual's guidelines on interrogation tactics. Those guidelines prohibit interrogators in all Federal agencies from using brutal interrogations in any circumstance. That is the law today.

So to get the facts straight, brutal interrogations are illegal right now. But this Executive order doesn't completely solve the problem. The President can't include criminal penalties in Executive orders, and current U.S. law doesn't outline what constitutes a brutal interrogation.

My amendment would have expanded upon the President's Executive order to clearly define what constitutes a cruel, inhuman, or degrading interrogation so that it is unmistakable what kinds of techniques are unacceptable. It also creates criminal penalties for those who use those kinds of interrogations. And to be clear, I didn't invent

this concept myself. The amendment was based on the Army field manual definition of acceptable and unacceptable interrogation tactics, which, as Senator JOHN MCCAIN has said, is effective 99.9 percent of the time. One of the most important things to remember about these kinds of interrogations is that they simply don't work.

Brutal interrogations are not an effective tool to collect information, and what's worse, they actually may produce unreliable information. As former CIA official Bob Baer has said, ''What happens when you torture people is they figure out what you want to hear and they tell you that.''

An endless string of studies have shown us that when people's minds or bodies are subjected to the kind of trauma these brutal interrogations entail, their brains don't function properly. For example, during training exercises, American special operative soldiers have had difficulty remembering information after they'd been put through food or sleep deprivation.

Why are the Republicans defending a tactic we know doesn't work? Interrogations like those hurt our reputation abroad. The world was horrified when they saw what American soldiers were doing at Abu Ghraib. As former Secretary of State Colin Powell has said, ''People are now starting to question whether we're following our own high standards.''

Brutality like that hurts our credibility and undercuts our reputation in the global community.

I'm a veteran. I wear my Vietnam pin well and proudly. I served in the Navy. I'm passionate about protecting this country and keeping our soldiers safe. More than anything, this amendment was designed to protect them.

Several soldiers have done a far better job than I can in explaining why we need laws like this. Retired Colonel Stuart Herrington said that cruelty in interrogations ''endangers our soldiers on the battlefield by encouraging reciprocity.'' The golden rule, if you will.

Retired admiral John Huston has said, ''Getting our interrogation policies back on track will preserve our standing to fight for humane treatment of American soldiers who are captured.''

I couldn't agree more. Without clear laws that define acceptable and unacceptable interrogation practices, including criminal consequences for violating those laws, we are putting more Americans at risk of being treated with the same brutality.

Just last week the two former Justice Department attorneys who crafted the legal justification for the use of brutal interrogations got off scot free. The Justice Department absolved them of their wrongdoing and only said they had ''exercised poor judgment'' and hadn't broken the law. They took advantage of a gap in our current law and provided legal cover for abuse during interrogations. My amendment would have ensured this kind of legal maneuvering never happens again.

As the President said when he issued his Executive order last year, ''We are willing to observe core standards of conduct not just when it's easy, but also when it's hard.''

□ 2015

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.)

100TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of Pennsylvania. Thank you, Mr. Speaker.

Mr. Speaker, I rise today actually in celebration of the recognition of the 100th anniversary of a great, value-laden, principle-driven organization, the Boy Scouts of America. It was 100 years ago this month that led to the formal organization of the Boy Scouts of America. And that came from an event actually that happened across the sea, in London.

A businessman from Chicago, William D. Boyce, was traveling there, and on a foggy night was lost, and was guided by the selfless act of a young man who stopped to not just offer directions, but take the businessman, lead him where he needed to be. And at the end of that journey, Mr. Boyce offered to pay the man, pay the young lad for that selfless service, that kind act. And the response was, ''Sir, I am a Scout. We do good turns, and not for pay.''

That led to Mr. Boyce returning and partnering with individuals in this country, and ultimately within the next year led to the forming of the Boy Scouts of America that has served this country and served the youth of this country for 100 years.

Scouting was described by its earlier founder, Lord Baden-Powell, when he founded Scouting in England, as a game with a purpose. It certainly is. That purpose is value-driven. And those values are lasting to this day 100 years later in the United States of America as citizenship, and leadership, and service, and character that builds lives.

The Boy Scouts of America today through the Cub, the Boy Scouting, the Venture program, the Scouting program serves both boys and girls. The Scout promise that is recited every week throughout this country at troop meetings includes those three parts of duty to God and duty to country, duty to self, and duty to others.

Prior to coming to this Chamber 14 months ago, I served for 30 years as a Scoutmaster. And in that time I saw that Scouting made a difference in the lives of kids, kids from all walks of life, kids that came from intact families and very challenged circumstances. I saw how Scouting made a difference in terms of putting them on the path for successful careers to become community leaders, to actually become life savers, and had Scouts that applied their skills that they had learned to save lives. And as patriots and serving their country as members of our Armed Services, as firefighters, EMTs, and as becoming loving spouses and parents themselves.

Mr. Speaker, today I rise to talk about, additionally, the oldest existing, continuously registered, non-merged Boy Scout Council in America: The Chief Cornplanter Council based in Warren County, Pennsylvania. It was founded in July 1913.

In this 100th year of the establishment of Scouting, it is a pleasure to point out to my colleagues that the Chief Cornplanter Council was the 17th council to receive a charter from the Boy Scouts of America. But the first 16 have either disbanded or merged with other councils. So it holds onto the distinction as the oldest.

Originally chartered as the Warren County Council, the group was renamed Chief Cornplanter Council in 1954 to honor a local Seneca chief. The council office in Warren has a museum that features historical items, including a photo of five Scouts from 1914 with their badges sewn to their sleeves and their hats that remind us more of a World War I doughboy.

In 3 years, the Cornplanter Council will celebrate 100 years of continuous scouting in an area that is dedicated to Scouting and its ideals. Local Scout executive Kevin Bonner said the area serves 60 percent of all Cub Scout-age youth, while the national average is about 20 percent. At any given time they have about 1,000 youth involved in their program.

I commend this council for its longevity, its service to Scouting, and the difference that it, as well as other Scouting programs across this Nation, make in the lives of our future leaders.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO JAMES HADLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a dear friend of mine, and a friend of many of those who knew him, who passed away a few days ago, and whose visitation services are being held even at this moment as I speak. While I was not able to be at

those services, I am able to take the floor and pay tribute to Mr. James Hadley, a businessman, a banker, community advocate, a civic and church leader, and a friend to all of those who knew him.

For most of his adult life, James Hadley spent it building financial and business enterprises in low, moderate income, and disadvantaged communities. And Jim worked with many, many programs and projects, business ventures, and financial institutions.

And while he worked with many throughout the City of Chicago, I believe that that which gave him the greatest sense of pride and accomplishment was the work that he did with the Community Bank of Lawndale, where he, Cecil Butler, Diane Glenn, Reverend Shelvin Hall, and others pioneered the development of a community-owned bank, which has changed its name and is now named the Covenant Bank, and is under the leadership of Pastor Bill Winston of the Living Word Christian Center.

James Hadley and I both grew up in Arkansas not very far from each other, I in a little town Parkdale, and he in another town, Warren. And I really didn't know him at that time. But as fate would have it, we both migrated to Chicago. And as I got to know Jim, he became a role model for me. He was seriously committed to every endeavor to which he was a part of. He was loyal to whatever he was engaged in. He was a great family man, dedicated to his family, had a comprehensive approach to life, and was just a pleasure to know, to be around, and to work with.

As a matter of fact, I commend James Hadley for a life well lived, take note of his many contributions, and thank him for helping to make the world a better place in which to live.

As a matter of fact, he served on the board of many not-for-profits, the hospital board, Mount Sinai Hospital, was an active member of the Carter Temple CME church, worked with the Boy Scouts, worked with the male initiative in his church, and was simply known as a good man to all of those who knew him.

And so, Mr. Speaker, I extend condolences to his wife Gloria, his daughter, and all of the James Hadley family, and trust that there will be others who will come along like him, who was willing to give of himself continuously for the benefit of others.

James Hadley, he lived a good life. Well done.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

(Mr. INGLIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

(Ms. ROS-LEHTINEN 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 gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE SUMMIT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. Thank you, Mr. Speaker.

Well, we have had quite a day here in Washington, D.C., in your Nation's capital. The 6½ hour health care summit that was held down at the Blair House right adjacent to the White House has mercifully concluded. And as the saying goes up in Washington, everything's been said, everyone has said it, so it was time to go home. But for those who haven't had quite enough discussion about health care today, maybe we can spend just a little while longer talking about some of the things that we heard today and some of the things that we maybe perhaps didn't hear today.

One of the things that I do want to stress, we heard several times in the past several weeks that the Republicans don't have ideas. In fact, that was one of the admonitions of the President on starting this summit was that the Republicans didn't have ideas, and he wanted to in fact show the country that the Republicans were devoid of ideas. But nothing could be further from the truth. If anything, we saw today abundant Republican ideas. Some may say there are too many Republican ideas, too many to fit in one room.

I wanted to spend a few minutes tonight talking about some of those ideas on our side. I have a Web site, Mr. Speaker, that is devoted entirely to health care policy. It is from the Congressional Health Care Caucus. The Web address is *www.healthcaucus.org*. And under the Health Caucus Web site, under the Issues tab, I think it is the second heading, is a Prescription for Health Care Reform. Anyone is free to go to that site and click on the Prescription for Health Care Reform, follow the links, and they will be taken to a one-page description of nine different bullet points on health care reform.

In fact, there is even a little segment to record comments if someone would like to leave their ideas or their thoughts on the paper. Or if someone thinks of other things that might in fact be included, we welcome those comments on the Web site.

I am just going to briefly go through this list, and then I have got some other observations that I want to make on the summit that occurred today. And we will be joined from time to time by other Members of Congress, and I want to give them an opportunity to speak. But under the Prescription for Health Care Reform, certainly everything I heard this summer was, we don't want a 1,000-page bill. People really didn't want a 2,000-page bill after we came back and revamped it after the summertime. But what did people want Congress to do on health care?

There are people who have legitimate concerns that the system is not functioning in an optimum fashion. We do have great health care here in America, but there are distributional issues. The employer-sponsored insurance system does work well for the 60 to 70 percent of the population that is therein covered, but in fact there are problems for people who are outside the employer-sponsored insurance system, and there are certainly problems that all of us face with the advancing cost and complexity of health care.

So just running down the list, insurance reform that would include limitations on insurance companies excluding people for preexisting conditions, and guaranteeing access to insurance. Now, one of the fundamental differences on the Republican and Democratic approach to this is that the Democrats want to have, and the President wants to have, a mandate. That is, you are required to buy a product, an insurance product.

It is interesting because during the campaign in 2008, President Obama, when he was a presidential candidate, actually moved away from mandates. Candidate Hillary Clinton during her candidacy was in favor of mandates. Barack Obama was less enthusiastic about mandates. He did feel that there should be a mandate for children. We don't hear much discussion about that anymore. In fact, I don't think I heard that during the 6½ hours of debate today.

□ 2030

But mandates really have no place in a free society. There's some argument as to whether or not it would even be constitutional for the Federal Government to require someone to purchase an insurance product that they might

not want. So there are legislative products out there. And this is the point I want to make. When people say, oh, we can't start all over, this would be too taxing. There are a couple of bills out there that I would encourage, Mr. Speaker, people to look at. H.R. 4019, a bill introduced by NATHAN DEAL of Georgia; H.R. 4020, a bill introduced by myself. Those two bills, taken in conjunction, would go a long way towards eliminating the problems with preexisting conditions.

Another bill to address the tax fairness or the tax inequity that exist in the health insurance market today introduced by JOHN SHADEGG, H.R. 3218, the Improving Health Care for All Americans Act, that would allow the same benefits, no matter where you get your insurance, whether it's through employer-sponsored insurance or in the individual market, the same benefits should accrue to an individual as accrue to a business.

Medical liability reform. Texas and California have taken big strides in medical liability reform. So why do I care? If Texas has fixed their problem with medical liability, why would I care about that? Well, I care because the cost of defensive medicine is significant. And since the Federal Government is the purchaser of about 50 percent of all the health care in this country, the costs of defensive medicine that drive up the price of Medicare and Medicaid, those costs need to be brought back under control, and medical liability reform is a way to do that.

Portability. Allowing patients to shop for health insurance across State lines, again, a bill introduced by Mr. SHADEGG is H.R. 3217, the Health Choice Act.

To back up for just a moment to medical liability reform, H.R. 1468, the Medical Justice Act.

We're about to bump up against an important deadline on Sunday night, and that is the expiration of the prevention of a reduction in payment to doctors who take care of Medicare patients. We go through this time and time again. It is time for Congress to fix the physician payment reform, and H.R. 3693 would do just that.

Do we need to be worried about if there are going to be doctors there to see us when we get sick in the future? I think that is a concern, and I think that is something where Congress might play a role. Doctors to care for America's patients, the Physician Work Force Enhancement Act, H.R. 914. People ought to be able to know what the cost is when they go to the doctor or the hospital.

How about a bill for ensuring price transparency? H.R. 2249, the Health Care Price Transparency Promotion Act. Prevention and wellness programs, we all agree, during the hearings this summer, the individuals that come in who worked at Safeway and talked about how health promotion and wellness was saving them money, firms like Allegiant in Omaha, Nebraska, brought in great stories about how they had involved their employees in living healthier lifestyles and reaped the benefits from lowered insurance costs.

An odd thing about the way we do things at the Federal Government, we're actually going to have to change the HIPAA laws, the privacy laws, a little bit in order to have this type of legislation be passed. But that's certainly within the purview of Congress and within the ability of Congress to do that.

But prevention and wellness programs, although I do not have the bill number attached to this, we had several amendments in committee and in the Rules Committee leading up to the passage of the Democrats' bill this fall that dealt with prevention and wellness. The legislative language is written. It is not in bill form right now because it would require a simultaneous modification of the HIPAA laws in order to allow that to happen.

And finally, I mentioned before, mandates. No place in a free society. And this is one of the fundamental differences between the President and myself. He wants to force everyone to buy an insurance policy. He said that's the only way to bring costs down. I would submit that if the insurance companies know you have to buy their product, their prices are not likely to go down. In fact, if you're required to buy their product under the penalty of law, with the IRS as the enforcer, it is very likely that the cost will go up because no one wants to run afoul of the Internal Revenue Service.

And then we make insurance companies lazy. Why bother to compete with a better product? Why try to create a program that people actually want? You've got to buy it anyway. The government's going to force you, you're going to buy my product, I don't even have to make it something that you want, and I can charge you more for it. Mandates make insurance companies lazy.

We actually have a model for what works in this endeavor, and that is when the Medicare part D program rolled out, then Administrator of the Center for Medicare and Medicaid Services, Dr. Mark McClellan, required, out of six classes of pharmaceuticals, there were six protected classes of drugs. Within each class, an insurance company had to offer two choices, and using that as the parameter, the companies did produce the plans that people wanted. The product, part D, has been very popular. Ninety-two percent of seniors now have credible drug coverage under Medicare because of the flexibility and the desirability of these programs. The cost came in way under budget, and 92 to 94 percent of seniors are satisfied or very satisfied with their prescription drug coverage, so a program that indeed worked. And the whole emphasis was to make this look more like insurance and less like an entitlement.

Creating products people want is a better way to go about getting meaningful change in the insurance market than giving the insurance companies a license to steal, which is what a mandate would be, in my opinion.

I have some other observations on the day's activities, but I wanted to yield such time as he may consume to my good friend from Pennsylvania, Mr. G.T. THOMPSON, who in a former life was a health care administrator. I know it's odd that a doctor and a health care administrator would get along, but the two of us do get along very well.

G.T., I will yield to you such time as you may consume.

Mr. THOMPSON of Pennsylvania. Thank you, Dr. BURGESS. I really appreciate what my good friend from Texas is doing in terms of his leadership with the Congressional Health Care Caucus. It's refreshing in this Chamber to deal with folks who have the facts and have the experience to make informed decisions when it comes to such important topics like health care. I think of all the issues that come before this Chamber, there are probably few things as intimate to our individual lives as health care. And to observe this process over this past 14 months, where bills are written as I look at these bills, 1,000, 2,000, 3,000 pages, which has been special agendas for, you know, just misled government-run health care, it's apparent to me that those who are writing those bills have very little experience, if any experience in health care. And so it's been a real privilege to be able to work with you and under your leadership to really look at the solutions that we need to have.

Now, as I travel around, and I did, my background was 28 years nonprofit community health care where I, in the hospitals, the health systems I come out of, we work very hard to be partners with our physicians.

And so what am I hearing? As I travel in my congressional district and I listen to folks throughout the country, I haven't met anyone that says, just don't do anything. The commitment is that, as I talk with folks, that they feel that they like the health system we have. Can we improve it? I think there's an acknowledgment that we can do that. And I've certainly spent my professional career serving my patients first as a therapist and a rehabilitation services manager and ultimately as a nursing home administrator. And looking at four dimensions of health care that we should always continue to strive to improve. Number one is cutting cost. And that's just not cost for a certain segment or a certain group, but cutting cost of health care for all Americans, which we're committed to that with the solutions you've talked about. It's about improving access, increasing access and improving quality and strengthening that decisionmaking relationship between

the patient and the physician, not allowing government or a bureaucrat to be that wedge in between.

As I talk with people about health care, and I've been doing that since I came to Congress, that's what they're asking for. The people I talk to, they like the solutions. They like the bills that we've introduced as far back as last July that dealt with medical malpractice reform, tort reform that drives the cost of the health care up for all Americans through both the premiums for medical liability insurance that has to get absorbed into the cost of doing business, those premium costs get passed along as a part of the fees, and not just the premium fees, but then there's the cost of defensive medicine that occurs, with extra tests that are ordered, not so much maybe to serve our needs and whatever particular illness or disability we come to the doctor for, but to provide a record that shows that the physician has exhausted every possibility.

It's things like many of the solutions you talked about, allowing to purchase across State lines. It fascinates me that you can go to the Internet and you can go on a Web site, some of them got little critters like lizards on them, and you can purchase car insurance and get the best value, the best product for the best cost. You make that decision as an individual. And yet we are barred from purchasing health insurance across State lines.

In States like Pennsylvania, especially rural Pennsylvania where I'm from, if you have choices, you have just a couple of choices. Maybe if you're lucky, you have three choices to pick from. And a lot of people say, well, I want the insurance that you have as a Member of Congress. Well, I'm quick to tell people, I worked nonprofit community health care for hospitals for 30 years. I'm paying more today as a Member of Congress than what I ever paid for health care. But what I would like every American to have, certainly every constituent in my district that I have today are just lots of choices. And we do that by allowing purchasing across State lines, more competition. That's a good thing. Competition brings the cost down and raises quality. I don't care what you're purchasing, that's a principle that lasts.

Certainly, a formation of association health plans, and preexisting conditions, as you've talked about. I mean, those are all just a few of the different parts of the proposals that Republican Members have introduced and are pending bills that are right here that the Speaker could elevate to the floor at any moment so that we could actually take an up-or-down vote on these. I think the American people would vote yes. I see a thumbs-up from the American people as we talk about these different proposals.

Preexisting conditions, that's a tough issue, but we're addressing that within the proposals we have. Just because you're born with a preexisting condition or you happen to have the misfortune to develop a disease such as breast cancer or prostate cancer in the course of your life doesn't mean that you shouldn't be able to afford to be able to purchase affordable health insurance. We address that in the solutions that we put forward. I'm so very proud of all of the representatives from the Republican Caucus who were at the Blair House today. I thought they did an outstanding job of representing the American people and ideas that the American people are looking for.

You mentioned about workforce issues, and to me that was something that I came to Congress just looking as a crisis. Starting with rural America and underserved urban areas first, the baby boomer generation, my generation, we're beginning to retire in tremendous numbers. And in those areas where our physicians, our nurses, therapists, technicians are retiring, this payment system will get changed if we don't proactively address those workforce issues. If you don't have a physician in your community to provide services, you do not have access to quality care. And so because we've been misled with these 1,000, 2,000, 3,000 pages, all the attention's been drained in the wrong direction, we're missing the bigger issues that, frankly, we've been talking about. We've got bills that address some of the workforce issues, and so it's time to get beyond the misinformation and the misdirection that my Democratic colleagues have been putting together in these 1,000, 2,000-page bills, and get to the business of really addressing the real health care issues.

Mr. BURGESS. I thank the gentleman for his work on these issues. I thank him for always being willing to be involved in these. These are tough problems. These are complex problems.

You know, the activity today, I referred to it earlier today on a radio show as the Blair House project, not to be confused with the Blair Witch project. There were times when it did seem to be that there probably were some spells being cast.

The other thing that really had to strike you in watching the discussion today is that there are fundamental differences as to the role in government, fundamental differences as to the involvement in government.

□ 2045

You know you can't help but be struck. Here we've worked on this concept now for 13 months. The President was sworn in the 20th of January of last year. Here we are at the end of February, and still no bill is across the finish line. Boy, I thought it would have happened much, much more quickly. In fact, had the energy that was put into the stimulus bill been put into a health care bill, in all likelihood they could have passed whatever they wanted in February of last year. Instead, they chose to work on the stimulus first and then cap-and-trade and then gradually, gradually, gradually, their capital bled away to where they did not have the votes necessary on their side to pass one of these bills.

And this is the fundamental problem that is happening with the President's plans and the Democrats' bills in the House and the Senate right now is they do not enjoy popular support. Pick your number: 56, 58, 75 percent of the American people who do not support this 2,000-page monstrosity that literally required bribes to bring Senators down to the well to pass this bill Christmas Eve. The American people saw that and they rejected it.

They might trust us—I am not sure that they will—but they might trust us to work on some of these individual concepts one at a time. But at the very end of the summit today, the President decried incrementalism and said we have to be bold and we have to move forward with a large bill.

Why? Why do we have to do that? The programs to deal with preexisting conditions would involve risk pools to be sure. Reinsurance options for States, yes, it's going to require some Federal subsidy. The Congressional Budget Office has estimated $25 billion over 10 years. They may be a little bit light on that, but still we're nowhere near a number like a trillion dollars, which is scaring Americans to death.

We could provide some help in that market. The States could provide some help in that market. We could ask our partners in the insurance industry to voluntarily or by law cap their premiums at some level so that the person who was in this market did not find the costs so daunting that they simply gave up and did not get insurance.

Now, all of these great programs that the President and the Speaker talk about that they're going to give to the American people at no charge, none of these programs start for at least 4 years.

Now look, here we are 13 months into a new administration and the administrator at the Center for Medicare and Medicaid Services is not there. He hasn't even been appointed, much less confirmed by the Senate. That is the individual who is going to be responsible for taking this 2,700 pages of legislation that we give them and turning the legislation into rules and the Federal rulemaking process. That is going to be an enormously difficult task. It is going to take 4 years to work through all of that and impugn all of the legislative intent and make those Federal rules and leave the rulemaking period open long enough so that people can comment on it. That is an enormous task. It's not going to happen overnight.

So the people that come to us and say, My premium's going up too much, I want you to take it over, they're not getting anything for at least 4 years.

Now, in the meantime, what if we took an approach—and, in fact, it was an approach that was talked about by

Senator MCCAIN in the fall campaign of 2008. What if we took the approach of we're going to take existing risk pools of the States—34 States have already created. We're going to emulate the best practices of the best States. We're going to allow for some reinsurance options if companies are willing to take on higher-risk individuals so that no individual insurance company is tasked with too much in the way of financial loss, and we're going to cover this group of individuals.

I heard it over and over and over and over again this summer at town halls, Stop what you're doing. We don't want you to destroy the system that is working well for 65 or 75 percent of the country. We want you to concentrate on those individuals who, through no fault of their own, have suffered a tough medical diagnosis, have lost their job and employer-sponsored insurance, couldn't keep up with the COBRA payments and now find themselves having fallen into that dreaded category of uninsured with a preexisting condition.

While we're at it, we might look at the COBRA system. COBRA was placed as a protection to help people who had employer-sponsored insurance but they lose their job. So employer-sponsored insurance means the employer generally pays about two-thirds of the premium; the employee pays about one-third of the premium. When you lose your job, you can't continue that insurance. But in all likelihood, your employer is not going to pay their two-thirds any longer because you're no longer their employee. But for 18 months, you can pick up the whole premium and pay that with a small administrative charge—I think it's 102 percent of the premium—and you can continue your insurance for 18 months and not fall into the category of uninsured. And if you have a preexisting condition, you continue to be covered at that cost.

But that's a tall order for someone who just lost their job to continue to carry that degree of premium. What if we allowed people—instead of you had to keep that same insurance your employer provided you, what if we allowed them into a lower-cost, high-deductible plan for those 18 months and still preserved their insurability during that time, so that when they found employment, they would not fall into that same category again. Or they might even decide to continue that high-deductible policy with a lower premium and continue to have the protection of health insurance without falling into a preexisting category.

But we never really worked on those issues. We just decided we were going to do this big bill, and it was going to have mandates, and it was going to have a public option, and this is the way it was going to be. But to tell you the truth, for 4 years there is no help. There is taxes. For 4 years there is the immediate Medicare cuts, but the benefits don't start until year 4 or 5 or possibly even 6. We don't even know how long it's going to take to set up those programs. And again, we don't even have the administrator at the Center for Medicare and Medicaid Services. The President needs to nominate one. The Senate will then have to confirm them. We may still be months away from filling that very important bureaucratic job over at the Department of Health and Human Services.

I'll yield back to my friend from Pennsylvania

Mr. THOMPSON of Pennsylvania. Some of the observations of just watching the summit, as I guess it was called—I have a question for you. I will come back to you for that.

Some observations of the proceedings that I watched today when I had an opportunity to tune in in my office—I wasn't on the invitation list to be there. It was pretty limited invitations. But I heard—and I don't know which leader it was, whether it was the President or the Speaker or whom, made comments there were absolutely no Medicare cuts that are involved in this. And yet the fact is the Congressional Budget Office Director, Doug Elmendorf, back on December 19, just a month ago or 2 months ago, noted that there were Medicare cuts, and those Medicare cuts built into this impact all areas of health care from hospitals to skilled nursing to home health to hospice. Hospice, which is a wonderful service for people who are in the final stage of dying, where they have the support of compassionate health care professionals surrounded by family to be able to die with dignity, and yet that is an area, one of many areas of Medicare cuts that are slated for under these proposals.

In my responsibilities across many different settings of health care, I have to say that there is a lot of reasons why commercial health insurance is expensive. Tort reform I would put right on top of the list.

But maybe even higher on the list, I would say, is the Federal Government. The Federal Government pays—underfunds and has systematically underfunded the costs of health care—the physician, the hospital for Medicare payment. For every dollar of cost of providing care, the Federal Government pays 80 to 90 cents. For medical assistance, it's maybe, if you're lucky, 40 to 60 cents. It depends on the State. The commercial health insurance pays, on the average across the Nation, 135 percent of costs. And the primary reason for that is the hospitals' physicians have to negotiate at that rate. If they don't, they can't make up for what the government does not pay.

So what are some of the other costs that I heard today that really intrigued me?

I heard the Democratic leadership claim that it was going to bend the cost curve, meaning it's going to bring the cost down for everyone. Yet, what we saw was the administration's actuarial—the professionals that work for the White House, that look at those numbers and do those cost projections—have found the Senate bill, in fact, will not decrease health care costs. The Center for Medicare and Medicaid Services, who you just talked about, the Medicare professionals, their finding was that those were going to increase expenditures by $222 billion, with a ''b,'' billion; not hold costs, not cut costs, but will expand the costs of health care.

And the President today was very up front in his comments where he said that, yes, this proposal will increase premiums for the average American and American family by 10 to 13 percent. Well, I thought the number one thing we were looking at here is decreasing the cost of health care, making it more affordable. How do you truly get access to greater health care? Well, you bring the costs down so people can afford it.

So I was curious to get my good friend's opinion. This morning when I woke up and I knew this was going to occur, it struck me as I was walking to the Capitol, was this going to be a health care summit today or a health care plummet? And to me, the indicator was whether the President showed up with either a white board, a large white board that was blank that we could start over and do what the American people want, and that would be what today's events would be—it really would be problem solving, because that is what Americans are looking for, problem solvers—or would he show up with a rather large hammer and really try to hammer through, push through Big Government, bad ideas that the American people, in a large majority, have rejected.

So I yield back to my good friend just to get your impressions of do you think it was a health care summit today or a health care plummet.

Mr. BURGESS. I was criticized on a news show earlier today referring to this exercise as a 6-hour photo op. Probably I would fall into the category as a ''plummet.''

Isn't it interesting that, yes, premiums for the average family may increase for 10 to 12 percent, but that's okay. Instead of an apple, you get an orange, so you're coming out better in the deal.

Now, yesterday, in our Committee on Oversight and Investigations, we hauled in Anthem Insurance Company in California. And Anthem, to their great discredit, chose right now as a time to increase their premiums, and they have become the whipping boy and the poster child. And I will concede, I think they raised their premiums too fast. They were tone deaf. Their highest premium increase was 39 percent. Their average was 25 percent. Twenty-five percent. Okay, that seems high, but the President's already said 12 percent. Yeah, that's okay because you get an orange instead of an apple, so after all, you're good in that transaction.

So I guess if Anthem wanted to raise their rates, they probably should have stayed at that 12 percent rate. They would have been right in line with the President of the United States. They could have raised their rates and all been happy about the transaction. Instead, they overshot. They hit an average rate of 25 percent and, as a consequence, found themselves sworn in under oath in our committee having to absorb the ordeal that we put people through when they come before our committee.

Mr. THOMPSON of Pennsylvania. I have to wonder with that because I see premiums like announcements, and they are going up. And this is why we're committed to doing the right type of smart government solutions to bring the costs of health care down, the premiums down. Giving a license to 12 to 13 percent additional increases, that's unacceptable to me for the American people.

I have to wonder how much of what's going on in Washington and these health insurance companies as America is watching the debate here, that—you know, giving this approach that the Democratic leadership, my good friends and colleagues on the other side of the aisle are taking, how much is that driving up premiums right now because they don't know what's coming. They don't know the premiums. There is a lot of uncertainty.

I mean we, not too long ago, passed a credit card bill under similar circumstances. It was going to provide all kinds of limitations and impose new conditions on really what has been kind of a free market type of process, and what I have seen, actually, as a result one of the unintended consequences, is some of those interest rates—before the new regulations kicked in, some of those interest rates went way up as an unintended consequence of government overreaching, government-run approach.

□ 2100

I have to wonder if what we are seeing with some of these more recent—like the situation you just talked about, may be an unintended consequence of just the wrong-minded direction that our Democratic colleagues are taking this health care debate in, as a reaction by the health insurance industry.

Mr. BURGESS. It's interesting, perhaps the one thing that would provide the right impetus in the competition to hold down those costs we are not going to do, and that's the ability to buy across State lines.

In the individual market, buying a policy for a family of four in New Jersey is $10,000 a year. Your State of Pennsylvania, $6,000 a year, my State of Texas, $5,000 a year. As long as people know what they are purchasing, I don't see why it is reasonable to restrict someone from having a policy that may be more affordable.

My insurance premiums have decreased by about 50 percent over the last 2 years. Not because I am a Member of Congress and I get a special deal, but I said, you know what, I can no longer afford this high option PPO insurance that is available to us in Congress, so I have elected to go into what's called a high deductible health plan with a health savings account. I actually had one several years ago when I was in private practice. I liked it.

I liked the fact that I was the one who got to choose which doctors and facilities I got to use. I didn't have to call 1–800–California to get an X-ray preapproved. I wrote the check and I controlled the money, and I made the decision about who I saw and when. So I have gone back to that type of policy, and I will tell you I am very satisfied.

We have improved from the old medical savings account in 1986 to the Health Savings Account improvements that started in 2003 and continue to this day. Preventive care is now included as part of the benefit in a high deductible health plan because the insurance company has an interest in making sure if you have a problem that it is diagnosed early, while it is less expensive to treat, and I think ultimately that's a good thing.

I have chosen a plan that does not have prescription drug coverage because after we passed the prescription drug benefit in Medicare in 2003, one of the unintended consequences was we changed the market so that now many generic medicines are available at Wal-Mart for $4 a month. I try to find those bargains for those medicines if I should need one. I try to find those bargains at Wal-Mart or go to an over-the-counter variety, which is much cheaper than the name brand that is bought at the pharmacy, and you can actually achieve significant savings.

I am motivated to do that because it's my money that I am spending for those compounds. Yes, I could have paid more for PPO insurance and then, yes, I could have had a nice mail order, even gone down to my pharmacy and gotten brand names, but I have found that, hey Prevacid is over the counter now. It costs a fraction of what it used to cost a few years ago. Even before that, Prilosec was a similar medicine, not quite the same thing, but that was available in a generic form over the counter at that time at a fraction of the cost of the 30-pill bottle of Prevacid that I was taking before.

So it makes the consumer more informed and motivated. Here is how you hold down health care costs: Let me be the decisionmaker about that. Don't tell me from a comparative effectiveness board that, hey, this medicine is just as good as this medicine, and so this is all you get because this is what we are buying for you this month.

Let me have some of that money back to spend myself, the premium that I pay every month, a portion of that goes into the medical savings account. Every year that it accrues and grows larger it's tax deferred until—if I don't spend it on health expenses I would obviously have to pay taxes on it when I took it out. As long as I spend it for legitimate medical purposes, hey, that's pretax dollars. That's probably the best deal you could do in the individual market. So these are changes that we actually ought to encourage.

I was stunned today to hear the Democrats admit, you know, we agree on a lot of this stuff that we have got here on these sheets, but, well, we don't do the health savings account thing. My goodness, that is the one way to really start to bring—you talk about bending the cost curve, that's one way. Get a motivated patient, educate them about some of the options that they have, and, oftentimes, not oftentimes, almost always they will make the right decision. I cannot tell you how many times in my medical practice if I recommend a test, a CT or MRI scan, a CAT scan or an MRI scan, and the next question from the patient back to me was not, Doctor, is it really necessary, or, Doctor, is this safe to do this, the next question was, well, does insurance cover it? If it did, there were no more questions. Go ahead and have the test.

I, on the other hand, with the type of policy that I have, yes, I may have hurt my knee or shoulder bad enough to go get a CAT scan, or I may make the decision that, Doctor, with a little ice and tincture of time would this not perhaps resolve on its own? Yes, it could, and if it doesn't get better in a week we could still do the CAT scan and we won't have delayed beyond the therapeutic interval, so it is okay to do that.

I am happy to take that advice and not have the test. If I don't feel better in a week or 10 days or whatever the prescribed time limit is, fine. Go get the test, and I will still be able to write the check and have that done. Here is how you bend the cost curve down. You get the patient involved, put the power back in the hands of the patient. Let the patient and the doctor make those decisions.

Don't make them buy the insurance at 1–800–California, but don't make them buy across the street at Health and Human Services. Let the patient and the doctor make those decisions. Every doctor has had the unpleasant experience of having called a preapproval number and have their patient denied a test or a procedure or a surgery, and then you have got to go to bat for them and prove all of these things. It is an enormous nuisance, and I hated it every time it happened.

On the other hand, in the Medicare and Medicaid system, they go ahead and cover that, but maybe 3 or months from now, maybe a year from now, they call you back and say, you know, we don't think that hospitalization was actually necessary, and we are going to deduct what we pay to you from the next round of payments that we give you for your next round of Medicare and Medicaid patients.

That is beyond frustrating because at that point you may not have at your immediate disposal the documentation that you at least would have had with a preapproval process. Neither is a good occurrence in a doctor's office. We need to come to some sort of consensus. But, as much as I hated the preapproval process, I see now, dealing with these large, large Medicare and Medicaid outlays, why it is necessary sometimes to assess medical necessity and why it is necessary sometimes to seek that preapproval, perhaps in our Medicare system.

If we really were serious about bending the cost curve, instead of just cutting doctors' payments—and that's what we do, we say, well, we will pay 20 percent less this year than we did last year—what's the practical effect of that? Well, the doctors' costs are fixed. He is not paying less for electricity to light his office this year than he was last year. His office help certainly didn't come in this year and say, hey, you know what, we can all take a pay cut because we love working for you.

That doesn't happen. His costs go up every year. The reimbursement rate goes down because Congress says, hey, we are spending too much money. What is the practical effect of that? The practical effect of that is, you know, I was able to pay my bills and take something home last year seeing 18 patients a day. But you know what, this year I have got to see 25 patients a day. And maybe if I can squeeze an extra procedure or two out, maybe I should do that because I have got to make up that difference somewhere.

So we have gone about this the wrong way. We are ratcheting down costs at the provider, and yet the doctor, he or she is the one who picks up the pen and writes the prescription, orders the hospitalization. The most expensive item in the doctor's office is their ballpoint pen most of the times because the doctor is the one making the decisions about that medical care.

Wouldn't a different way to look at this might be to say, Doctor, we are not going to cut your pay this year. We are, in fact, going to pay you a little bit more. We hope you will see fewer patients and maybe take a little bit more care and a little bit more preventive medicine and education with those patients along the way. It would be a phenomenal thing to look at but we never tried. We just cut the doctor's pay and said, whew, we got through it this year, the doctors are all mad but maybe they won't remember come November, and we will cut them again at the end of the year.

We are probably going to bump up against the clock. I do want to make this point from what we talked about the cost of insurance at the hearing we had yesterday.

It is important to understand, I think, that Speaker PELOSI, HARRY REID, President Obama, their health proposals would not make health insurance significantly cheaper for America's families. Under the bill passed by the House in November, H.R. 3962, a family of three making just under $55,000 a year and buying now a plan in this new exchange that's going to be set up and created by the bill, they would have to personally contribute after a tax credit about $5,500 a year in premiums. Additionally, this family would also pay $4,000 of out-of-pocket costs exclusive of the premium—copays and drugs that weren't covered—so this family would pay about $9,500 for a family of three that earns $55,000 a year in the Health Insurance Exchange.

I think it's important for people to understand that when we pass these bills and it's all settled and done, it doesn't mean free insurance. It doesn't mean free health care. It means, yes, you have got a government option here for buying insurance, but it's still going to cost something. It is still going to be an expensive item in that family's budget every year, and we are misleading people by telling them that, hey, we need to pass this bill because too many people don't have health care.

True enough, the person who has no income and no job will now have access to Medicaid, which they may not have had before, but the average person earning a reasonable salary is still going to find that the cost, the expense they paid for health insurance, is going to be significant. Here is the rub: If we pass this bill, this won't be an optional expense in their budget. They will be required to buy this, and the enforcer is going to be the Internal Revenue Service.

Now, Mr. THOMPSON, you brought up the online purchase of insurance for automobiles that has the cute little lizards and cave men on the logos. People will sometimes bring up to me, well, why, why not have a mandate. After all, there is a mandate to buy car insurance in your State, so, what would be the matter with having a health insurance mandate?

Here is the key. In my State, this is a State decision that in the State of Texas, people have to carry insurance if they are going to exercise the privilege of driving on the roads of the State of Texas. Health insurance is a different animal, and for the Federal Government to require, not a State government, but the Federal Government to require the purchase of health insurance is taking us in the direction of loss of liberty that none of us have really ever encountered before. It is a new concept.

So if a State wishes to exercise a mandate, which they have done in Massachusetts, then that's a State decision and that decision will either be supported or rejected by the voters in that State, but for the Federal Government to create for the first time a mandate, a requirement that a person purchase a product just for the privilege of living in this country, again, we are going down the road of loss of freedom that, again, I don't think people really want to go there.

Now, you will also hear, and it's so strange to hear the comparison of we have got to have a mandate as you do with automobile insurance, and you know what, you can buy that consumable insurance online. What if, instead of, if we had our thinking right, we would let the health insurance be available online, let the plan finders be available online and, if people think it's necessary to have a mandate, let that be a State decision. Let that be a State decision if the exchange is—right now you have, and I don't know the precise number, 30 or 34 States whose attorney generals are drawing up legislation to prevent their States from or prevent their citizens and their States from being required to follow an illegal Federal mandate.

Mr. THOMPSON of Pennsylvania. Pennsylvania being one of those, absolutely.

Mr. BURGESS. It just shows you the type of tension that we are going to set up between the State and Federal Governments if we were to pick up and pass either the House or the Senate bill and send it down to the President for his signature.

Mr. THOMPSON of Pennsylvania. Well, you have touched on so many very important issues during that time, during the course of this hour. I certainly want to come back to—you know, when I started in health care, I mean, the patients were not a part of the treatment team, they were, you know, everyone kind of focused their energies on the patient, the individual, the consumer, but they weren't included in health care decisions. So much has changed in at least three decades.

Today, I don't know of any health care professionals that don't consider the patient themselves a very important part of the treatment team, and it's so important that individuals take that, exercise that self-responsibility to be informed and to make decisions and to take control of their health care, extremely important.

You also talked about, you were talking about the stress on physicians, and it's significant. In Pennsylvania, the average age of physicians in Pennsylvania is 50. Many that I talk with, they look at the challenges of practicing medicine today. In Pennsylvania, we have terrible medical malpractice costs. We export our physicians. We train a lot of them, but we export them to States like Texas. You know, we don't keep them. And many of the physicians I talk with that are 50 and older, they look at what they have accumulated in their lives, and they look at how much they are spending each year, whether it's medical malpractice, these additional costs or regulations that are coming, the extra costs they had to put into practice to comply with Federal mandates like the HIPAA law from the 1990s.

□ 2115

And they are saying, you know what? Why don't I retire now while I

can at least retain a little bit of what I've earned so I can have some type of future enjoyable retirement? That would contribute so much to our access issue in States like Pennsylvania where citizens are not going to have access to quality care. I see that as a significant unintended consequence as a part of what my friends across the aisle are proposing and pushing at us.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111–421) on the resolution (H. Res. 1113) providing for further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HEALTH CARE SUMMIT—Continued

The SPEAKER pro tempore. The gentleman from Texas may resume.

Mr. BURGESS. Reclaiming my time, let me just run through a little bit.

We heard right at the end of the 6-hour discussion down at Blair House today, the President and I believe the Speaker of the House said that the time for incrementalism has passed. I felt like I had stepped back in time. I heard that very same argument in 1993 and 1994 when the then-Clinton health care plan was before the House of Representatives.

I never will forget the day that Mike Synar, a Representative from Oklahoma, a Member of this House of Representatives, was down in Dallas. He was talking to a group of us who were American Medical Association members, and he was going to talk to us about this bill. Many people had questions at the time—believe it or not, I was so shy I was scared to say anything—but toward the end, someone asked Mr. Synar, wouldn't it be better to tackle some of these problems on an individual basis and not try to do all of this all at once because it did appear to be frightening people. And Mr. Synar made a very emphatic statement that the time for incrementalism is over, we must have this bill and we must have it this year. Sounds familiar. That was over 15 years ago.

Of course they didn't get the bill passed, life went on, the health care system in this country improved. We developed the State Children's Health Insurance Program under a Republican Congress with a Democratic President. We established medical savings accounts. We then, several years later, improved them with health savings accounts. We provided a prescription drug benefit in Medicare. For better or for worse, we passed the HIPAA law in 1996. But there was a lot of work that went on in health care.

Health care is an evolutionary process. Medicine is an evolutionary process because the knowledge base changes. The science changes over time. It is not a static event like law, or physics perhaps. But medicine is constantly evolving. In fact, many times we say that's why we refer to it as both an art and a science.

Well, what do the people think about doing this all at once or perhaps taking off some smaller pieces that might be actually doable? Americans agree with Republicans and want a fresh start on health care reform. A CNN poll—now, CNN is not always friendly to conservative principles—in a CNN poll, 73 percent of Americans say lawmakers should work on an entirely new bill or stop working on health care altogether. This was from February 24, 2010. Another poll, 79 percent of independents want Congress to start work on a new bill or stop all work, again from the same time frame.

So maybe it is reasonable that we start over with these small, incremental changes and solve some of the problems that bedevil Americans right now, but not turn the entire system on its head in order to help that smaller percentage that is having difficulty right now.

Starting over does not mean that we have no bill to pass. It doesn't mean that we start into another year-long debate. As I began this hour, I outlined to you, Mr. Speaker, several bills that are already out there, already written, could be called up, could go to committee, could be worked on, marked up, amended, and come to this House to be voted on up or down. We could pass a bill on preexisting conditions before we go home for the Easter recess. It would really be that simple. Instead, what we may get is the Senate bill being passed by the House of Representatives—under great duress for some Members of the House of Representatives—and then when that bill is passed by the House, it goes down to the President for his signature, and then good luck undoing all of the problems that are contained within that bill. It would be far better, since no help is coming for 4 years anyway, to take a little time and do this correctly.

The gentleman from Pennsylvania brought up the problems in Pennsylvania with medical liability. Texas, of course, in 2003 did change their medical liability laws and passed a bill that would allow a cap on noneconomic damages. It is a more generous cap than was passed in California in 1975 under the Medical Injury Compensation Reform Act of 1975, but nevertheless, it has worked well over the last several years and has now solved a lot of the problems that we were encountering in the earlier part of this decade.

Just some statistics to share with you; before the reform, one in seven obstetricians no longer delivered babies, 49 percent of counties didn't have an OB/GYN, 75 percent of neurosurgeons would no longer operate on children. Since passing that reform in Texas, it has really dramatically changed things. We had, in the 2 years before the reform passed, 99 Texas counties—Texas has 254 counties, and 99 counties lost at least one high-risk specialist. With the passage of what was then called Proposition 12, which was a constitutional amendment to provide caps on noneconomic damages and lawsuits, 125 counties added at least one high-risk specialist, including the counties I represent, Denton, Tarrant and Cooke Counties. And you can see of course there are some areas that are still needing to add specialists.

One of the remarkable things about the passage of this law is the number of counties that did not have an obstetrician previously but now do, and the number of counties that did not have an emergency room doctor but now do. Twenty-six counties that previously had no emergency room doctor, 10 that had no obstetrician, and seven that had no orthopedic surgeon, now at least have at least one of those specialists. Charity care rendered by Texas hospitals has increased 24 percent, nearly $600 million since the passage of this legislation. And Texas physicians have saved well over $500 million in liability insurance premiums.

Now, people will argue that passing tort reform does not immediately result in lower cost. Defensive medicine is learned behavior. Defensive medicine is oftentimes learned over a lifetime of practicing medicine. And it does take a while to begin to walk back from that. But as anyone will tell you, the journey of a thousand miles starts with the first step, and Texas has taken that first step. In fact, in Texas, one of our bigger problems now is licensing all of the doctors who want to move to the State. The State Board of Medical Examiners cannot keep up with the demand. It is a good problem to have because we had many counties that were underserved. And now, with the passage of this legislation at the State level, almost 100 percent of Texans live within 20 miles of a physician. That is a remarkable change from even just a decade ago.

One of the last things I want to bring up tonight before we leave, we've talked a lot about cost, and during the course of the discussion down at the Blair House the debate on cost was lengthy and sometimes it became contentious, but just a few points that Representative PAUL RYAN from Wisconsin made today. He pointed out correctly that Medicare has an unfunded liability of $38 trillion over the next 75 years. This is a huge, huge budget pitfall that is facing not just Members of Congress, but every citizen of the United States over the next 75 years.

While Federal Medicaid spending grows at 23 percent this year, the program continues to suffocate State budgets. And this bill does not control costs. Mr. BIDEN talked about if we don't bend the cost curve, we're in trouble. I will submit that we are in trouble because we have bent the cost curve, but we are bending it in the wrong direction.

PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, I am here representing the Congressional Progressive Caucus tonight, the Congressional Progressive Caucus, a body of Members of Congress dedicated to the very simple idea that we all do better when we all do better. The Progressive Caucus, a caucus made up of Members of Congress—men, women, whites, blacks, Latinos, Asians, people of various different backgrounds throughout the whole country—all unified under the simple idea that everybody counts and everybody matters; that there is no one who doesn't deserve civil rights; that everybody deserves civil rights; that men and women should enjoy the same rights; that women should have a right to choose; that there is nobody who is outside the pale of our beloved community; and that we stand together on economic justice, environmental justice, stand together on the idea of health care for all, stand together on the idea of real consumer protection, stand together against the idea that Wall Street bankers and the well-to-do should have everything going their way. In fact, we think that the working men and women of America should have something going our way. In fact, we're the ones who do all the work around here and we're the ones who should see America operating on behalf of and for the American people.

This is what the Progressive Caucus is all about. The Progressive Caucus is all about saying that consumer justice is important, health care reform is critical, war is usually the enemy of the poor, and that we need to find a way to seek diplomacy and dialogue and find a better way out of the conflicts that our country finds ourselves in. That is what the Progressive Caucus is about.

I am going to be talking about some of our core beliefs, but how can I talk tonight, Mr. Speaker, without talking about the Health Care Summit? Obviously, the Health Care Summit was a big deal today. A lot of people were watching it on television. I want to commend President Barack Obama for having a transparent and open process.

My friends on the other side of the aisle, the party apposite, the Republicans, say that we should just start all over. Well, as you could see by watching the broadcast today, there was ample debate, long hours of discussion. We've had many, many hearings here in Congress on health care. We've had a conversation with the American people going on a year, and they say scrap it? No, thank you. They wish we would, but we won't.

□ 2130

The fact is that we have had a national dialogue, focusing on what it is like to live without health care and facing the world with your children and your family without any health care coverage, facing bankruptcy as health care expenses skyrocket and you are unable to meet that reality, facing a situation where you have to put your medical expenses on a credit card, you know, which may have gone up to 28 or 30 percent. These are the kinds of things that concern us.

I want to commend the President for convening this dialogue today, for having this discussion. I do wish, however, that there had been a member of the Progressive Caucus in an official capacity there. It is true there were people from the Progressive Caucus there, but our leadership is RAÚL GRIJALVA and LYNN WOOLSEY, and I believe they should have been there. There were other people there who were members of the Progressive Caucus but none who were authorized to speak for the Progressive Caucus. I'm not happy about that, but you know what? Things are seldom perfect in life. I would have wished that we would have had it that way, but we didn't.

A few things were clear about the health care summit today, which is that the ideology still rules the day for our friends in the party opposite that Americans continue to face health care nightmares on a daily basis and that the urgency of change is as powerful as ever. We have got to move forward. There is no way that we as a Congress can engage the public imagination around health care for a whole year and then come up with nothing. We need to have a health care bill.

This is the Progressive Caucus, and I am talking about health care and the economy today.

I also want to say, as we talk about health care and the economy from the perspective of the Progressive Caucus, that this is a Progressive message coming to you for an hour. We come here every week, and we speak for an hour about the critical issues facing the American people from a Progressive standpoint, and that is why I want to talk about health care right now.

Let me start off the conversation about health care by saying that, today, not only was the health care summit on and not only was the same old debate laid out—Democrats, Progressives wanting health care reform for the American people—but the folks in the party opposite are not so big on reform and want to just keep the status quo.

The House also demonstrated and signaled its urgent desire to see health care reform when we took up the Health Insurance Industry Fair Competition Act just this week. This bill stripped away a protection that was granted to insurance companies, and it requires them to now compete. They got their exemption from antitrust laws taken away. It's not enacted into law, but it was passed in the House, on the House floor, just this week. The idea is that health care companies don't need to be exempted from antitrust laws. They need to have to face those laws because we need competition. When businesses compete, consumers benefit. Simple as that. When businesses compete, consumers benefit, but for far too long, the health care insurance industry has played by a different set of rules.

Since 1945, the McCarran-Ferguson Act—you may have heard of it—has exempted businesses of insurance from Federal antitrust laws. Now, that is not right, so we did something about it this week at last, on the House side, hoping that the body down the hall will do something similar. This bill that we passed off the House floor amends the McCarran-Ferguson Act by repealing the blanket antitrust exemption afforded to health insurance companies. This is something the American people want. Most people I talked to didn't understand why they had an antitrust exemption in the first place.

Under the bill, health insurers will no longer be shielded from being held accountable for price-fixing, for dividing up territories among themselves, for sabotaging their competitors in order to gain monopoly power, and for other anticompetitive practices. If they do it and if we can get it passed into law, then they are going to be held accountable; they are going to be taken to court. That's what we need.

Removing the antitrust exemption not only enables appropriate enforcement; it also will give all health insurance companies healthy, competitive incentives that will promote better affordability, that will improve quality, and that will increase innovation and greater consumer choice—as antitrust laws have done for the rest of the economy for over a century.

Removing this antitrust exemption is key, and it is supported by law enforcement groups and by the National Association of Attorneys General. The National Association of Attorneys General has consistently opposed legislation that weakens antitrust standards for specific industries because there is no evidence that such exemptions promote competition or serve the public interest. They do not promote the public interest. They undermine the public interest.

So I just wanted to tell everybody that this piece of legislation passed off the House floor, signaling greater change as we are driving every day a little closer to real health care reform. The Health Insurance Industry Fair

Competition Act passed off the House floor this week. It's just a piece of health care reform, but it's an important piece.

Let me now turn to the larger issue of health care reform by addressing something called the ''public option.'' You've heard me talking about the public option, and I believe in the public option. You know, we're going to have this system in America of private insurance, which is not going to be undermined. I believe in universal, single-payer health care, but the present format is to, essentially, reform the existing system of private health care insurance. No problem. By the way, I'm always for private doctors, always for private health care providers. I just think we should pay for it through a single payer, which would be much more affordable for everyone. The public option is simply a government-run program, and I don't shy away from calling it that, because Medicare is government run and the VA is government run, and there is nothing wrong with that. It's an agency that could be set up by the government which would offer an insurance product for people to get health care coverage, and that could offer real competition to the private insurance market.

Now, the thing about the public option that you should know is that over 120 Members of the House of Representatives have said, in a letter, that we want that, and we would like to see it make it into law. Not only that, over 24 Senators have said that they want to vote on the public option as well. This is a very, very important development because the fact is, when you have 24 Senators and 120 House Members, that's a lot. Senator REID says he favors the public option. Clearly, the public option has already passed through the House once. So this is a great idea. It's supported by the American people. Seventy percent of the American public like it.

The public option should be in the final bill that eventually is signed by President Obama. The public option was talked about at the health care summit today, and we are very glad about that. Members of the Progressive Caucus went to the White House and handed out a document urging Members at the summit to raise the issue about the public option. Let me just state the facts about the public option.

One is that poll after poll has shown that the vast majority of Americans believes a public option should be included in health care insurance reform. Fifty-seven percent were for a strong public option in a Washington ABC poll this winter. If the American people want it, if it has already passed through the House, if 24 Senators say they want it, and if the majority leader says he wants it, why can't we get a vote on it? I am saying this is a Progressive idea that is good for America, and I want to urge Americans to say that a public option is a good thing.

Congress and the President have answered the call of the American people by dealing with health care, but we've really got to get a good health care bill. If we are going to use reconciliation because we can't get any Republican cooperation, why don't we get the best bill we can get? Why do we get a bill that is less than we could get? Incrementalism has its place, but if we don't have to bother about getting 60 Senators in order to get around the filibuster rules, why don't we just go with a good bill which would really help the American people—one that would lower costs, that would increase affordability, and that would have an option for people? It's a good idea.

The Democratic health care reform plan, which passed through the House and included a public option, is a bill that makes a lot of sense. It covers preexisting conditions. It stops the practice of recision—denying you health care when you need it most. It stops the bankrupting of our businesses and of our families when they get sick.

As for the public option in particular, part of the plan that passed through the House offers and introduces competition; it lowers costs for consumers—taxpayers—and it brings a higher quality of health care to millions of Americans. I think Americans want to see the public option in any final product, and I think it is something that people should let their government know that they want.

Currently, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. Many of the areas of the company are dominated by just one or two private organizations. A public option would offer a choice to people living in these highly concentrated markets. This means that the addition of a public option would provide a quality and affordable choice. The public option offers competition. Again, in 34 States, 75 percent of the insurance market is controlled by five or fewer companies. In Alabama, almost 90 percent of the market is controlled by just one company. That's not fair.

In addition, the public option would provide competition for private insurance companies to keep them honest. It would be completely up to individuals to decide whether they want to access the public option. You don't have to use the public option. In fact, you could go to the private market if you felt there were a better deal there, but the public option would be there so that concentrated markets could not simply force you to buy their products.

If the Congress of the United States is going to mandate that Americans get health care insurance, we should at least say that there will be a public option so that we don't force you into the arms of a monopolistic, highly concentrated market which would take advantage of you because of its market advantages.

Americans should be free to seek health care without having to fear that they could not afford it or that they would incur tens of thousands of dollars in debt. A public option offers us an advantage on cost. We know that existing public options, like Medicare and Medicaid, consistently have lower administrative costs than their private insurance counterparts. Of course they do. According to the Commonwealth Fund, the net administrative costs for Medicare and Medicaid were 5 and 8 percent, respectively. If you look at the top five private health insurance companies, their administrative costs are 17 percent. While the insurance market is controlled by fewer and fewer insurance companies in more and more States, there is little incentive to lower costs. Why should they? They're not in competition. A public option would offer that competition all over the country, and it would help Americans afford health care.

Let me just say that we've been debating health care for a year now. When we started out, people like me wanted a single-payer health care system. I am so proud of the over 60 Members of Congress who signed onto JOHN CONYERS' bill for single-payer health care, but we compromised when we said, Okay. We're not going to get that. The single payer was not really given a fair chance in the House of Representatives, in my opinion. Be that as it is, we said, Okay. We will compromise and do the public option.

Now the public option has been pushed to the side. In as early as August of 2009, we were told the public option is off the table. Off the table was what we were told. Well, the public option is such a good idea, such a powerful concept, that it keeps putting itself back on the table. So, when it looked like the public option was off the table again this winter—this winter, we thought, Okay. The public option is off the table again. Then we see a movement. First, it was just four Senators—Senator BENNET, Senator GILLIBRAND, Senator BROWN. These Senators came together. They wrote a letter to HARRY REID, and they said, We want to vote on the public option, and we're going to ask you to put it up there. Then it was five. Then it was six. It got all the way up to 24. Then there are a number of Senators who said they don't want to sign a letter, which is their choice, but they would vote for it if it comes before them.

Of course, we saw two dynamic freshman Members of the Congress—CHELLIE PINGREE and JARED POLIS—two very dynamic, young Congress people who authored a letter that 120 of us joined, and now both the Houses have these movements moving forward. We didn't see the public option in the President's proposal, but both Houses of Congress are seeing these movements towards it. I believe that, if we put that bill on the President's table with a public option in it, he will sign it. He said he favored the idea. Here is his chance to prove it.

□ 2145

The fact is that bureaucratic overhead costs coupled with multimillion-

dollar CEO salaries and bonuses equate to high costs for America's working families, and a lack of competition provides no incentive to change their practices, but a public option will make them compete and will provide access to millions of Americans potentially.

Higher quality. Competition always improves quality. Therefore, the public option will help consumers get better coverage for the same amount of money as their private insurers.

Now, there are myths about the public option, and I think people ought to know that. The idea of a public option being a government takeover or even a government-run program is not really the truth. The idea that a mandated health insurance is a new tax on people is also not true. What a public option really is is that the government would help cover the high cost of insurance for Americans while bringing those costs down through competition. Without health insurance reform, however, we can expect the problems that exist today to only get worse.

Now, the public option is not a takeover of health care. That's ridiculous. It's not true. It would simply be one option among many offered by the public. Now, it would be administered by the government, but so what. So is Medicaid, Medicare, the VA, and TRICARE. These are all government health care programs that people really, really like. You know, as a matter of fact, when it comes to Medicare, back in 1965 when we passed it, only 22 Republicans voted for it, and now they act like they're the defenders of the program, which they're not. But the fact is nobody's messing with Medicare nowadays. Why? Because it's a popular program. Even though only 22 Republicans voted for it in 1965 when it first passed, it is now the way we live, and nobody is going to allow it to be taken away.

In 10 years the out-of-pocket costs that are paid by individuals and families across America would increase by more than 35 percent and as many as 65.7 million Americans will be uninsured. That's intolerable in this great country. This means higher costs to taxpayers to cover hospital expenses of the uninsured. Employers will also have to pay health insurance premiums at least 60 percent higher than premiums today.

There are supporters for the public option in all areas of life, not just the House, not just the Senate, but also doctors are in support of the public option, and organizations behind them strongly support the public option too. These include the American Nurses Association, the American Cancer Society, the American Medical Association, and the AARP. Even hospitals such as the National Association of Children's Hospitals have supported the principles of health care change and the public option.

And let me just say when the American Medical Association that represents doctors say they're for the public option, that lets you know that people on the other side of the aisle saying things like, Oh, the Democratic Congress wants to get between you and your doctor, isn't true. It's just not the case. So you need to be aware of the myths that are out there.

As was said before, three courageous members of the Progressive Caucus went over to the White House today and offered the Congressional Progressive Caucus's perspective, and I was proud that they did that. The CPC, the Congressional Progressive Caucus, did not receive an invitation to the health care summit, but we showed up and we handed our ideas to the people who were invited, and we were happy to see that both Speaker PELOSI and Majority Leader HOYER introduced the idea of the public option, and we thank them for that.

So let me just now move into another area before we wrap it up tonight, and what I want to talk about is the economy. Now, it's important, as we discuss the economy, to bear in mind that we've come quite a long way, quite a long way. In fact, when the Republicans were in office, they literally, not literally but figuratively, drove the economy into the ditch. They just ran the economy into the ground. The economy shrank 5.4 percent in the fourth quarter of 2008. Barack Obama was not the President then. It was under George Bush when the economy shrank 5.4 percent in the fourth quarter of 2008. The fact is that the economy lost 741,000 jobs in January 2009 alone. Remember, Barack Obama was not the President until January 20. This a Bush failure and, of course, a Republican failure.

Under the Republicans we erased $2.7 trillion in retirement savings. I will show you a board on that I have. And it's important to remember that people trying to retire saw their retirement savings just shrink under the leadership of the Republicans. Very scary. Not very nice to the seniors. And more than doubling the debt in 8 years. Now, these folks shake their finger at us like we're big spenders. Look, they doubled the debt in 8 years. When President Clinton left office, we had a surplus. They took care of that because they cut taxes for the wealthiest Americans and never paid for them and then had a couple of wars they didn't pay for and put us in massive debt. The worst recession since the Great Depression should be called the ''Republican recession.''

Now, just to show you a little bit more, I was talking about this idea of public debt a moment ago, and, of course, we all should be concerned about debt. As a progressive, I'm worried about debt because interest service on the debt can't be waived, can't be put off. You've got to pay it when it's due. And that means that it cuts into things, programs and expenditures that could literally help people who I want to see helped. Like helping people who are in need of medical assistance, helping our schools, helping firefighters and police and teachers and public safety people. All these things get squeezed when you've got to pay all that high debt service.

But Republicans lack credibility on fiscal responsibility. They don't want to spend money to help poor folks and regular folks. That's true. But when it comes to helping out well-to-do people and really, really wealthy folks, who I am absolutely fine with—I've got a lot of friends who are doing well. But they don't need folks looking out for them because they've got the money. But the point is that Republicans lack credibility on fiscal responsibility. It's not that they don't spend. It's just they don't spend it on things that help your average citizen. They spend it on tax cuts for the very wealthy and wars.

So debt held by the public nearly doubled under the Bush administration. We can look here at the year 2000, $3.4 trillion. We see this red ink just going up and up and up all the way to $6.3 trillion in 2008 when the Democrats get the White House and the Congress.

So the fact is that this is their mountainous debt, and now they want to lecture about debt and fiscal responsibility, but it rings hollow because of their history.

Let me also show you this board. This is a good one. Democrats actually have a proven record of fiscal responsibility. Democrats are good with the economy. We do a good job when we're in charge. If you look over Reagan, Bush I, Clinton, and Bush II, you will see these budget deficits and surpluses. This is when we see the budget surplus during the Clinton years is going up. It actually goes above zero, so we actually have more money. But here the amount of money that we have is less and less and we're seeing ourselves greater and greater in debt under the Reagan-Bush years. You see the debt is actually going up while our surplus is going down. And then you see the surplus going up on the blue line, and then you see the dropoff when it comes to our surplus. We have no surplus here and then we have a negative surplus—also known as a deficit.

So if you look at this, Democrats have a proven record of fiscal responsibility. If you look at Reagan and Bush, Clinton and Bush, you're seeing the product of Republican leadership and their fiscal irresponsibility.

Now, this is an important board because right now it's all about jobs. We need health care because it's such a big chunk of a family budget. We need to get that down. We need to cover everybody. So health care is economic justice for people. But it's important to understand that we've seen the job losses because of the Republican recession. I just showed you that. Democrats turned around Republicans' job losses. Now look: We're losing jobs. All these red lines below this zero is unemployment. We're going down. Monthly change and nonfarm payrolls. You see that. And we're going all the way

down. We're just hitting it. And in January of 2009, you see Democrats are in control, and as we're just adding to job losses here, it's worse and worse and worse and worse, and then you see the slow but steady improvement.

Now, we're still not creating jobs, and this is a serious problem. But you can see that we're going in the right direction. You can see that with Democrats in there, we're doing better.

So the last month Bush was the President, we lost 741,000 jobs in a month. And the last month, and this doesn't reflect the most recent data, we lost 22,000. Now, we still lost, and that's bad. But the fact is we're losing fewer and fewer and fewer and you can see that in a few months, we'll be above the line and we'll be adding jobs, which is something very, very important to point out.

Do you know what the toughest job in the circus is? Cleaning up after the elephants. So the Democrats are trying to fix 8 years of Republican leadership in this country, and it's not an easy thing to do. But you can see in a short period of time, we're getting it all turned around.

Now, one of the things that helped turn things around is the Recovery Act. Now, you heard these folks say, oh, this is terrible, the Recovery Act is bad. You would think that the Recovery Act was something that wasn't any good. But look here. This is something you should take a look at:

''GOP: There's no hypocrisy in seeking stimulus money. Republicans say they are working on behalf of their constituents.''

Now here's the full quote:

''The DCCC claims that 91 House Republicans are talking out of both sides of their mouths.''

Now, these guys were voting against the stimulus. We didn't get one Republican vote for the stimulus. They didn't vote for it. They were all against it, even though it clearly put Americans back to work and stopped the bleeding of jobs. But that didn't stop them from going out in ribbon cuttings and being there and just trying to show off and say, hey, look, give me some stimulus money. I didn't vote for it, but I want to benefit from it. Isn't that terrible? Let me just read a little of this to you:

''Amid mounting criticism, House Republicans said this week that it is not hypocritical to vote against the stimulus and later seek money from it for their districts.

''After standing united in opposition to the President's economic stimulus bill a little more than a year ago, many Republicans have touted the benefits of that measure back in their districts, according to a comprehensive list compiled by the Democratic Congressional Campaign Committee.

''Citing the stimulus and other measures, the DCCC claims that 91 House Republicans are talking out of both sides of their mouths.

''In recent days former Senator Alan Simpson, Republican from Wyoming, and California Governor Arnold Schwarzenegger have echoed the DCCC claims.''

Like my dad, who's a Republican, they're honest Republicans, and Simpson and Schwarzenegger are telling the truth.

''But key House Republicans argue that a vote against the stimulus bill should not prevent them from writing a letter on behalf of their constituents seeking grants available from the $787 billion measure. Some of them do say, however, that Republicans should refrain from attending photo ops.''

And it goes on.

□ 2200

What is the point? The point is they created a recession with their policies of tax cuts for the rich, wars that they didn't pay for, tax cuts they didn't pay for, no regulation of Wall Street, and just letting things run amok, not regulating predatory lending though Democrats had been asking them to do it for years while we were in the minority. And then they create this situation where the economy tanks. Then when we put measures in place to bring the economy back to life, they vote against it, but then they run to take advantage of it. That is bad.

Now, the Recovery Act. The CBO, that is the nonpartisan Congressional Budget Office, estimates that in the third quarter of calendar 2009, an additional 600,000 to 1.6 million people were employed in the United States. That is pretty good. In the third quarter of the calendar year 2009, an additional 600,000 to 1.6 million people were employed. That is pretty good. That is trying to dig us out of the hole.

The Congressional Budget Office projects that the Recovery Act will increase real GDP by 1.5 to 4.5 percent during the first half of 2010, and 1.2 to 3.8 percent during the second half. That is actually good as well.

Now, Mark Zandi, who actually was a consultant for Senator JOHN MCCAIN when he was running for President, who is pretty conservative, said, ''I don't think it is an accident that the economy has gone out of recession and into recovery at the same time stimulus is providing its maximum economic impact.'' So even a conservative economist is telling them that the stimulus worked and is working. And I just wish they would agree that Democrats are better for the economy. I just wish the Republicans would agree with the unbiased evidence that Democrats are better for the economy.

Now, it is important, I mentioned retirement accounts earlier, Retirement Accounts Recovering Under the Obama Administration. Now, here we see under the Bush administration the value of retirement accounts is going down, the value of retirement savings accounts. You see them, they are just going down, down, down, down, down. They are just dropping. And then you see under the Obama administration, retirement accounts are up $1.8 trillion, as we see them climb from the first quarter of 2009 steadily back up. More evidence that Democrats are better with the economy, which is the thing that helps you put food on the table, a roof over your house, and retirement money in your account.

Moving right through these boards here, and I just want to show the folks, the economy is swinging back to growth. Now, GDP is gross domestic product. That is the sum total of all the goods and services produced by the economy in a given period of time. You see that in the first quarter of 2008, we had negative GDP growth. It popped back up for a minute, but then it kept going down, down, down. This is all under Bush. And then you see GDP growth going back up. And these are the projected increases.

The fact is that the economy, GDP growth is increasing. That means real goods and services produced. That means people working. That means production. That means people providing services. And it means food on the table. It means soup in the pot. That is what it means. Or chicken, or whatever you like.

So let me just say, as I begin to wrap it up, the fact is that the economy is not back to health yet. It needs more things. I believe very strongly, and the Progressive Caucus agrees, that we need direct job creation from the government like the WPA, where we put people back to work, painting public buildings, working in Head Starts, doing valuable work that needs to be done, and that these jobs could be paid and they wouldn't be just special kinds of jobs, but they would just be jobs that people can do and hopefully keep that job.

If we can ignite the economy and keep the period of growth going. The economy is not out of the woods yet. We still have unemployment that is intolerably high, particularly in minority communities. This is intolerable. We have got to do something about it. There is no doubt about that. But we are going in the right direction. And we need to improve to keep the drive alive. Keep the drive alive, not turn back.

I just want to say to folks out across America, the fact is that it takes more than just a couple of years to get things straightened out after so many years of difficulty. We need young people, new Americans, communities of color, working people, labor, everybody to keep their level of enthusiasm up about what the prospects for America are and to not get discouraged just because things didn't pop back into shape as soon as George Bush handed over the mantle of the presidency. It is going to take a little bit of time, but things are clearly going in the right direction.

One year in, the evidence is clear, and growing day by day, that the Recovery Act is working to cushion the greatest economic crisis since the Great Depression and lay a new foundation for economic growth. According to

the nonpartisan Congressional Budget Office, the Recovery Act is already responsible for as many as 2.4 million jobs. The analysis of the Council of Economic Advisers also found the Recovery Act is responsible for about 2 million jobs, a figure in line with estimates from private forecasters in the economy. Even the conservative American Enterprise Institute is agreeing that the Recovery Act is helping create jobs, which no Republican voted for the stimulus package. It is very important to remember that.

We recently learned that our economy grew 5.7 percent in the fourth quarter, the largest gain in 6 years, and something many economists say is due to the Recovery Act. So again, negative GDP growth, meaning we were losing, the economy was shrinking when Bush was the President, and now it is growing. Very important for people to know that.

The Recovery Act, by the way, it did cut taxes for 95 percent of working families. The Republicans love their tax cuts, but not for the regular working people, only for the very well-to-do. But the Recovery Act did cut taxes for about 95 percent of American families, the Making Work Pay Act tax credit. And that is about $37 billion in tax relief for about 110 million working families in 2009.

The fact is loans were made to over 42,000 small businesses through the Recovery Act, providing them with nearly $20 billion in much-needed capital. The Recovery Act funded over 12,500 transportation construction projects nationwide. When 40 percent of all construction workers are on the bench, that work is very, very, very welcome. These projects range from highway construction to airport improvements, of which more than 8,500 already are underway. It funded 51 Superfund sites from the national priority list. Of those sites, 34 have already had on-site construction. The Recovery Act, which I was proud to vote for, has done a lot of good for America.

So as we wrap it up today, it is important just to bear in mind that health care reform is a key component and a vital component of restoring our country to economic health. We need health care reform.

Remember, the Republicans had the House, the Senate, and the White House between 2000 and 2006, and they didn't do anything to improve the health care situation for Americans.

Mr. KING of Iowa. Will the gentleman yield?

Mr. ELLISON. The gentleman will have an hour to say whatever he wants.

Mr. KING of Iowa. I would be happy to yield to the gentleman in my hour as well.

Mr. ELLISON. I can't stay here all night.

Mr. KING of Iowa. Will the gentleman yield to correct a fact?

Mr. ELLISON. No, I am not yielding. You're going to say whatever you want later, so let me just keep going. From 2000 to 2006, the Republicans had the White House—check the facts, Mr. Speaker—they had the Senate, and they had the House of Representatives, and they didn't do anything to help health care.

Mr. KING of Iowa. Will the gentleman yield?

Mr. ELLISON. I have already answered that question. I will not yield.

PARLIAMENTARY INQUIRIES

Mr. KING of Iowa. Mr. Speaker, parliamentary inquiry.

Mr. ELLISON. I don't have to yield, Mr. Speaker.

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

Mr. KING of Iowa. Is it common and normal for a Member to yield to another Member on a respectful request?

The SPEAKER pro tempore. It is entirely at the discretion of the gentleman who controls time whether or not he chooses to yield.

Mr. KING of Iowa. Further parliamentary inquiry, Mr. Speaker.

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

Mr. KING of Iowa. When a gentleman states an erroneous fact into the RECORD, is a Member's alternative then to move to take down the words rather than ask for a yield to correct the record?

The SPEAKER pro tempore. The Chair does not respond to hypothetical questions.

Mr. KING of Iowa. Mr. Speaker, I will concede this moment for now.

The SPEAKER pro tempore. Does the gentleman have a further parliamentary inquiry?

Mr. KING of Iowa. Mr. Speaker, I would have a point of order if we didn't have Members in bed right now, so I will concede this point right now and yield back.

The SPEAKER pro tempore. The gentleman from Minnesota may proceed.

Mr. ELLISON. Let me just say for the third time, from 2000 to 2006, the Republicans had the presidency, they had the House of Representatives and the Senate, and they didn't do anything to help Americans improve the health care situation.

□ 2210

They didn't do a thing. They allowed premiums to increase. They allowed co-pays to increase. They allowed people to be denied for preexisting conditions. They allowed misery to accumulate around the health care crisis in America. They allowed the number of uninsured to increase, and they allowed a very difficult, awful situation.

So now we've got upwards of 45 million people who don't have health care, and while the Republicans could have done something about it, they did not do anything about it.

Now, in a few minutes, Mr. Speaker, I am going to yield and in a few minutes I am sure my friend from Iowa is going to have plenty to say. But I would like, Mr. Speaker, that anyone listening to the sound of my voice examine the facts I just laid out because they are true.

The Republicans could have done something to help Americans address their health care crisis between 2000 and 2006, and they did not do anything. And since the Democrats regained the Congress, we passed SCHIP, State Children's Health Insurance Program, which President Bush vetoed, and we're trying to fix one mess they made with prescription drugs by filling the doughnut hole. But all that program was was a boon to large pharmaceutical companies, and we're trying to fix that large debacle now.

The fact is is that the Republican Caucus could have helped the American people and they declined the invitation to do so. And now while America has been embroiled in a conversation around health care reform for a year, they have come up with nothing constructive to say. All they want to do is deprive Americans of their right to civil redress under the law when doctors sometimes make mistakes. They call it tort reform. What it really is is denying consumers the right to redress grievances, which is an American thing to do to try to fix these problems.

Now, we're not saying that people who abuse the legal system shouldn't have accountability. We are saying do not shut the doors when Americans have a legitimate claim, which is what I think the Republican Caucus is in favor of.

The fact is, Mr. Speaker, that this hour, called the Progressive Caucus Hour, is all about talking about Progressive measures that have made America great. And I would offer you this, Mr. Speaker, that every single thing that has made America the wonderful, beautiful, great country that it is has been a progressive proposal.

Breaking away from England was progressive. Throwing off a dictator was progressive. Freeing people from slavery was a progressive thing to do. Allowing unions to organize was a progressive step forward. Civil rights was progressive. Women's rights was progressive. Getting rid of the poll tax was progressive. And it has been conservatives every step of the way trying to block these things.

America is a progressive country. America believes that everybody does better when everybody does better. America believes deep in its heart in religious tolerance. We believe in economic justice. We believe in equality for all people. But conservatives, trying to hold this country back and maintain the status quo, have been in the way all along.

So tonight, Mr. Speaker, may I yield back the microphone knowing full well that those following me will have plenty to add.

But with that, I will yield back.

PROGRESSIVES OR SOCIALISTS

The SPEAKER pro tempore (Mr. HIMES). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate being recognized finally here on the floor of the House of Representatives. Frankly, it's astonishing to me that a fellow Member of Congress has so little confidence in things that he says are facts that he refuses to yield and deal with the actual facts that he knew were before him.

To make the statement that Republicans did nothing on health care during those years of 2000 to 2006 is flat-out false, Mr. Speaker. It's a fact that we moved on health care. We moved some significant policy. And in particular, we passed the repair to the abuse of lawsuits, which today it was published by the Government Reform Committee—actually, was published 2 days ago—that the annual costs of lawsuit abuse and health care in America is $210 billion. That's over $2 trillion for the course of a bill, and there isn't one dime that would be taken out of the pockets of that $2 trillion—a lot of which goes to the trial lawyers—that is offered by the President or the Democrats, and certainly not the gentleman from Minnesota.

And for him to stand here on the floor of the House of Representatives and very much deny the very fact that is a fact of record and then refuse to politely allow for a correction of that record so you, Mr. Speaker and, by extension, the American people have an opportunity to be honestly and truthfully informed is an affront to the dignity of the dialogue on the floor of the House. So that's just a start on my answers. And I didn't come here to provide a rebuttal for the previous hour.

But the American people need to know, Mr. Speaker, that there is a Progressive Caucus here and it's 78 members strong, the last time I counted the names on the list on the Web site. The Web site was put up on a poster over here, and they're pretty proud of the policy that they have. You can go on that Web site and read and learn that. One of them is a Senator; the others are House Members. They are the most liberal Members of the House.

And when you look at the history of the Progressives, you will recognize that that Web site, that now with Mr. GRIJALVA's name in the Web site, was the Web site managed by the Socialists. The Democratic Socialists of America managed the Web site for the Progressives. They put it up. They took care of it. They maintained it. They put the information on. They wrote some of the language that went on there—a lot of it for all I know—and carried their philosophy from the Democratic Socialists—that is the Socialists in America, by the way—on over to the Progressives' Web site. And when that linkage was uncovered and the pressure came up, then the Progressives decided, well, we'll manage our own Web site because we really don't want to have to put up with the criticism of our brethren, the Socialists. It's completely the brethren.

When you read the Socialists' Web site, it says clearly on the Democratic Socialist Web site, dsausa.org, Mr. Speaker. It says clearly on there, it starts out with, We are not Communists. I always had a little trouble trusting somebody starting out their dialogue with, well, I'm not a Communist, because you know there behind that there's a ''but.''

Democratic Socialists, the brethren of the Progressives, linked together with their Web sites until a few years ago to declare that they are not Communists but they believe in a lot of the same things that the Communists believe in.

But the difference, according to the Socialist Web site linked to the Progressives' Web site—proudly by the Socialists anyway, and I think proudly by the Progressives—they say, We are not Communists. But the difference is Communists want to nationalize everything. Communists want to have the State own all property and own all of everyone's labor and everything exists for the State. And the Communists want to do central planning to manage the butcher, the baker, and the candlestick maker, let alone labor.

The Communists are the ones that want to introduce a national health care act that's completely a single-payer plan paid for by the government. Nobody has to pay for anything. And it would require that everyone working within health care in America would be a salaried employee.

Oh, let me see. Where would I come up with that? Well, not necessarily on the Democratic Socialist Web site. Not necessarily on—let me see—the CPUSA Web site. I read that in a bill that was introduced by some of the Progressives here in this Congress in 1981. They believe and still believe in single payer. They think that health care should be free, that it's a right, not a privilege—not just your own health care, but everybody's own private health insurance policy; that the government ought to run all health care; that they would set up boards as central planning management boards that would tell everything how to operate.

But no one could be anything except a salaried or an hourly employee. You couldn't do fee-for-service. So if you're a super excellent brain surgeon, you get paid whatever they decide. You don't get paid for the number or the quality of the brain surgery that you perform.

But I am back to Democratic Socialists of America. What are they? Well, they're not Communists. That's what they say. And the difference is they don't want to nationalize everything. The Socialists, the, slash, Progressives, don't want to nationalize the butcher, the baker, and the candlestick maker—not right away, anyway.

□ 2220

But when you read their Web site, it says, we want to nationalize the major corporations in America. I take that to mean the Fortune 500 companies and probably some more, and they write that they don't have to do it all right at once, they can do it incrementally. They want to nationalize the oil refinery business so they can control the energy in America, and they want to nationalize the utilities in America so they can control the energy in America.

This could happen incrementally, they don't have to do it all at once. Socialist Web site. They say we don't elect candidates on our banner. We don't send candidates and get their names on the ballot under the Socialist ballot. We advance these candidates as Progressives because Progressives doesn't have quite the harsh connotation of the hardcore left that Socialist has.

So they hide under the Progressive banner and they advance the Socialist agenda, and it's on both of their Web sites. I wondered when I heard MAXINE WATERS from California a few years ago say, I think we should nationalize the oil refinery business. I mean, I had to take a breath, catch my breath for a minute, because nobody would say that in the society where I live. They don't want to nationalize the private sector. They believe in free enterprise and in competition. They understand the vitality, this robust economy that we have. But that was said. Where did that come from. MAURICE HINCHEY made a remark also about the nationalizing of the energy industry.

Where did that come from? How does anyone have the chutzpah to make such a statement as a Member of Congress that they want to start taking over the private sector. This is before our economy started in this downward spiral. So I heard these words that came from them, and I am reading off the Web site, Democratic Socialist Web site, and the echo comes back to be the same.

I look over at the Progressives, of which each of those Members I mentioned are listed on the Progressives Web site, and it's the same agenda. Then we have a candidate for President called Barack Obama, and he has this artful way of using ambiguities so that the left hears him say something that they want him to say, and the right doesn't hear the same thing. They might actually even hear what they want him to say.

But where does the President govern? He is elected on hope and change. Well, hope and change is not working so good right now, but where does the President govern? Way over to the left.

And I stand here, Mr. Speaker, on the floor of the House, after this 6½-hour health care summit today, and I am wondering, what is this about bipartisanship? What was this argument that came from the President when he heard the criticism you are not working in a

bipartisan way? You need to reach out to the Republicans, this closing the door and locking Republicans out, and it happened. It's been happening here since September.

They met today to talk for the first time about health care in a meaningful way since last September, when Democrats shut Republicans out of their health care negotiating rooms. And, yes, they had guards outside the doors, they were there to provide security for the leaders. But think of the image, the doors go closed behind the Democrat leaders and they sit in there in the formerly smoke-filled rooms and they negotiate what they want to do to America without any eyes or ears of the press or anybody from the opposing party or any real conscience or conservatism inside the room.

So they cook up their deal. They cooked it up upstairs—well, let me say they cooked it up in the Speaker's office, and they cooked it up in HARRY REID's office, and they ran separate bills in the House and in the Senate. On November 7, here on a Saturday, the House of Representatives by the barest of margins passed a national health care act bill that takes away the liberty of the American people.

Then it went over to the Senate, where even the 60 votes that they had to have in the Senate with the liberals they had over there, they couldn't get the votes to pass the House version, so they put together a Senate version and by the barest of margins, with the, let me say the most repulsive of sweetheart deals, put together barely the 60 votes they needed to break the filibuster and have it be successful on a cloture vote.

On Christmas Eve, Mr. Speaker, HARRY REID's Scrooge gift to the American people was the Senate version of socialized medicine, their national health care act, complete with funding for abortion and illegals, out of the Senate. Merry Christmas, American people. HARRY REID and the 60 votes they had in the Senate at the time delivered a Christmas present to the American people with 60 votes, which pretty much demonstrated that all the demonstrations that took place since August weren't counting for much in the mind of HARRY REID and the 59 other Democrats over there in the Senate, and that was Christmas Eve. So a lot of people went home for Christmas. In fact, most of us did go home for Christmas.

Over Christmas and New Year's, most of the public life goes dormant and some of the people thought that going dormant was the right thing to do, that nobody would pay any attention anyway. So why would you keep a press shop up and why would Members of Congress go out on the stump and give a lot of speeches and do town hall meetings and do a lot of press and talk about how bad the House bill is, how bad the Senate bill is, and how unbelievably bad it would be if they would do what one might have expected them to do, and that is appoint a conference committee that would try to merge the two bills and resolve their differences.

But the Democrats didn't really think that the American people would be paying any attention to what they did. That's one of the reasons why they passed the bill on Christmas Eve in the United States Senate. I actually wished it would have been as late as possible on that day. I think it could have been pushed up to 9 o'clock that night when Santa was actually delivering presents, rather than when the elves were going to bed in the morning.

But that's what happened, Mr. Speaker. The American people were appalled at what they saw. They were appalled at how tone deaf the majorities were in the House of Representatives and how tone deaf the majorities were in the United States Senate, and they were talking.

It isn't that the American people go dormant. They go see their family, and, yes, they go to work. And they get on the phone, and they get a little time to send their email lists out. What happened was, there was a national dialogue.

I can tell you what happens when our family gets together, and it takes three or four family reunions to get us all completely processed in their right, faithful way over Christmas vacation, but we will meet three or four times, and we will have other little individual meetings with friends and neighbors and do those things, there is a lot of dialogue going on between Christmas and New Year's. In my neighborhood we talk about probably four things, but three things in particular. We talk about the weather, and we talk about religion, and we talk about the markets, and we talk about politics. That's four, and politics moved up on the list.

It actually sat there, number one, and it was at the dinner table, and it was in the living room, and it was all across America. People were talking about what was happening to our country. While that was going on, SCOTT BROWN was campaigning intensively in Massachusetts. You had people waking up in Massachusetts. The polling that showed on that day, the 23rd of December, when the timing schedule for adjournment of the Senate and that final cloture vote was scheduled, on that day the poll I saw showed SCOTT down 20 points. There was another one that had him down 30 points.

But not a single pundit before Christmas predicted that SCOTT BROWN could be the next United States Senator from Massachusetts. That was 2 days before Christmas. No one predicted it before Christmas. It started to come out some days after Christmas, near, I think, the first of the year, if I remember correctly, when the first little hint that something might be going on in Massachusetts started to leak out to the rest of the world.

But I have every confidence that the faithful people in Massachusetts were sitting around their dinner tables and their Christmas trees and they were talking about the same things that we talk about, the weather, the religion and politics, probably not the markets the same way we do. As that position was coalescing in Massachusetts, some of the people were thinking, I have had enough. They thought, some of them thought we have our version of health care here, and it's not our job or our business to impose another version of a government-run health care on everybody else in America.

Some of them thought enough money had been spent, that this $700 billion in TARP, and all of these companies that have been nationalized, much of it by this administration, and the $787 billion stimulus plan, that made everybody really nervous to see trillions of dollars, at least $1.6 trillion, moving on up to $2-plus trillion dollars when you look at all the money the Fed has advanced.

They saw that happening, Mr. Speaker, and every increment of nationalization made the American people more nervous indeed, having less confidence in the government that they had elected and the decisions that were made by their elected representatives. And as we march down through the murderous row of the nationalization of three large investment banks and AIG, the insurance company, and Fannie Mae and Freddie Mac, where it took on $5.5 trillion in contingent liabilities with Fannie and Freddie, for the taxpayers to take on that contingent kind of a risk, then the Federal Government turned to the car companies and decided, the White House, the Obama White House could run General Motors and Chrysler better than General Motors and Chrysler could be run by those who are approved by the shareholders.

□ 2230

And so the President fired the CEO of General Motors and cleaned out the board of directors. He replaced himself all but two of the board members of General Motors and replaced the CEO of General Motors, put in place a car czar, a 31-year-old car czar that had never made a car and never sold a car; as far as I can determine never fixed a car. We don't even know if he owned a car. And if he did, the question I would ask him is, well, was it an American-made car or a foreign car?

All of this was undermining the confidence of the American people as we race toward this political climax that after we saw socialized medicine pass in the House on November 7 and after we saw it pass on Christmas Eve in the United States Senate—unprecedented to be in the session on Christmas Eve doing something that had never been done before in the history of this country, trying to set a new standard of the socialization, the nationalization of our bodies—all of that going on, and the American people were repulsed that all of their voices, all that they had to say, everything that they

weighed in with hit only just the deafness of the leaders in this Congress, Mr. Speaker.

And so they went to work. They went to work in Massachusetts. They went out into the streets and put up signs and walked the streets and knocked on doors. As I went down through Massachusetts, I recall being in the Vietnamese section in Boston, and as I went down through that section—it's really a small business section of Boston—window after window had SCOTT BROWN signs in the Vietnamese section of Boston, and certainly did many of the residential areas. There was a tremendous outpouring for SCOTT BROWN.

As I went into the call centers, I had people come up to me and say, I'm a union member and my husband is a union member. We've always walked the streets for the Democrats, but this time we're here to work for SCOTT BROWN. We've had enough. The irresponsible overspending is at its core and the taking over private business is a big part of this, and trying to push a national health care act down our throats like you give a pill to a horse is more than they could tolerate.

And so in that sea change from 21 percent down to 5 percent up—it actually was a 24, 25 percent turnaround that took place in an unpredicted way in Massachusetts—SCOTT BROWN rose forward to a victory in Massachusetts and had a lead that was about the same for the last, I'm going to say in the polls that I saw the last 4 or 5 days at least in the race. So I don't think that there was more than about 20 days for him to close the gap of 21 points. And he will know that a lot better than me, Mr. Speaker. But that message that came from the election of SCOTT BROWN, that resounding noise out of Massachusetts—and there were a lot of people that went to Massachusetts to help. Tea party patriots went. Also people from many of the States in the Union went up to see what they could do because that's where the fight was, that's where people could preserve their liberty and they were committed to that cause. That election result came out, and it shifted the dynamics in the United States Senate, because SCOTT BROWN promised to deliver the vote against cloture that would change the dynamics.

And so the President of the United States, who has not done very well in some of his endeavors—let me see. What did he do? He went to Virginia to engage in the Governor's race in Virginia and he went 0-for-1 in Virginia. He went to New Jersey and did several appearances in New Jersey, as I recall, to reelect John Corzine in New Jersey. Chris Christie won in New Jersey, Bob McDonnell won in Virginia. So President Obama went 0-for-1 in Virginia. He went 0-for-1 in New Jersey.

He went to Copenhagen twice, once to win the Olympics for Chicago and another time to see if he could seek some kind of a global green agreement on climate change. Now, they came out of Copenhagen with something they pointed to that said was a victory, but not much of anybody thought so. It is a mild little fig leaf of a victory.

So I'm going to describe it this way: President 0-for-1 in Virginia, 0-for-1 in New Jersey, 0-for-2 in Copenhagen, and—completely a goose egg—0-for-1 in Massachusetts. And now the ''SCOTT heard around the world'' has echoed through this place. The White House, after that election, had to pull back. They had to stop and see if they could get a lay of the land and figure out what to do.

Senator HARKIN said within a few days of that election that they had an agreement that they had negotiated with the House, and they had an agreement that would bring reconciliation through. It is a bit convoluted and I won't explain it in detail here tonight, Mr. Speaker, but that was the first we heard that they were meeting behind closed doors to put together a reconciliation package. I know it had been rumored out there since September, but that was the first I recall of a legislator saying, Oh, yeah, we have that deal put together. That was Senator TOM HARKIN from my State, my junior Senator that said that.

So they moved on looking to see what they could do. In normal circumstances, you would take the differences, the Senate bill and the House bill, and appoint a conference committee that would have Democrats and Republicans on it. What would happen would be the Democrats who were in the majority—NANCY PELOSI and HARRY REID and their people—would go behind closed doors—even with a conference committee—and they would make their deal behind closed doors. They would negotiate their package behind closed doors. Once they decided they could get the votes in the House and in the Senate to pass their package, their socialized medicine version of what they want to do to America's freedom today when it comes to health care, then they would have announced the conference committee.

The members of the conference committee on their side would have been committed to voting for the package that was already pre-negotiated. The Republicans would then appoint their conference committee, and at an appointed date and time they would all file out into the room, sit down in their chairs, call the conference committee to order, and then they would go through the charade of debating the different changes, somebody would offer a change here and offer a change there and they would vote it up or down. After a while, they would have it ratified—the very deal that was put together behind closed doors—and pushed a conference committee report out here that would have gone then to the House and Senate, one side taking it up first and then over to the other side. The last one to pass the identical piece of legislation that was negotiated behind closed doors would go to the President, where he would have already pre-agreed to sign the bill. He would have been in the room, too, or he and his representatives, doing those negotiations.

So, Mr. Speaker, what I have put together here is a description of what actually happens and the functionality if they had gone to the conference committee instead of this reconciliation nuclear option. But they didn't want the conference committee because they would have to then put up with Republican criticism, Republican motions, Republican efforts to at least let the world know that there are many logical alternatives. And so they circumvented the conference committee. I believe, Mr. Speaker, that this is the first time in the history of this country, at least on a major bill, that the White House has stepped in to put together a negotiation that has—it's a de facto conference committee. The White House has replaced them, and they're the de facto conference committee. They've put this together and tried to propose something.

What was interesting was the White House planned and announced that they would release a bill on Monday of this week. The White House also said that any bill, we would have 72 hours to examine it. So they called a meeting for today that was scheduled for 6 hours, started at 10 o'clock this morning and, interestingly, the time that they released their document—that a lot of us thought was going to be a health care bill, a third bill, a Reid bill, a Pelosi bill, and an Obama bill, it only turned out to be 12 pages or so of bullet points—all of this time and the White House can't produce a bill, but they at least filed the bullet points of what they thought should be in a bill at 10 o'clock on Monday, so exactly 72 hours before the meeting was to convene and did convene at the Blair House today in this town. So they timed it to have their 72 hours as they promised. It just wasn't a bill. The President didn't present a bill, Mr. Speaker.

But they negotiated today and they had a discussion, and it went on about 6½ hours of discussion altogether. How do you analyze that? Well, did anybody take anything off the table? Did anybody offer anything? Were there any changes? Were there any agreements? Was there any proposal, any amendment, any specific language, or even a concept that was agreed to by either side? I am hard-pressed to say that there was, Mr. Speaker.

We can, perhaps, get into some of those things a little bit, but I have several of these pieces of data here. This is the health care fact check. It doesn't quite match my numbers, but it's pretty close to what I have. As I watched this happen, as soon as the meeting opened up, it appeared to me that if a Republican would speak, the President would interrupt him. And then that individual might reclaim their time and try to speak again and the President

would interrupt him again. Then that individual would make a quick statement and yield the floor, in which case the President would speak, a Democrat would speak—generally uninterrupted—and then the President would take the time back and speak, then a Republican would speak and get interrupted again.

And so what is this? Give me the count on this, will you? I have them here, and I don't think anybody else has counted them—I have not heard that they have. Six and a half hours of meeting, we have the President interrupting speakers 70 times in 6½ hours. Seventy interruptions. And out of those 70 interruptions, he was rude to the Democrats 20 times. He wasn't always rude, actually. Sometimes it needed to be said also with Republicans. But you would think it would be equal or proportional. And you would think it would be respectful of people that care a lot about policy and know a lot of this policy. And presumably, according to the White House and the Democrats in leadership here and in the Senate, this would have been the first time they had heard Republican ideas because they said we didn't have any. Well, we had plenty and they knew it, but they repeated that we didn't have any ideas.

So you would think they wouldn't have interrupted. You would think, if they were actually telling the truth when they said Republicans didn't have ideas, that they would have leaned forward in a very interested fashion and listened carefully to the proposals that at least they would like to convince the American people it was the first time they had heard such things.

□ 2240

Well, in fact, they'd heard it all before, because we'd produced those bills all before. We'd introduced them all before. They were introduced, many of them as amendments in the markups of the bills that came through the House in the Ways and Means Committee and in the Energy and Commerce Committee. They were just all voted down on a party line vote with very few exceptions.

So the President interrupted Democrats 20 times. He interrupted Republicans 50 times. That's 2½ times more. I have here that President Obama alone was 1 minute short of 2 hours on his own. It was a 6½-hour meeting. He claimed essentially a third of the talking time. The Democrats, including President Obama, burned not quite 4 hours. The Republicans altogether used up 1 hour and 50 minutes. So that's at least 2–1. Actually, when you add it up, it comes to 3.5–1 or so. My numbers come to actually 3.5–1 when I look at the time the Democrats spoke compared to Republicans speaking. It's about—oh, it's a number that originally was about 25 percent. It's probably a little more than that, Mr. Speaker.

We have a number here that shows that 52 percent of the American people don't think that they should go forward with a reconciliation. Now, that's one of the things that should have been a deal breaker. If the President of the United States takes the position that he wants to invite people to negotiate on health care in a bipartisan fashion and if he is sensitive to the criticism that we haven't had negotiations on C–SPAN and that they haven't been bipartisan, then that's what this was designed to do. It was to send a message to the American people that the President was on C–SPAN and that they were bipartisan. Well, that's all true, but the President has intimated and has directly said that the Republicans don't have open minds and that he has already accepted our good ideas and has incorporated them into the legislation that was written this past November and December.

I recall the President standing in Baltimore before us when he said, ''I am not an ideologue. I am not. I am a centrist.'' You have to put a couple of ellipses in there, but that is a contextual statement. It is the message he intended to deliver. It is the message he did deliver. I don't know anybody who thinks the President is not an ideologue nor do I know anybody who thinks the President is a centrist. He is, by record, in fact, the most liberal President we have ever elected in the history of this country. He has the largest liberal majority, Progressive majority—the people who build common cause with the Democratic Socialists of America majority—that I have seen in my lifetime.

The political center of this Congress is way to the left. I don't know when they've had a filibuster-proof majority in the United States Senate, which just disappeared last month; but of all the tools they had to work with to pass their agenda, they pointed their bony fingers at the Republicans and said, You are obstructionists. You are just the Party of No. You are standing in the way of progress. If you could just see the rationale for us and go with us so that we could have some Republican votes, we could actually pass this legislation and give Americans socialized medicine.

Well, the problem is Democrats can't agree among themselves. NANCY PELOSI—the Speaker—Mr. Speaker, has 40 votes to burn. That is four-zero. That is three dozen plus four votes to burn. She can give them all up and still pass a health care bill in their own conference, in their own caucus. Yet they point their fingers at Republicans and say, You're obstructionists. You're only the Party of No.

Well, we're the Party of No—''no'' to socialized medicine, ''no'' to breaking the budget, ''no'' to taking away the liberty of our children, grandchildren and of every succeeding generation in America, and ''no'' to passing the debt along and the interest along to those same people. Yes, we say ''no'' to such things. The American people said ''no,'' and they want help saying ''no'' in this Congress. It's not a function of the Republicans' failure to help Democrats with a bad idea that should be criticized.

If they can't agree among themselves, then could it just be they have a bad bill? Could it be that the bill has been rejected by enough of the constituents of the Democrats?

How about the Blue Dogs? Where are the Blue Dogs on this? They seem to have gone underground on me this time, and I wonder if they haven't become groundhogs and seen their shadows instead of Blue Dogs who used to be for balanced budget, fiscal responsibility and for excoriating anybody who didn't produce the same. Now that they have a President of their very own, it's a different equation for the Blue Dogs. They aren't nearly as vocal.

This reconciliation package, this idea to put together a bill that would circumvent the very rules of the Senate which require a 60-vote majority to break a filibuster and a vote of cloture, is something that has been rejected by many of the Senators who would be making the decision to go forward with this. This reconciliation, this ''nuclear option'' that it used to be called by Democrats when it was contemplated by Republicans, was opposed by Democrat after Democrat back in those years, mostly in 2005, when we needed to confirm some judges.

By the way, Senator REID said today that nobody was talking about reconciliation. Huh. Yes, they were. BEN CARDIN was talking about it while HARRY REID was talking about it. Only he was saying they need to go forward with reconciliation. So that's been going on for some time. As I said, that argument has been going on since September—the nuclear option, as Democrats called it. Now they call it reconciliation—nice, warm, and fuzzy.

The President had an opportunity to take the reconciliation/nuclear option off the table. He did not do so today. It would have been an extension of an open handshake to at least say, We aren't going to blow this thing through over the filibuster rules of the United States Senate, but the President didn't do that. It must mean he is still for the nuclear option.

Even though HARRY REID said they weren't talking about it, they are. The American people know that. The people in this House know this—Democrats and Republicans—even though it has been rejected by the President, then-Senator Obama, Senator SCHUMER, Senator REID, then-Senator Biden and now Vice President, Senator DODD, Senator FEINSTEIN, then-Senator Clinton, and Senator MAX BAUCUS. All of them have rejected the idea of reconciliation. They called it a ''nuclear option'' when Republicans were contemplating the same.

This is on a video, but I happen to have the text. So we should know what the President said about this plan that, I think, comes to this House and that, I think, comes to the Senate. I think

they're going to try the tactic, and it will blow the place up in the Senate, and it will bring the people to the streets in America. I think they're going to try it because it appears to me it is their last option to push this on us.

In 2005, then-Senator Obama said of reconciliation, A change in the Senate rules that really, I think, would change the character of the Senate forever.

He often pauses for a long time.

He picks up and he says, And what I worry about would be you essentially still have two Chambers—the House and the Senate—but you would have simply majoritarian absolute power on either side.

No check and balance on the majority power is what the President is saying there. Only he was a Senator at the time.

He concludes with, And that's just not what the Founders intended.

President Obama was opposed to reconciliation as a Senator. It was a philosophical position for him, presumably, and now it looks like he is salivating over knowing his agenda might fail if they can't violate a principle that he believes he stood on then, which I disagreed with, by the way.

Senator SCHUMER, who was in the discussions today, said, We are on the precipice of a crisis, a constitutional crisis.

This is of reconciliation, Mr. Speaker.

The checks and balances which have been at the core of the Republic are about to be evaporated, the checks and balances which say, if you get 51 percent of the vote, you don't get your way 100 percent of the time.

□ 2250

''It is amazing. It's almost a temper tantrum. They want their way every single time, and they will change the rules, break the rules, misread the Constitution so that they will get their way.'' Senator SCHUMER of the nuclear option that is being contemplated by this White House and the leadership in the Senate and in the House in order to force-feed socialized medicine on America.

Well, the majority leader in the United States Senate had some things to say also about the nuclear option back in those years, which I believe was still 2005, when HARRY REID said, ''The right to extend debate is never more important than when one party controls Congress and the White House. In these cases a filibuster serves as a check on power and preserves our limited government.'' HARRY REID. What did he think? He thought they shouldn't use the nuclear option, the reconciliation package, because the filibuster is necessary as a check on power and it preserves our limited government.

Now, Mr. Speaker, it brings me to then-Senator, now Vice President JOE BIDEN, who said of the reconciliation-nuclear option: ''Ultimately an example of the arrogance of power, it is a fundamental power grab. I pray God when the Democrats take back control, we don't make the kind of naked power grab you are doing.'' Vice President JOE BIDEN. Presumably that's also a philosophical conviction. He's praying to God that they don't do the same thing that he alleged Republicans were about to do—and did not, by the way, at least on that occasion.

Now I have on reconciliation Senator CHRIS DODD, Democrat from Connecticut, who said, ''I've never passed a single bill worth talking about that didn't have as a lead cosponsor a Republican, and I don't know of a single piece of legislation that's ever been adopted here that didn't have a Republican and a Democrat in the lead. That's because we need to sit down and work with each other. The rules of this institution have required that. That's why they exist. Why have a bicameral legislative body? Why have two Chambers? What were the Framers thinking about? They understood, Mr. President, that there is a tyranny of the majority.'' Senator CHRIS DODD speaking of reconciliation.

Now, that's a list of some of them, but I think it would be instructive to go the rest of the way through, Mr. Speaker, and go to Senator DIANNE FEINSTEIN and what she had to say of reconciliation, which was: ''The Senate becomes ipso-facto the House of Representatives, where the majority rules supreme and the party in power can dominate and control the agenda with absolute power. '' Senator DIANNE FEINSTEIN. And that is an accurate analysis of the function of what's going on right now. We will see if she'll participate in this and go back on her position.

But at least then-Senator and now Secretary of State Hillary Clinton won't have to be engaged in this because she happens to be now the Secretary of State and out of this loop. But Hillary Clinton said of reconciliation: ''You've got majority rule, and then you've got this Senate here where people can slow things down, where they can debate, where they have something called the filibuster. You know, it seems like a little less than efficient. Well, that's right it is and deliberately designed to be so. The Senate is being asked to turn itself inside out. Ignore the precedent to ignore the way our system has worked. The delicate balance that we have obtained that has kept this constitutional system going for immediate gratification of the present President.'' Hillary Clinton, opposed to the nuclear option-reconciliation.

Now, the last quote that I have in front of me is Senator MAX BACHUS, who was actively engaged in the negotiations on this bill for a time with my senior Senator CHUCK GRASSLEY, who essentially was shut out of these negotiations last September. MAX BACHUS said of the nuclear option-reconciliation: ''This is the way democracy ends, not with a bomb but with a gavel.''

That's what we're looking at, Mr. Speaker. But all of these people are in a position to flip around and change their position. I'd remind the American people that Thomas Jefferson once said that large initiatives should not be advanced on slender majorities. And that's an important point, and I don't know that Jefferson was talking about bipartisan majorities being broader than slender, but he surely would have rejected the idea that very slender, exclusively partisan majorities are not conducive to the good future of our country.

And then I would make another point with regard to these negotiations and discussions, Mr. Speaker, and that is the President of the United States has had kind words to say to some of the people that we've viewed as our enemies. One of them would be Ahmadinejad, who is the President of Iran. And he said in his State of the Union address—this is an interesting thing to come from the President. This is speaking almost directly to Ahmadinejad in Iran, standing back where you are, very close in front of where you are, Mr. Speaker. President Obama said this: ''To those who cling to power through corruption and deceit and the silencing of dissent, know that you are on the wrong side of history, but that we will extend a hand if you are willing to unclench your fist.'' That was the President's statement in the State of the Union address, and no doubt he's speaking to Ahmadinejad, someone who has sworn that he is an enemy of the United States and wants to annihilate the ''Great Satan.'' And he defines Ahmadinejad as one who is clinging to power through corruption and deceit and the silencing of dissent. It sounds a lot like what we're going through here in this Congress. It sounds a lot like the silencing of dissent that's taking place in the House of Representatives, with no amendments allowed unless they make Republicans look bad, a shutdown of the open rules process, a shutdown of the debates process, and a driving through of legislation in a partisan way.

So I'm going to suggest this, Mr. Speaker, that I would appreciate it if the President today would offer the Republicans the same thing that he offered Ahmadinejad, and that would be that we would extend our hand if he would have just unclenched his fist. We would have been happy to meet with the President without preconditions, but the President insisted on preconditions. So did Ahmadinejad. He insisted on preconditions, and the President said, I don't insist on any. I offer my hand. Here is a blank piece of paper. Let's negotiate regardless of what your conditions are. But instead the President on health care said to Republicans, I'm going to hang on to my ObamaCare bills, House and Senate. I'll pick my choice because I couldn't write a bill of my own, and

I'm going to hang on to the reconciliation-nuclear option because that's the gun to the head of Republicans, and you can figure out if you're going to blink and concede something to us today and bring some votes over to our side of the aisle so we can claim that this albatross is something that belongs to Democrats and Republicans. And when we rightfully refuse, they will pull the trigger on reconciliation, the nuclear option. And it won't be because we didn't offer an open hand. It will be because their clenched fist squeezed the trigger of the round of the nuclear option and sets off a food fight in America that will be ugly in the streets if they force this thing on this country.

I have been joined by the gentleman and my very good and close friend from Texas (Mr. GOHMERT), whom I would be very happy to yield to.

Mr. GOHMERT. I appreciate my friend from Iowa, and I appreciate the points that he's been making.

You heard so much information today. It was a bit mind-boggling when you think about the number of people that were in the so-called summit today, and not only did they not have a copy of the bills that they were going to try to ram down America's throat, they seemed to be a little miffed when people like ERIC CANTOR and PAUL RYAN had data right at their fingertips to talk about, because it's very discomforting, I would imagine, if you get very indignant and say there's no money in any of these bills for abortion.

We heard the same thing right here on this floor just within feet of where my friend from Iowa is. We heard people say when we debated the House bill that there is no money in this bill for abortion. And I don't infer any evil intent or intent to deceive, but I know when people say that, since clearly they have no intent to deceive, they just hadn't read the bill before they came to the floor or went to the summit to try to convince people about.

And let's face it. It was called a summit today. Summit meaning height. It was the height of something. And we'll let the Speaker figure out for us what that height was, but it was the height of something, the summit of something.

□ 2300

But the President himself, I think he was within maybe 1 minute of taking 2 hours of all that time by himself. And I was certified as a mediator. I went through training and certification as an international arbitrator. I know something about coming together and mediating. And when you have one side sitting here and another side sitting over here and you say I am going to be fair-handed between the time, and you take individually more time beating up on the poor little guys over here who got even less time among that whole group. I am not sure how many there were on each side, but certainly over a dozen. And the one mediator takes 2 hours of the time just pushing his position, belittling the position of others. And any time he is corrected, since obviously he has no intent to deceive, so when he makes a mistake on exactly what the facts are, having somebody try to correct it and then having them interrupted, as my friend points out.

But like we had the discussion here on the floor, our friend BART STUPAK across the aisle had an amendment to take out the abortion provisions that would allow Federal funding for abortion. So gee, why in the world would you need an amendment to take out the abortion funding if there were no abortion funding in the bill? But, as I am sure my friend from Iowa knows, if you went to page 110 of the House bill, there is, and, of course, I have been through, I got tags all through this stuff as you can see, because I was trying to go through to see what was fact and what was fiction. But right here on page 110, subsection capital B, ''Abortions''—this is the topic—''Abortions for which public funding is allowed.'' And then it goes on and sets things out like that.

So when somebody comes to the floor and says there is no public funding for abortion in this bill at all, and we know also that the Senate refused to allow anything close to the Stupak amendment to cut out Federal funding, then we know that this same kind of language was in the bill that was going to survive and that they were going to work from. Because as I have heard my friend Mr. STUPAK say, if that language is not taken out with a Stupak-type amendment, he can't vote for it, nor can maybe 40 of our friends across the aisle. But ''Abortions for which the public funding is allowed.'' Now, you know people did not read that on the floor. And our Speaker did not know that that language was there. I am sure she didn't prepare the bill.

And we also know that they didn't read some of the other provisions. Because I am sure that when people from the President on down say, ''If you like your health care you are going to get to keep it,'' I am sure they didn't intend to deceive anybody. I am sure they didn't. But it also tells me they hadn't read the bill that is before us. And this language, from the best I can tell, as my friend pointed out earlier, from the 11-page summary and then the 19-page summary of the summary. Both of those can be obtained, of course, from the White House Web site. You can either look at their 11-page summary or their 19-page summary of the summary. But I can't find that this language is removed in their summary or summary of the summary. So if you look at page 91 of the bill, it's entitled, ''Protecting the Choice to Keep Current Coverage.''

This is the provision that will allow you to keep your coverage if you like it. So, being an old judge, chief justice, I kind of feel like I appreciate the representations, but as I used to tell the lawyers that argued before me, I appreciate your opinion, but I would really rather see the language for myself so I can read it and figure out what it really says.

So, you go look at the language itself, and voila, subsection A, ''Grandfathered Health Insurance Coverage.'' And it describes that, ''The term grandfathered health insurance coverage means individual health insurance coverage that is offered and in force and effect before the first day of Y1.'' That is the first date that the bill goes into effect. And then you have got two basic subparagraphs, number one, ''Limitation on new enrollment.'' And that says, and I will quote from that subsection, in order to keep your coverage if you like it, it says, ''The individual health insurance issuer offering such coverage does not enroll any individual in such coverage.''

Now, you get what that means. It means the two different gentlemen I have had over the last few weeks that approached me back in my district, and one of them said, ''I am not concerned at all about what you're doing about health care because I was part of a union and a part of a big corporation. I retired. They got me a great health care plan, and I'm pleased with it. And I'm not worried about anybody else.'' The other, as it turned out, had been part of the same union, part of the same company and retired. He was concerned, and he said, ''Tell me more about how I can keep my policy.''

For people like that, all they would have to do is read this individual provision. So the gentleman who said, I'm really not worried, I said, ''Well, let me ask you, since this says here that you can't keep your coverage even if you like it if another individual is enrolled in such coverage, I have to ask, does anybody ever get added to your health care coverage from your union that you were part of and retired from and now have this great retired medical policy?'' And he says, ''Well, yeah, people retire all the time.'' Bad news. That is really bad news, because that means they get added to the policy. That means under ''Limitation on New Enrollment,'' number one, you're eliminated from keeping your coverage and you get bounced over onto the Federal insurance exchange program.

The second limitation might affect some other Americans who like their insurance and would like to keep it. It is this. The title is, ''Limitation on changes in terms or conditions.'' I am just reading from the bill. I'm not making this up. ''The issuer does not change any of its terms or conditions, including benefits and cost sharing.'' You get that? If the insurance company that has the policy you like, like these two gentlemen that retired from a major company after having their union negotiate a good policy, if any term or condition in their policy changes, if the benefits change at all, they add benefits, they take any benefits away, they say, well, you know

what, we found out this treatment was not safe so we're removing it from something we'll provide coverage for, you find out something is a brand new treatment that works, we add that, well, you've changed your benefits. And it says here you can't change your benefits if you're going to keep it. And if you change the copay, if you change the deductible, if you change the price of the policy, bad news. Under number two, you lose your policy and you get kicked over under the Federal insurance exchange program.

Now, I was intrigued today to hear one of our Democratic friends there at the White House summit give a wonderful example about the Federal insurance exchange program. He gave this example or something like this. I was listening to two or three things at the same time, I had hearings and meetings and things going on. But as I understood it, he said, ''Well, like when I want to go look for a flight or make travel arrangements, I will go onto Orbitz or Expedia or something like that. Well, that's all this Federal insurance program is. You know, it helps you find the best policy.''

Well, that is a wonderful point. I have been trying to find where the government owns Orbitz and Expedia. I can't find that they own those programs. The best I can determine, whether it's Travelocity, Orbitz, Expedia, whatever, I can't find the government owns any of those. I can't find that it is a Federal Orbitz, a Federal Expedia, Travelocity, whatever it is. I can't find that. Apparently, these are private companies. And apparently, from what he said, he likes what the private companies are doing.

Well, we want people in America to have choice. We want them to have the best choice. And I bet you if you asked Americans, and said, ''We're thinking about creating a travel agency, and the government will make all your travel arrangements for you. You just contact our government office. We're going to give you an option to all the other airlines, all the other travel agencies. We're just going to let the government do that because we feel like you are owed a public option when you travel.'' I wonder how many people would ever go to the Federal option, because it is not competitive.

□ 2310

The Federal Government never has to compete. It can run in the red. They don't care. Their salaries are not dependent on how well the company does.

And so I also want to point out that if you look here at section 501, the title of section 501 is ''Tax on Individuals Without Acceptable Health Care Coverage.'' ''Tax on Individuals Without Acceptable Health Care Coverage.'' And this place is supposed to care about the little guys, the guys that are out there working from dawn until dusk and some of them into the night to try to make enough money and then go to another job and moonlight to try to help the family, help the kids have what they need to get through school? And you're going to say, You know what? You make a little too much to be under the poverty line that will allow us to just give you free health insurance or health care, so under section 501, we're just going to have to tax you because you're not buying a Cadillac insurance policy.

But then again, we also know if you have a Cadillac insurance policy—which to me, Cadillacs are great cars. I used to have one before I ever came to Congress. I can't afford one now, but they were good cars. And, unfortunately, Cadillacs may not be what they used to be now that the government motors owns them or makes them.

But nonetheless, can you imagine the arrogance of a government that tells people, You're not buying as expensive of an insurance policy that I think you ought to have so I am going to tax you for it?

And in the summary, the President's plan points out—or the changes to the House and Senate bill says, in the summary, You know what? The medical device tax—what some of us referred to as the wheelchair tax. Of course, they initially stuck the medical device tax in there, and there was no threshold above which you had to be to pay an extra tax if you had the misfortune of needing a medical device. And so some began to refer to it as the tampon tax, because that meets the requirements of a medical device and it could be taxed. And the threshold of a hundred dollars is put in there.

So the President says, You know what? We may just create a whole new excise tax that everybody is going to have to pay. Sorry about that $250,000 exclusion I told you about at one time, but you're still going to have to pay more taxes. This is chock full of this stuff. That is why most Americans do not want this bill.

And if you look, there are all kinds of, still, pot sweeteners for Senators or Representatives that were reluctant. They changed some of those, but the pot sweeteners were in there to try to get their vote. They don't help all Americans. They sweeten the pot only for those votes that they think they need to get it passed. That is not right. That is not good for all Americans. That's not consistent with the equal protection that is promised to all Americans under the Constitution. You ought to have equal opportunity, and they don't have it.

I appreciate so much the time as my friend has yielded.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Mr. HOYER) for today.

Mr. DENT (at the request of Mr. BOEHNER) for today after 3 p.m. and for the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ETHERIDGE) to revise and extend their remarks and include extraneous material:)

Mr. ETHERIDGE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 4.

Mr. JONES, for 5 minutes, March 4.

Mr. MORAN of Kansas, for 5 minutes, March 4.

Mr. THOMPSON of Pennsylvania, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on February 25, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 4532. To provide for permanent extension of the attorney fee withholding procedures under title II of the Social Security Act to title XVI of such Act, and to provide for permanent extension of such procedures under titles II and XVI of such Act to qualified non-attorney representatives.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Friday, February 26, 2010, at 9 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 4691, the Temporary Extension Act of 2010, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4691, THE TEMPORARY EXTENSION ACT OF 2010 AS INTRODUCED ON FEBRUARY 25, 2010

[Millions of dollars, by fiscal year]

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET IMPACT ON THE DEFICIT													
Net increase in the Deficit	8,605	750	286	275	195	105	75	10	0	0	0	10,218	10,303
Less:													
Current-Policy Adjustment for Medicare Payments to Physicians [1]	1,040	0	0	0	0	0	0	0	0	0	0	1,040	1,040
Designated as Emergency Requirements [2]	7,565	750	286	275	195	105	75	10	0	0	0	9,178	9,263
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0

[1] Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.
[2] Section 11 of the Temporary Extension Act of 2010 would designate all sections of the Act, except section 5, as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

Notes: Positive numbers for ''Net Impact on the Deficit'' denote an increase in the deficit. Components may not sum to totals because of rounding.

Sources: Congressional Budget Office and Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

6230. A letter from the Chief, Regulatory Analysis and Development, Department of Agriculture, transmitting the Department's final rule — Importation of Hass Avocados From Peru [Docket No.: APHIS-2008-0126] (RIN: 0579-AC93) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6231. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Triticonazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0276; FRL-8808-6] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6232. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pendimethalin; Pesticide Tolerances [EPA-HQ-OPP-2008-0876; FRL-8804-2] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6233. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oxirane, 2-Methyl-, Polymer with Oxirane, Dimethyl Ether; Tolerance Exemption [EPA-HQ-OPP-2009-0675; FRL-8805-3] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6234. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2009-0273; FRL-8807-2] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6235. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, 2-ethylhexyl ester, polymer with ethenylbenzene and 2-methylpropyl 2-methyl-2-propenoate; Tolerance Exemption [EPA-HQ-OPP-2009-0699; FRL-8807-4] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6236. A letter from the Deputy Secretary, Department of Defense, transmitting report to Congress on Taiwan's Air Defense Force; to the Committee on Armed Services.

6237. A letter from the Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries, Department of Defense, transmitting A report on the actual status of the D.O.D. Medicare-Eligible Retiree Health Care Fund along with recommendations that the Board deems necessary; to the Committee on Armed Services.

6238. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements-Costa Rica and Peru (DFARS Case 2008-D046) (RIN: 0750-AG31) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6239. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 45th report required by the FY 2000 Emergency Supplemental Act, pursuant to Public Law 106-246, section 3204(f); to the Committee on Armed Services.

6240. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

6241. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's ''Major'' final rule — HOPE for Homeowners Program; Statutory Transfer of Program Authority to HUD and Conforming Amendments To Adopt Recently Enacted Statutory Changes [Docket No.: FR-5340-I-02] (RIN: 2502-AI76) received February 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6242. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's ''Major'' final rule — Fair Credit Reporting Risk-Based Pricing Regulations [Regulation V; Docket No. R-1316] (RIN: 3084-AA94) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6243. A letter from the Assistant General Counsel, Division of Regulatory Services, Department of Education, transmitting the Department's ''Major'' final rule — Student Assistance General Provisions; Teacher Education Assistance for College and Higher Education (TEACH) Grant Program; Federal Pell Grant Program; Academic Competitiveness Grant Program and National Science and Mathematics Access To Retain Talent Grant Program [Docket ID: ED-2009-OPE-0001] (RIN: 1840-AC96) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6244. A letter from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting the Department's ''Major'' final rule — Interim Final Rules Under the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (RIN: 1210-AB30) received February 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

6245. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2008 annual performance report to Congress required by the Medical Device User Fee and Modernization Act of 2002; to the Committee on Energy and Commerce.

6246. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Endocrine Disruptor Screening Program; Policies and Procedures for Initial Screening [EPA-HQ-OPPT-2007-1080; FRL-3899-9] (RIN: 2070-AD61) received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6247. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana [EPA-R08-OAR-2008-0307; FRL-8968-3] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6248. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Premanufacture Notification Exemption for Polymers; Amendment of Polymer Exemption Rule to Exclude Certain Perfluorinated Polymers [EPA-HQ-OPPT-2002-0051; FRL-8805-5] (RIN: 2070-AD58) received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6249. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [EPA-R09-OAR-2009-0475; FRL-9104-7] received January 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6250. A letter from the Deputy chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Closed Captioning of Video Programming [CG Docket No.: 05-231] received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6251. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (Anchorage, Alaska) [MB Docket No.: 09-210] received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6252. A letter from the Chief of Staff, Media Bureau, Federal Communications Commissions, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Maupin, Oregon) [MB Docket No.: 09-130] received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6253. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 6, 2009, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

6254. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period August 1 through September 30, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

6255. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the sixth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229; to the Committee on Foreign Affairs.

6256. A communication from the President of the United States, transmitting a report pursuant to Section 3134 of the National Defense Authorization Act for Fiscal Year 2008; to the Committee on Foreign Affairs.

6257. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting FY 2011 Congressional Budget Justification/FY 2009 Annual Performance Report; to the Committee on Oversight and Government Reform.

6258. A letter from the Secretary, Department of Education, transmitting FY 2009 Annual Performance Report; to the Committee on Oversight and Government Reform.

6259. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6260. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting FY 2009 Treasury Agency Financial Report; to the Committee on Oversight and Government Reform.

6261. A letter from the Acting Comptroller, Government Accountability Office, transmitting the Office's Performance and Accountability Report for Fiscal Year 20097; to the Committee on Oversight and Government Reform.

6262. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's annual Performance and Accountability Report for Fiscal Year 2009, ending September 30, 2009; to the Committee on Oversight and Government Reform.

6263. A letter from the Director, Office of Management and Budget, transmitting the Office's report entitled, ''2009 Report to Congress on the Benefits and Cost of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities'', pursuant to 31 U.S.C. 1105 note; to the Committee on Oversight and Government Reform.

6264. A letter from the Assistant Attorney General, Department of Justice, transmitting annual report pursuant to the Military and Overseas Voter Empowerment Act, pursuant to Public Law 111-84, section 587; to the Committee on House Administration.

6265. A letter from the Chair, Election Assistance Commission, transmitting the Commission's FY 2009 Annual Report, submitted in accordance with Section 207 of the Help America Vote Act of 2002 (HAVA); to the Committee on House Administration.

6266. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processors Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS96) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6267. A letter from the Deputy chief, Regulatory Products Division, Department of Homeland Security, transmitting the Department's final rule — Naturalization for Certain Persons in the U.S. Armed Forces [CIS No.: 2479-09; DHS Docket No. DHS-2009-0025] (RIN: 1615-AB85) received January 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6268. A letter from the Program Manager, Department of Justice, transmitting the Department's final rule — Commerce in Explosives-Storage of Shock Tube With Detonators (2005R-3P) [Docket No.: ATF 15F; AG Order No. 3133-2010] (RIN: 1140-AA30) received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6269. A letter from the Secretary, Department of Energy, transmitting a report entitled ''Final Cost and Performance Goals for Coal-Based Technologies''; to the Committee on Science and Technology.

6270. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Issue: Cost Sharing Stock Based Compensation Directive #2 received January 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6271. A letter from the Assistant U.S. Trade Representative for WTO and Multilateral Affairs, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement, pursuant to the Statement of Administrative Action of the Uruguay Round Agreements Act; to the Committee on Ways and Means.

6272. A letter from the Secretary, Department of Defense, transmitting disaster relief operations related to the Haiti Earthquake; jointly to the Committees on Armed Services and Financial Services.

6273. A letter from the Inspector General, Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) January 2010 Quarterly Report, pursuant to Public Law 108-106, section 3001; jointly to the Committees on Foreign Affairs and Appropriations.

6274. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled ''Report to Congress on Iran-Related Multilateral Sanctions Regime Efforts'' covering the period from Febuary 17, 2009 to August 16, 2009, pursuant to Public Law 104-172; jointly to the Committees on Foreign Affairs, Financial Services, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 1109. Resolution providing for consideration of the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration (Rept. 111–420). Referred to the House Calendar.

Mr. CARDOZA: Committee on Rules. House Resolution 1113. Resolution providing for further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 111–421). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MARKEY of Massachusetts (for himself and Mr. SMITH of New Jersey):

H.R. 4689. A bill to establish the Office of the National Alzheimer's Project; to the Committee on Energy and Commerce.

By Mr. PERLMUTTER (for himself, Ms. WATERS, Mrs. HALVORSON, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. HODES, Mr. HIMES, Mr. SIRES, Mr. CARSON of Indiana, Mr. ELLISON, Mrs. CHRISTENSEN, Mr. CARNAHAN, Mr. HOLT, Mr. COHEN, Mr. COURTNEY, Mr. MCDERMOTT, Mr. QUIGLEY, Ms. SCHWARTZ, Mr. TONKO, and Mr. SARBANES):

H.R. 4690. A bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. CONYERS, and Mr. OBERSTAR):

H.R. 4691. A bill to provide a temporary extension of certain programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and Labor, Transportation and Infrastructure, Financial Services, Small Business, the Judiciary, and the Budget, 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. LIPINSKI (for himself, Mr. BRALEY of Iowa, Mr. RYAN of Ohio, Mr. MANZULLO, Ms. SUTTON, Mr. EHLERS, Mr. HARE, Mr. DINGELL, Mr. MICHAUD, Ms. KAPTUR, Mr. SCHOCK, Mr. VISCLOSKY, Mr. WILSON of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. KAGEN, Mr. STUPAK, Mr. LYNCH, Mr. LOEBSACK, Mrs. DAHLKEMPER, Mr. ELLISON, Mr. ELLSWORTH, Mr. PERRIELLO, Mr. KILDEE, Mr. PETERS, Ms. SHEA-PORTER, Mr. TAYLOR, Mr. SARBANES, and Mr. JOHNSON of Illinois):

H.R. 4692. A bill to require the President to prepare a quadrennial National Manufacturing Strategy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the

Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAHLKEMPER (for herself, Mr. BISHOP of Georgia, Mr. GALLEGLY, Mr. BRADY of Pennsylvania, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. ALTMIRE, Mr. SHUSTER, Ms. JACKSON LEE of Texas, Mr. HOLDEN, and Mr. CARNEY):

H.R. 4693. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Forces for a new State license or certification required by reason of a permanent change in the duty station of such member to another State; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Mr. HIMES, Mr. POLIS of Colorado, Mr. GONZALEZ, Ms. ESHOO, Ms. ZOE LOFGREN of California, Ms. CHU, Mr. LYNCH, Mr. HINOJOSA, Mr. BACA, Ms. MOORE of Wisconsin, Mr. PERRIELLO, Mr. AL GREEN of Texas, Ms. CLARKE, and Mr. MOORE of Kansas):

H.R. 4694. A bill to amend the Community Development Banking and Financial Institutions Act of 1994 to provide financial assistance to community development financial institutions to help defray the costs of operating small dollar loan programs, and for other purposes; to the Committee on Financial Services.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. HONDA, Mr. SABLAN, and Mr. PIERLUISI):

H.R. 4695. A bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to provide financial assistance to local educational agencies that educate alien children admitted to the United States as citizens of one of the Freely Associated States; to the Committee on Education and Labor.

By Mrs. BACHMANN:

H.R. 4696. A bill to expand the availability of health savings accounts, to eliminate restrictions on the deduction for medical expenses, and to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. CAO (for himself, Mr. NYE, Mr. CASSIDY, Mr. TAYLOR, and Mr. POSEY):

H.R. 4697. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income remediation payments for hazardous drywall; to the Committee on Ways and Means.

By Mr. CASTLE (for himself, Mr. DENT, Mr. HINCHEY, Mr. HOLT, and Mr. SESTAK):

H.R. 4698. A bill to direct the Secretary of the Interior to establish a program to build upon and help coordinate funding for restoration and protection efforts at the Federal, regional, State, and local level for the four-State Delaware Basin, including all of Delaware Bay and portions of Delaware, New Jersey, New York, and Pennsylvania, located in the Delaware River watershed, and for other purposes; to the Committee on Natural Resources, 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. DONNELLY of Indiana:

H.R. 4699. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified motor vehicle taxes for motor homes; to the Committee on Ways and Means.

By Mr. KAGEN (for himself, Mr. FOSTER, Ms. SHEA-PORTER, Mr. BOSWELL, Mr. LOEBSACK, Mr. PERRIELLO, Mr. BRALEY of Iowa, Mr. LIPINSKI, Mr. KLEIN of Florida, Mr. PERLMUTTER, Mr. DEFAZIO, Mr. HASTINGS of Florida, Mr. STUPAK, Mr. COHEN, Ms. PINGREE of Maine, Mr. WELCH, Ms. MCCOLLUM, and Mr. HODES):

H.R. 4700. A bill to provide for transparency in health care pricing, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 4701. A bill to amend the Internal Revenue Code of 1986 to provide relief to certain married couples who would otherwise be ineligible for the first-time homebuyer credit; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 4702. A bill to amend the Internal Revenue Code of 1986 to allow all taxpayers a credit against income tax for up to $1,000 of charitable contributions; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. MCCLINTOCK, Mr. MCKEON, Mr. GALLEGLY, Mr. HUNTER, Mr. ROHRABACHER, Mr. CAMPBELL, and Mr. DANIEL E. LUNGREN of California):

H.R. 4703. A bill to prohibit the further extension or establishment of national monuments in California except by express authorization of Congress; to the Committee on Natural Resources.

By Mr. MASSA:

H.R. 4704. A bill to provide public safety officer disability benefits to officers disabled before the enactment of the Federal public safety officer disability benefits law; to the Committee on the Judiciary.

By Mr. MCHENRY (for himself, Mr. KLINE of Minnesota, Mr. GALLEGLY, Ms. GRANGER, Mr. BRADY of Texas, Mr. HENSARLING, Mr. POSEY, Mr. GOHMERT, Mr. LAMBORN, Mr. WAMP, Mr. PRICE of Georgia, Mr. BARTLETT, Mr. MILLER of Florida, and Mr. GARRETT of New Jersey):

H.R. 4705. A bill to require the Secretary of the Treasury to redesign the face of $50 Federal reserve notes so as to include a likeness of President Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. OWENS:

H.R. 4706. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit against income tax to assist individuals with high residential energy costs; to the Committee on Ways and Means.

By Mr. SCHAUER:

H.R. 4707. A bill to extend the emergency unemployment compensation program through the end of fiscal year 2010; to the Committee on Ways and Means.

By Mr. TIAHRT (for himself, Mr. HELLER, Mr. BILBRAY, Mrs. MYRICK, and Mr. JONES):

H.R. 4708. A bill to amend titles XIX and XXI of the Social Security Act to require citizenship and immigration verification of eligibility under Medicaid and the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. TONKO (for himself, Mr. HARE, Mr. HONDA, Ms. NORTON, and Mr. SIRES):

H.R. 4709. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K-12 instruction and curriculum and to provide evaluation grants to measure efficacy of K-12 engineering education; to the Committee on Education and Labor.

By Mr. SKELTON (for himself, Mr. PETERSON, and Mrs. EMERSON):

H.J. Res. 76. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. COHEN (for himself, Mr. BLUMENAUER, Mr. WU, Ms. NORTON, Ms. BORDALLO, and Ms. RICHARDSON):

H. Con. Res. 240. Concurrent resolution expressing support for designation of the fourth week in April as ''National Streetscaping Week''; to the Committee on Transportation and Infrastructure.

By Mr. BLUNT (for himself, Mr. AKIN, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, Mrs. EMERSON, Mr. GRAVES, and Mr. LUETKEMEYER):

H. Con. Res. 241. Concurrent resolution congratulating Silver Dollar City and Herschend Family Entertainment Company on the 50th anniversary of the opening of Silver Dollar City, a turn-of-the-century theme park that celebrates the spirit, ingenuity, and artistry of early America; to the Committee on Oversight and Government Reform.

By Mr. AL GREEN of Texas (for himself, Mr. PAYNE, Ms. KILPATRICK of Michigan, Mr. COHEN, Mr. THOMPSON of Mississippi, Ms. RICHARDSON, Mr. CLEAVER, Mr. HONDA, Mr. SIRES, Ms. FUDGE, and Mr. PERRIELLO):

H. Con. Res. 242. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary; to the Committee on the Judiciary.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Ms. BORDALLO, and Mr. SABLAN):

H. Con. Res. 243. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha; to the Committee on House Administration.

By Ms. FALLIN (for herself, Mr. BOREN, Mr. COLE, Mr. LUCAS, and Mr. SULLIVAN):

H. Res. 1110. A resolution commending the members of the 45th Agri-Business Development Team of the Oklahoma National Guard, for their efforts to modernize agriculture and sustainable farming practices in Afghanistan and their dedication and service to the United States; to the Committee on Armed Services.

By Ms. MARKEY of Colorado (for herself and Mr. EHLERS):

H. Res. 1111. A resolution designating March 2, 2010, as ''Read Across America Day''; to the Committee on Education and Labor.

By Mr. THOMPSON of Pennsylvania (for himself, Mr. SHUSTER, Mr. HOLDEN, Mr. GERLACH, Mr. DENT, Mr. SESTAK, Mr. TIM MURPHY of Pennsylvania, Mrs. DAHLKEMPER, and Mr. WOLF):

H. Res. 1112. A resolution congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon (THON) on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; to the Committee on Education and Labor.

By Ms. GRANGER (for herself and Mr. BOREN):

H. Res. 1114. A resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HUNTER (for himself, Mr. BILBRAY, Ms. ROS-LEHTINEN, Mrs. DAVIS of California, Mr. ISSA, and Mr. FILNER):

H. Res. 1115. A resolution expressing appreciation for the profound dedication and public service of Enrique ''Kiki'' Camarena on the 25th anniversary of his death; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mr. CARNAHAN, and Mr. BURGESS):

H. Res. 1116. A resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Energy and Commerce.

By Ms. ZOE LOFGREN of California (for herself and Mr. HERGER):

H. Res. 1117. A resolution commending and congratulating the California State University system on the occasion of its 50th anniversary; to the Committee on Education and Labor.

By Mr. MCCAUL (for himself, Ms. ROS-LEHTINEN, Mr. POE of Texas, Mr. INGLIS, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. OLSON, Mr. KIRK, Ms. JACKSON LEE of Texas, Mr. ROYCE, Mr. SMITH of New Jersey, and Mr. WOLF):

H. Res. 1118. A resolution expressing the concern of the House of Representatives over the Government of Iran's continued oppression of its people and calling on the Administration to take further measures in support of those oppressed by the current Iranian regime; to the Committee on Foreign Affairs.

By Mr. PETERS (for himself, Mr. BRADY of Pennsylvania, Mr. INGLIS, Mr. LAMBORN, Mrs. MILLER of Michigan, Mr. ROGERS of Alabama, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. UPTON, Mr. DINGELL, Mr. SCHAUER, Mr. MOORE of Kansas, Mr. AL GREEN of Texas, Mr. LATOURETTE, Mr. MICHAUD, Ms. SUTTON, Mrs. HALVORSON, Ms. PINGREE of Maine, Mr. KISSELL, Mr. CAMP, Mr. LARSEN of Washington, Mr. HEINRICH, Mr. SCHIFF, Mr. BRIGHT, Mr. KILDEE, Mr. QUIGLEY, Mr. KLEIN of Florida, Mr. LEE of New York, Mr. BACHUS, Mr. NYE, Mr. MURPHY of New York, Mr. BOCCIERI, Mr. CHANDLER, Mr. AKIN, Mr. SMITH of Washington, Mr. MASSA, Mr. KRATOVIL, Ms. GIFFORDS, Mr. MAFFEI, Mr. ELLSWORTH, Mr. SNYDER, Mr. ADLER of New Jersey, Ms. SHEA-PORTER, Mr. COURTNEY, Ms. LORETTA SANCHEZ of California, and Mr. OWENS):

H. Res. 1119. A resolution expressing the sense of the House of Representatives that all people in the United States should participate in a moment of silence to reflect upon the service and sacrifice of members of the United States Armed Forces both at home and abroad; to the Committee on Armed Services.

By Mr. POE of Texas:

H. Res. 1120. A resolution recognizing the 174th anniversary of the independence of the State of Texas; to the Committee on Oversight and Government Reform.

By Mr. TURNER (for himself, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. WILSON of Ohio, Mr. JORDAN of Ohio, Mr. LATOURETTE, Mrs. SCHMIDT, Mr. LATTA, Ms. SUTTON, Ms. FUDGE, Mr. BOCCIERI, Mr. TIBERI, Mr. DRIEHAUS, Mr. AUSTRIA, Mr. BOEHNER, Ms. KILROY, Mr. SPACE, and Mr. KUCINICH):

H. Res. 1121. A resolution congratulating Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

232. The SPEAKER presented a memorial of the Senate of the Commonwealth of Puerto Rico, relative to Senate Resolution 860 urging the Federal Deposit Insurance Corporation (FDIC) to show temperance in the application of asset valuation to minority owned banks; to the Committee on Financial Services.

233. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 406 urging the Congress of the United States to immediately consider House Resolution No. 2499; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Ms. ESHOO, Mr. HUNTER, and Mrs. MCCARTHY of New York.

H.R. 182: Mrs. MALONEY.

H.R. 470: Mr. REHBERG.

H.R. 476: Mr. ABERCROMBIE.

H.R. 482: Ms. WASSERMAN SCHULTZ and Ms. NORTON.

H.R. 649: Mr. KLINE of Minnesota.

H.R. 673: Mr. MICHAUD.

H.R. 675: Mr. MICHAUD.

H.R. 840: Mr. WELCH.

H.R. 886: Mr. CARNAHAN, Mr. MCDERMOTT, Ms. SLAUGHTER, Mr. BARTLETT, Ms. LINDA T. SÁNCHEZ of California, Mr. TERRY, Mr. MCGOVERN, Mr. PETRI, and Mr. PUTNAM.

H.R. 949: Ms. PINGREE of Maine, Mr. DAVIS of Tennessee, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. CONYERS.

H.R. 994: Mr. MARCHANT.

H.R. 1074: Mr. MICA and Mrs. MCMORRIS RODGERS.

H.R. 1079: Ms. KILROY and Mr. WALZ.

H.R. 1085: Mr. POMEROY.

H.R. 1126: Ms. SUTTON and Mr. FATTAH.

H.R. 1132: Mr. FRANK of Massachusetts, Mr. GARY G. MILLER of California, and Mr. SIRES.

H.R. 1188: Mr. ADLER of New Jersey and Mr. SHIMKUS.

H.R. 1189: Mrs. DAHLKEMPER.

H.R. 1194: Mr. ELLISON, Mr. SCHOCK, and Mr. WALZ.

H.R. 1229: Mr. AUSTRIA.

H.R. 1240: Mr. GRIFFITH and Mr. GUTIERREZ.

H.R. 1310: Mr. MICHAUD.

H.R. 1378: Mr. MAFFEI.

H.R. 1490: Mr. WAXMAN and Mr. CLEAVER.

H.R. 1526: Mr. SCHAUER and Mrs. MCCARTHY of New York.

H.R. 1618: Mr. BACHUS.

H.R. 1796: Mr. HIGGINS.

H.R. 1799: Mr. JORDAN of Ohio and Ms. DEGETTE.

H.R. 1806: Mr. BISHOP of New York, Mr. NADLER of New York, Ms. MARKEY of Colorado, and Mr. BISHOP of Georgia.

H.R. 1826: Mr. BUTTERFIELD.

H.R. 1884: Mr. LEWIS of Georgia.

H.R. 1903: Mr. REHBERG.

H.R. 1912: Mr. QUIGLEY, Mr. CAMPBELL, and Mr. DEFAZIO.

H.R. 1925: Ms. SLAUGHTER, Ms. JACKSON LEE of Texas, and Ms. CHU.

H.R. 1990: Mr. HALL of New York and Mr. EDWARDS of Texas.

H.R. 2014: Mr. HEINRICH and Mr. FORBES.

H.R. 2021: Mr. REHBERG.

H.R. 2104: Mr. SCHAUER.

H.R. 2112: Mr. ROGERS of Kentucky.

H.R. 2262: Mr. KENNEDY and Ms. NORTON.

H.R. 2478: Mr. CAO.

H.R. 2480: Mr. MAFFEI.

H.R. 2493: Mr. WILSON of South Carolina and Mr. HOEKSTRA.

H.R. 2625: Mr. DOGGETT and Mr. BAIRD.

H.R. 2733: Ms. KILPATRICK of Michigan and Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 2766: Mr. FILNER.

H.R. 2831: Ms. SHEA-PORTER.

H.R. 2849: Mr. WELCH.

H.R. 2850: Mr. MCGOVERN and Mr. OLVER.

H.R. 2906: Mr. ISRAEL.

H.R. 2941: Mr. KIRK.

H.R. 2979: Ms. NORTON, Ms. FUDGE, and Mr. FILNER.

H.R. 3024: Ms. HERSETH SANDLIN and Mr. MANZULLO.

H.R. 3189: Mr. OWENS.

H.R. 3249: Ms. LEE of California, Mr. FALEOMAVAEGA, and Mr. AL GREEN of Texas.

H.R. 3329: Mr. KENNEDY.

H.R. 3339: Mr. MATHESON, Ms. BERKLEY, Mr. DICKS, and Mr. SCHRADER.

H.R. 3349: Mr. HALL of New York, Mrs. KIRKPATRICK of Arizona, Ms. RICHARDSON, Mr. WALZ, and Mr. PETERSON.

H.R. 3363: Mr. SULLIVAN.

H.R. 3380: Mrs. MALONEY, Ms. PINGREE of Maine, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mr. SARBANES, Mr. GALLEGLY, Mr. PETERS, Mr. KISSELL, Mrs. MILLER of Michigan, Mr. KENNEDY, Mr. GRAYSON, Mr. CARNEY, Mr. KAGEN, Mr. STARK, Mr. BILIRAKIS, and Mr. ABERCROMBIE.

H.R. 3381: Mr. ENGEL.

H.R. 3401: Mrs. NAPOLITANO, Mrs. MALONEY, and Mr. MORAN of Virginia.

H.R. 3408: Ms. NORTON and Mr. JOHNSON of Georgia.

H.R. 3502: Mr. TIERNEY, Mr. BOCCIERI, Mr. ANDREWS, Mr. FLEMING, and Mrs. LOWEY.

H.R. 3526: Mr. HASTINGS of Florida.

H.R. 3571: Mr. MCCLINTOCK.

H.R. 3577: Mr. SESTAK.

H.R. 3586: Mr. TIBERI.

H.R. 3731: Mr. PALLONE, Ms. WOOLSEY, Ms. PINGREE of Maine, Ms. CLARKE, Ms. JACKSON LEE of Texas, Mr. ELLISON, Mr. RAHALL, Mr. BAIRD, Mr. MEEKS of New York, Mr. CUELLAR, Mr. JACKSON of Illinois, Mr. KISSELL, Mr. MCGOVERN, Mr. SHULER, and Ms. BORDALLO.

H.R. 3758: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 3851: Mr. SESTAK.

H.R. 3936: Mr. KAGEN, Mr. TONKO, and Mr. SPACE.

H.R. 3955: Mr. BACA.

H.R. 3995: Mr. MICHAUD.

H.R. 4053: Mr. KILDEE.

H.R. 4098: Mr. DAVIS of Illinois and Ms. CHU.

H.R. 4133: Mr. POE of Texas, Mr. PAUL, Mr. YOUNG of Alaska, Mr. BURTON of Indiana, Mr. GRIFFITH, and Mr. WITTMAN.

H.R. 4196: Mr. KENNEDY and Mr. RANGEL.

H.R. 4197: Mr. WELCH.

H.R. 4214: Ms. WATERS, Mr. DREIER, Mr. HUNTER, Mr. COSTA, Mr. FILNER, Mrs. DAVIS of California, and Ms. SPEIER.

H.R. 4226: Mr. CARNAHAN, Mr. ISRAEL, Mr. MCGOVERN, and Mr. ELLISON.

H.R. 4241: Mrs. MCCARTHY of New York and Mr. GORDON of Tennessee.

H.R. 4255: Mr. HARE and Mr. GOODLATTE.

H.R. 4268: Mr. NADLER of New York and Ms. LINDA T. SÁNCHEZ of California.

H.R. 4296: Ms. RICHARDSON.
H.R. 4301: Mr. HONDA and Mr. TANNER.
H.R. 4302: Mr. WALZ.
H.R. 4324: Mr. SCHAUER and Mr. COURTNEY.
H.R. 4346: Ms. RICHARDSON.
H.R. 4353: Mr. KIRK.
H. R. 4392: Mr. ENGEL.
H.R. 4394: Mrs. CHRISTENSEN.
H.R. 4396: Mr. SPACE.
H.R. 4400: Ms. HIRONO, Mr. WALZ, and Mr. AL GREEN of Texas.
H.R. 4410: Ms. JENKINS and Mr. HOLDEN.
H.R. 4446: Ms. FUDGE.
H.R. 4466: Mr. ELLSWORTH and Mr. WITTMAN.
H.R. 4493: Mr. KILDEE and Ms. HIRONO.
H.R. 4494: Mr. HARE and Ms. CORRINE BROWN of Florida.
H.R. 4524: Mr. KISSELL.
H. R. 4534: Mr. FARR.
H.R. 4538: Ms. ZOE LOFGREN of California.
H.R. 4539: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4548: Mr. LEE of New York and Mr. GARY G. MILLER of California.
H.R. 4553: Mr. MANZULLO and Mr. MAFFEI.
H.R. 4556: Mr. INGLIS, Mr. BONNER, Mr. LOBIONDO, and Mr. BURGESS.
H.R. 4558: Mr. CONYERS, Mr. EHLERS, Mr. SCHAUER, and Mr. MCCOTTER.
H.R. 4564: Mr. FILNER, Ms. MATSUI, Mr. GARAMENDI, Mr. HONDA, Ms. WATSON, Ms. HARMAN, Ms. WOOLSEY, Mr. BECERRA, Mr. GRAYSON, Mr. NADLER of New York, Ms. WATERS, Mr. THOMPSON of California, Mr. SARBANES, Mr. KILDEE, Mr. PRICE of North Carolina, Mr. CARSON of Indiana, Ms. ZOE LOFGREN of California, Ms. SPEIER, Mr. FALEOMAVAEGA, Mr. SABLAN, Mr. ABERCROMBIE, Mr. AL GREEN of Texas, Ms. LEE of California, Mr. LUJÁN, Mr. GRIJALVA, Mr. KIND, Mr. WELCH, Mr. SHERMAN, and Mr. KLEIN of Florida.
H.R. 4568: Mr. HEINRICH and Mr. MCCOTTER.
H.R. 4581: Mr. CASTLE and Mr. KING of New York.
H.R. 4597: Mr. HARE, Mr. HOLT, and Mr. SARBANES.
H.R. 4598: Mr. ADLER of New Jersey, Mr. JOHNSON of Georgia, Ms. SUTTON, Ms. FUDGE, Mr. EHLERS, and Mr. COSTA.
H.R. 4616: Mrs. MALONEY.
H.R. 4638: Mrs. CAPPS.
H.R. 4645: Mr. FARR, Mr. PAUL, Mr. LARSEN of Washington, Mr. EDWARDS of Texas, and Mr. MATHESON.
H.R. 4650: Mr. CONYERS.
H.R. 4653: Mr. DUNCAN, Mr. HOEKSTRA, Mrs. EMERSON, Mr. REHBERG, Mr. KING of New York, and Mr. MCCOTTER.
H.R. 4665: Ms. SLAUGHTER.
H. Con. Res. 170: Mr. SCALISE and Mrs. LUMMIS.
H. Con. Res. 231: Mr. SCHOCK.
H. Res. 311: Ms. CLARKE.
H. Res. 416: Mr. SCOTT of Virginia.
H. Res. 440: Mr. WITTMAN.
H. Res. 777: Mr. SESTAK.
H. Res. 855: Mr. OWENS, Mr. WILSON of Ohio, Mr. WOLF, Mr. BILIRAKIS, Mr. RANGEL, Mr. CALVERT, Mr. NUNES, Ms. JENKINS, Mr. ROGERS of Alabama, and Mr. SPRATT.
H. Res. 857: Mr. LUCAS.
H. Res. 992: Mr. COFFMAN of Colorado and Mr. LAMBORN.
H. Res. 1018: Mr. TIERNEY.
H. Res. 1055: Mr. WAMP and Mr. POLIS of Colorado.
H. Res. 1075: Mrs. DAHLKEMPER.
H. Res. 1078: Mr. SCHIFF, Mr. BILIRAKIS, Mr. WILSON of South Carolina, Ms. ROYBAL-ALLARD, and Mr. HUNTER.
H. Res. 1079: Mr. GERLACH.
H. Res. 1080: Mr. CONAWAY and Mr. SABLAN.
H. Res. 1081: Mr. RUSH and Mr. BRADY of Pennsylvania.
H. Res. 1086: Mr. MARSHALL, Mr. GARAMENDI, Mr. ABERCROMBIE, Mr. ARCURI, Mr. BECERRA, Mr. BOCCIERI, Ms. MATSUI, Mr. GARY G. MILLER of California, Mr. LEWIS of California, Mr. LUJÁN, Mr. DANIEL E. LUNGREN of California, Mr. KENNEDY, Mr. KILDEE, Mr. ISSA, Ms. JACKSON LEE of Texas, Mr. GUTIERREZ, Mr. GALLEGLY, Mr. ENGEL, Mr. CONNOLLY of Virginia, Mr. CARDOZA, Mr. CALVERT, Mr. MCCLINTOCK, Mr. MOLLOHAN, Mr. ORTIZ, Mr. PASTOR of Arizona, Ms. PINGREE of Maine, Mr. PUTNAM, Mr. RAHALL, Mr. REYES, Mr. SALAZAR, Ms. VELÁZQUEZ, Mr. WAMP, Mr. THOMPSON of California, and Mr. SIRES.
H. Res. 1090: Ms. NORTON and Mr. SCOTT of Virginia.
H. Res. 1104: Mr. REICHERT.
H. Res. 1107: Mr. SESTAK, Mr. CARTER, Mr. SCHIFF, Mr. BERMAN, Ms. FOXX, and Mr. HODES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

103. The SPEAKER presented a petition of Town of Parma, New York, relative to Resolution No. 279-2009 urging Congress to pass the Community Choice Act; to the Committee on Energy and Commerce.

104. Also, a petition of Court of Common Council, Hartford, Connecticut, relative to supporting the Sustain Communities Act (S. 1619); jointly to the Committees on Energy and Commerce, Financial Services, and Transportation and Infrastructure.

105. Also, a petition of Board of Supervisors of the City and County of San Francisco, California, relative to supporting H.R. 1064 and S. 435, the Youth Prison Reduction through Opportunities, Mentoring, Intervention, Support, and Education Act (Youth PROMISE Act); jointly to the Committees on the Judiciary, Education and Labor, Energy and Commerce, and Financial Services.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, THURSDAY, FEBRUARY 25, 2010 No. 25

Senate

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Benny Tate, senior pastor of Rock Springs Church in Milner, GA.

The guest Chaplain offered the following prayer:

Let us pray.

Our Heavenly Father, we bow our heads in Your presence. The Bible teaches us, ''Behold how good it is for brethren to dwell together in unity, because a House divided will not stand.'' May Your servants in this body not look to parties, personalities, preferences or press, but may they focus on principles and people.

God, we call our Senators politicians, but You call them ministers in the Bible. May all 100 Members of this body make full proof of their ministry. I ask for Your guidance on their decisions and Your grace on their families. Keep every one of them close and clean, being accountable to You.

We ask for protection for our men and women who so bravely protect us all over our world. We pray respecting all faiths, but pray this prayer in the Name of the Lord Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 25, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message with respect to H.R. 1299, which the clerk will report.

The legislative clerk read as follows:

A House message to accompany H.R. 1299, an Act making technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

Pending:

Reid amendment No. 3326 (to the House amendment to the Senate amendment), to change the enactment date.

Reid amendment No. 3327 (to amendment No. 3326), of a perfecting nature.

Reid amendment No. 3328, to provide for a study.

Reid amendment No. 3329 of a perfecting nature.

Reid amendment No. 3330 (to amendment No. 3329), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. CASEY. Madam President, today, the Senate will resume consideration of the House message with respect to H.R. 1299, the legislative vehicle for the Travel Promotion Act. Yesterday, the majority leader filed cloture on the motion to concur. That vote will occur tomorrow morning, unless we are able to reach an agreement to vote today.

In addition, we are also working on an agreement to consider a bill that would extend certain expiring tax provisions for 30 days. If we are able to reach an agreement, we could see votes on that after 4 p.m. There will be no rollcall votes prior to 4 p.m. to allow Senators to attend the health care summit with the President of the United States.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

GUEST CHAPLAIN DR. BENNY TATE

Mr. CHAMBLISS. Madam President, I rise this morning to thank our distinguished guest Chaplain, Dr. Benny Tate, of Milner, GA, who has brought us an inspirational message with which to begin our day.

Dr. Tate is the senior pastor of Rock Springs Church in Milner, GA, and has served his congregation well for 20 years. When Dr. Tate began preaching at Rock Springs Church, only 20 people came to worship on a given Sunday. Today, Dr. Benny Tate preaches to more than 4,000 people on any given Sunday. Rock Springs Church is now the largest church in the Congregational Methodist denomination.

Dr. Tate is the kind of pastor who finds creative ways to go out to the community and spread the word of God. He hosts the ''Apples of Gold'' radio program, reaching out to central Georgians through 15 radio stations.

He has worked with local civic organizations, leading his flock by example. He served as the Chappell Mill Fire Station Chaplain and as a Georgia

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Youth Camp board member, just to name a couple of his activities. He has also written three books as well as pieces for the local Griffin Daily News.

One of his books has been read by both my wife and myself and has a very unique and very appropriate title called ''Happy Wife, Happy Life.'' All of us males have a great appreciation for that title.

I have had the privilege of attending Dr. Benny Tate's church on many occasions. I have always found Rock Springs Church to be a very holy, spirit-filled church.

Dr. Tate has a very unique way of spreading the gospel in a manner that is mixed with humor and yet direct, personal feelings and the word of the Holy Spirit and the message that Jesus Christ gives to him. In short, he has effected positive changes in the church and the community through his outreach. We appreciate his efforts and his words of worship this morning, and I am very pleased to have my dear friend, Dr. Benny Tate, with us today.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. KAUFMAN are printed in today's RECORD under ''Morning Business.'')

Mr. KAUFMAN. Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I wish to speak as in morning business, and I ask unanimous consent to do so.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. CORNYN. Madam President, as are many of us, I have been watching with great interest the bipartisan health care summit that is being broadcast on television. I am happy there is a bipartisan meeting at the White House to discuss health care reform. The practicalities are that only 38 of the 535 Members of Congress can participate directly in the summit, but I know that representatives of our political parties are there, along with the President. They are talking about something that is very near and dear to all of our hearts, and that is how to bring down the costs of health care which is priced out of the reach of many of the American people, including too many in my State of Texas.

Unfortunately, sometimes in Washington what happens is, you see what is happening on TV or what is happening on the floor of the Senate, and it looks like one thing. Then you find out that behind the scenes something very different is happening. What I am speaking about in particular is, in contrast to a bipartisan summit on health care, my understanding is there are efforts underway on the part of the staff of the majority party to consider the use of reconciliation to try to pass an unpopular health care bill with 51 votes on a party-line basis.

I think that contrast between what people are seeing on TV and what is actually happening behind the scenes is pretty telling. I would say it is disappointing because I think health care reform is too important. It affects one-sixth of our economy. It affects 300 million Americans. It is simply too significant a step to take to try to do so strictly along partisan party lines.

So while it is true that reconciliation has been used in the past, it has never been used for anything such as this. This would be unprecedented. I think it would be an act of defiance toward the American people who overwhelmingly disapprove of this legislation.

There is no doubt that we need health care reform. Premiums have more than doubled over the last decade. Medicare, which provides access to health care for our seniors, has a $38 trillion unfunded liability which translates into an IOU for every American family in the amount of $325,000.

If we heard anything out of the recent election in Massachusetts, I think it is that the American people think there is too much spending and too much borrowing taking place in Washington, DC; too many responsibilities, such as this unfunded Medicare liability, that are simply not being met.

We know Medicaid continues to be problematic in not providing access to enough low-income people who are ostensibly beneficiaries of Medicaid. In the Metroplex in Texas, Dallas-Fort Worth, only 38 percent of doctors will see a new Medicaid patient because reimbursement rates are so low. That is not keeping the promise of access. It is, unfortunately, too much like appearing to do one thing on the one hand and actually delivering something far different on the other hand.

I think everyone agrees we need to solve these important problems. But how we go about solving the problem is important to maintaining the confidence and trust of the American people. I think bipartisanship on this subject is absolutely crucial.

After Massachusetts sent our newest Senator, SCOTT BROWN, to Washington, we know there was more talk about bipartisanship. But instead of working together to solve these problems, bipartisanship has so often translated into: Take it or leave it; if we can do this strictly with a majority party vote, we will.

That is what happened on Christmas Eve. I remember that 7 a.m. vote on Christmas Eve when 60 Senators on the other side voted to pass a health care bill that the American people have simply said in poll after poll they do not want. Of course, now we see the White House repackaging an unpopular House bill with an unpopular Senate bill and posting 11 pages on the White House Web site and claiming this is somehow a package that is sacrosanct and cannot be touched. But in no sense could it possibly be considered a bipartisan piece of legislation. To only let the majority party say: Well, this is the basic template, and you can tweak it around the edges but you cannot change any part of it—that is not bipartisanship.

So now after the election of Senator SCOTT BROWN, who campaigned on the pledge that he would be the 41st vote to defeat the Senate health care bill because of its spending, its raising taxes, and its raising premiums on people with insurance, its taking $½ trillion from Medicare—already another fiscally unsustainable entitlement program, with $38 trillion in unfunded liabilities—to create yet another entitlement program, the people of Massachusetts sent Senator SCOTT BROWN here to stop the health care bill that they don't want.

Now we find the majority party wanting to use reconciliation, a hyperpartisan tactic, to ram a bill through that the American people have rejected, most recently in Massachusetts. If we are talking about trying to regain the public's confidence, not only is bipartisanship important in terms of bringing solutions to health care but transparency is crucial when we are talking about something so big that affects so many.

You will remember in 2008 when President Obama was Senator Obama running for President of the United States, he promised to broadcast negotiations on C–SPAN for the American people to see who was arguing on their behalf and who was not.

In stark contrast, again, between what was said then and what was actually done, we saw the White House cutting deals with special interest groups, such as the pharmaceutical industry. We saw individual Senators demand and get special deals for their States as a condition to giving their votes to pass that bill.

As much as anything else in the bill, I think the way the bill was passed with the sweetheart deals, secret negotiations, and lack of transparency turned the American people off to these health care bills. I know the President said that after his election Washington would not be business as

usual. Unfortunately, it has been, and the American people don't like it.

This subject—health care reform—is too big and too important and too costly to do through sweetheart deals, backroom negotiations, and with utter disregard for transparency. The American people are smarter than I think many folks in Washington, DC, give them credit for because they know this health care proposal is not lasting reform, and it simply would not work as advertised.

The White House proposal will still increase premiums on American families; that is, if you have health insurance now, this White House proposal, an amalgam of the Senate and House bills, will raise your insurance premiums because of costly Federal Government mandates. But this White House bill does one thing the Senate bill did not. It actually spends $75 billion more than the Senate bill that passed this body on Christmas Eve, at 7 a.m.

The White House bill does share some common elements with the Senate proposal. It still cuts nearly $500 billion from Medicare to create a new entitlement program, including a program that is very popular in my State called Medicare Advantage, which gives seniors access to more choices and the quality care they like. Rather than allow them to continue to keep that Medicare benefit, this proposal, the White House bill—like the Senate bill—would cut $500 billion from Medicare, including Medicare Advantage.

The basic problem, again, is that we call this ''health care reform,'' but the health care bill offers no long-term plan for the Medicare Program's solvency—in other words, that $38 trillion I mentioned a moment ago. This actually makes it worse by taking another $½ trillion out of Medicare and makes things worse, not better, when it comes to the program's long-term solvency. I simply think the choice the President has made, and that the Senate and House health care bills have made, to force millions of low-income people onto Medicaid is simply not right, giving them no choices but a government-run program which, as I mentioned earlier, denies them access too many times to a doctor because they cannot find a doctor who will see patients and accept government rates for Medicaid reimbursements.

I mentioned the 38-percent figure in the Metroplex of Dallas-Fort Worth. Only 38 percent of the doctors there will see these patients because of the rates. Yet these health care bills force millions of people onto that program along with, in the process, promising them access to care but then not delivering as advertised.

Then there is this problem. As you know, the Medicaid Program—the cost of that is borne by the Federal Government and the State governments. In my State alone, the health and human services commission in Texas estimates that the expansion of Medicaid under the President's proposal will cost Texas taxpayers an additional $24.3 billion over the next 10 years. That $24.3 billion is an unfunded mandate that is contained in this bill.

Where does that money come from? Well, too often—I think some of our former Governors will tell you that what happens is, that is money that has to be used for an unfunded mandate from the Federal Government that comes from education, higher education budgets, law enforcement budgets, and other State priorities. It is simply irresponsible for Congress to force on State taxpayers this responsibility to pay for this unfunded mandate when there are other priorities the States have chosen that they think are important—things such as education, as I mentioned, and law enforcement.

The unfunded mandate in this bill is simply unacceptable. The Wall Street Journal summed up the President's proposal this way:

> It manages to take the worst of both the House and Senate bills and combine them into something more destructive. . . .
>
> It includes more taxes, more subsidies, and even less cost control than the Senate bill.
>
> And it purports to fix the special interest favors in the Senate bill not by eliminating them—but by expanding them to everyone.

We know the furor it caused across the country when some Senators were able to negotiate more favorable Medicaid reimbursements than the rest of the country and when everybody found out those who were not in those favored States would end up paying for those special favors that were necessary in order to get 60 votes. This bill doesn't repeal those; it simply expands them to everybody, vastly increasing the cost of this legislation and making it even worse, not better.

The President and his congressional allies who support this legislation seem to think the only reason the American people oppose these bills is ''misinformation.'' I suggest we simply look at the facts—in this case straight from the Congressional Budget Office—and see what they, the official scorekeeper for Congress, have to say about these pieces of legislation.

The CBO said premiums for those who have health insurance of some kind—85 percent of the American people—whether it is through government programs like Medicare, the VA, or the like, but those who have private insurance, their premiums will go up by 10 to 13 percent or an average of $2,100 for families buying policies on their own. That is in the individual market where most small businesses and individuals have to shop for their insurance. Their health insurance premiums will go up an average of $2,100 a family or 10 to 13 percent.

No wonder the more people learn about this legislation the less popular it becomes, and individuals who get health care through small businesses or larger employers, which is 83 percent of Americans, will see the status quo. They will see their premiums continue to increase by 5 to 6 percent a year.

I thought health care reform was about bringing down the cost and making it more affordable, ''bending the cost curve,'' to use the jargon that has been used here time after time over the last year and a half. But we find out that for those in the individual market, premiums will go up 10 to 13 percent. For those in the larger employer market, it will go up 5 to 6 percent. It will not bend the cost curve down. It will either be ineffective at all and keep premiums basically where they would have been anyway or it will make it worse.

Then there is the gamesmanship in how it deals with the budget deficit. Here is what CBO said about the bill's impact on the budget deficit:

> Washington budget gimmicks allow the White House to pretend the bills reduce the deficit by $132 billion, which is a fraction of Washington's $1.3 trillion budget deficit.

Americans don't believe ''reducing the deficit'' is possible at the same time we are spending $2.5 trillion over the next 10 years, and they are right. It is easy to pretend we are reducing the deficit when we are raising taxes by $500 billion and taking another $500 billion from Medicare in order to pay for this program.

The Obama administration's own actuaries have worried that future Congresses would not let the $500 billion in Medicare cuts happen. In other words, the bills spend now but would not pay later.

I assume the majority leader will bring up the doc fix sometime soon because he needs to. The 23-percent cut in reimbursement rates for doctors who don't take Medicare patients is not taken care of in this bill, and it should be. If this is really about health care reform, shouldn't it be making sure that our seniors on Medicare have access to doctors and that they can actually find a doctor who will see them? If you cut 23 percent in the doctor reimbursement rates, which is where we are headed now, they are not going to have access to doctors.

Here is what the Obama administration's own experts say about the cost curve. The Senate bill, they say, will increase overall American health care expenditures by $222 billion.

It will not bend the cost curve down. It will actually bend it up, making things worse, not better.

The American people have been pretty smart about this. They have been more engaged, better informed on this subject than I have seen in a long time. Of course, health care reform is a very complicated area. But they have gotten very well informed about it. They want lasting reform that will lower costs.

Here is what we know works to lower costs, but this is not something that is in the President's bill and, apparently, not something the majority party is even willing to consider. If they did, I submit this would be a big step forward to bending the cost curve down, making health care more affordable, and

yield a bipartisan product the American people could support.

I believe we need to give control over health care dollars to patients, not to Washington bureaucrats or to insurance company bureaucrats either. The American Academy of Actuaries found that consumer-driven health care plans have saved as much as 12 to 20 percent in health care premiums—12 to 20 percent. That is a lot.

Then, of course, there is a practice of defensive medicine, ending lawsuit abuse which would save $54 billion over the next 10 years, according to the CBO.

We also support allowing small businesses to pool together such as big companies do to pool their risks to help bring down premium costs. According to the Congressional Budget Office, this would lower premiums for small businesses by 2 to 3 percent—that is not a huge amount, but I am sure they will tell you every little bit helps—and in conjunction with these other reforms would have a real, meaningful impact in terms of bringing down health care costs.

I also support and our side of the aisle supports allowing Americans to purchase health insurance from any State they want to, and that would create national competition. It would allow people to buy policies they can afford that suited their family's needs rather than those loaded with State government mandates with no choices, which would result in higher costs.

If Congress would allow Americans to purchase their health insurance in any State they choose and thereby increasing competition, the Congressional Budget Office says the cost of their health care premiums would go down by 5 percent.

Clearly, competition, transparency, keeping the power in the hands of the consumer not in government are some of the things that would lower the costs, not cause them to go up. Are these part of the bipartisan health summit at the White House? Unfortunately, apparently not.

I would also support—and I think there would be a lot of support on a bipartisan basis—giving Medicaid patients, the ones who cannot find doctors because of low reimbursement rates, premium assistance; that is, to supplement what they can pay so they can buy private sector coverage which pays doctors at more of a level they would accept in terms of seeing those Medicaid patients. Providing Medicaid premium assistance rather than forcing people onto a Medicaid Program that is dysfunctional and does not work would be an improvement, and you could do it cheaper. According to CBO, this would reduce Federal spending by $12 billion over 10 years.

My conclusion from all this is, the American people want us to start over. We need lasting health care reform. I have offered some concrete suggestions on how we could lower the costs and make it more affordable. I believe that if Republicans and Democrats can work together, we can achieve it. On something as big and important and as costly as this, we need to do it on a bipartisan basis. It needs to be transparent. It needs to be devoid of special interest deals and secret negotiations and done out in the open where people can see it and trust it for what it is.

We have to reject purported solutions that will do nothing but increase spending, increase taxes, and increase premiums. We need to start over and implement commonsense steps that will lower costs.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. I thank the Chair.

(The remarks of Mr. UDALL of New Mexico pertaining to the introduction of S. 3039 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. UDALL of New Mexico. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the Senate stand in recess from 12:30 to 2 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Madam President, this afternoon it is my understanding we are going to have one more vote. It is going to be on the Travel Promotion Act. I have opposed this in the past. I have already voted against it three times. I am not going to hang here and waste the whole day just to vote against it a fourth time.

I ask unanimous consent that I make a very brief statement and it be printed in the RECORD immediately following the vote that takes place this afternoon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN.) Without objection, it is so ordered.

AMERICAN HIKERS HELD IN IRAN

Mr. CASEY. Madam President, I rise today to discuss the ongoing imprisonment of three young Americans—Joshua Fattal from Pennsylvania and two other Americans who have been in prison in Iran with him, Sarah Shourd and Shane Bauer. These are three Americans who have now spent more than 7 months in solitary confinement in Iran's Evin Prison for allegedly crossing a poorly marked border, the border between Iran and Iraq.

Since their detention along the Iran-Iraq border on July 31, 2009, the Iranian Government has refused requests from their attorney for visits. The Government of Iran has delayed due process and rejected requests from family members to call or visit them. The Iranian regime has also delayed requests for Iranian visas for the families and stonewalled the Swiss Embassy's attempt to carry out diplomatic visits.

The longer the detainment of these young Americans continues, the more clear it becomes to the international community that the Iranian Government, the Iranian regime, is engaged in political games rather than seeking to grant them a fair and timely judicial process. On this basis, I request that Supreme Leader Khamenei, President Ahmadinejad, Judiciary Chief Larijani, and other Iranian officials make the humane and just decision to release Josh, Sarah, and Shane immediately.

Keeping these three innocent Americans in prison without due process violates the international human rights standards as well as Iran's own laws. It has been more than 2 months since Foreign Minister Motaki claimed they would be tried in court. Yet no trial date has been set. According to Iranian law, no detainee can be held temporarily for more than 4 months; thus, judiciary officials must either schedule a court hearing or set the three young Americans free. The only conclusion the international community can draw from the Iranian Government's words and actions is that they intend to keep these three young Americans in limbo for domestic or foreign policy aims. It has nothing to do with the actions or intentions of these three American tourists who were simply admiring the natural beauty of the Kurdish mountains near the Iran-Iraq border. The world is a much worse off place when idealism, especially held by innocent young people, is squashed by cynical politics.

Among ancient Persia's greatest legacies is a transparent and efficient justice system. Innocent people do not appear on the court docket. We ask the Iranian Government—we ask them to send the world the unambiguous message that transparent, timely, and fair judicial processes remain a cornerstone of Iranian civilization. Keeping Josh, Sarah, and Shane indefinitely in solitary confinement and without access to legal counsel or their families is unjust and is sure to color the visions of Iranian society for young people the world over.

Do not make Josh, Sarah, Shane, and their desperately concerned parents wait another day before being reunited. Supreme Leader Khamenei, release these young hikers now.

UNEMPLOYMENT

Madam President, in addition to those remarks about those young Americans, I want to talk for a few minutes about unemployment and what is happening, certainly across the country but in particular in the Commonwealth of Pennsylvania. We have 560,000 people out of work right now in Pennsylvania. Our rate is lower than a lot of places, but we still have that many people out of work, a very high number—maybe not historic but close to a historically high number, 560,000 Pennsylvanians.

There are lots of ways to try to understand what people are going through and try to get a sense of what people are living through. I had a chance a couple of weeks ago to sit with 8 of those 560,000 people in what is called a career link, a job center in Pennsylvania where people are filling out scores of applications, applying for jobs. In the case of these eight individuals, they are all over the age of 50 and many are over the age of 60 and 70—some of the worst situations for those who are in that age bracket, who worked for years, 20, 30 years at one job and did it very well, and now, through no fault of their own, are out of work.

Listening to their stories gave me a better insight into what people are up against every day. A number of comments were significant and relevant and poignant, but one in particular by a woman by the name of Debi who said something very simple but telling about what is in her heart and what she is living through—she said simply: We just want to get back to work. That is a very simple statement, but I think that is on the minds of a lot of Americans who are out of work, and their family members. They just want to get back to work.

They also want to see that Washington is not just legislating—that is obviously important, and I will talk a little bit more about that in a moment—but that we are trying to understand what they are up against. They do want to get back to work. It is that simple. One of the ways we can do that is by making sure those who are out of work, those something like 15 million Americans out of work through no fault of their own, that we do something to help them in the next couple of days to get through the next couple of weeks, literally, with unemployment insurance, COBRA health insurance, and so many other ways.

We should note that the eligibility for emergency unemployment compensation and for COBRA—known as COBRA premium assistance, really health insurance for the unemployed—that both of those will expire this Sunday, February 28. If an extension of the unemployment programs authorized by the Recovery Act is not passed, 1.2 million workers will lose their unemployment benefits by the end of March. So we have to act now to prevent that from happening. It is unfortunate that it seems there is only an agreement to keep extending it from December to February, then from February into March or the end of March. We should extend it a lot further than that. Maybe we will have an opportunity to do that. But, at a minimum, we have to make sure unemployment insurance is extended and COBRA health insurance is extended. There are other reasons to do that as well. The most important reason is the people who will be positively impacted by those actions.

An extension of the federally funded unemployment compensation and COBRA programs through December 31, 2010—what we should do is extend it that far. They are necessary for a number of reasons. State labor departments will not be under pressure to constantly update their systems and inform constituents of changes in national law. We should give them the kind of certainty and predictability that they have a right to expect, certainly the State government officials but more importantly, the families and affected persons who are recently laid off—not constantly be reminded that their unemployment benefits may run out sooner than expected. This is especially true at a time when there are six applicants for every one job.

It is important to take action on unemployment insurance and COBRA health insurance coverage for a third reason as well.

At a time when millions of people don't have health care coverage, failure to provide an adequate safety net to ensure people have affordable health insurance coverage will only add to the rolls of the uninsured in the midst of this debate on health care.

Two other points before I conclude. According to the CBO, which we keep quoting in the health care debate and in many others, for every $1 spent on unemployment insurance benefits, up to $1.90 is contributed to the gross national product. This is further evidence, in addition to what I and many others have quoted—Mark Sandy from moodys.com—you spend a buck on unemployment insurance or COBRA benefits and/or food stamps, all of those safety net provisions to help workers who lost their job, you not only help someone who needs help and should have the help we can provide, you also help our economy literally by jump starting spending.

We know that in the past couple of days we passed the jobs bill, the HIRE Act, a good piece of legislation for small business, for economic vitality but also for preserving and creating lots of jobs. That jobs bill is not enough. We have to pass these safety net provisions on unemployment and COBRA health benefits. We also have to put more job creation strategies on the table and get bills passed to create more jobs. The recovery bill is still having an effect, still having a tremendous impact in Pennsylvania, with still a whole year left of spending and benefits of that spending in Pennsylvania and other States.

I see Senator SPECTER is with us. He and I have seen that up close in Pennsylvania, a tremendous impact already, but there is still more to do on the recovery bill he voted for under great pressure not to vote for it. Thank goodness he did. Without his vote, that bill would not have passed. Millions of Americans' lives would be adversely impacted if we did not pass the Recovery and Reinvestment Act of 2009. We have a long way to go, more work to do across the country and to have a positive impact on Pennsylvania.

One concluding thought. When you look at Pennsylvania, we might have a lower rate than a lot of States but we do have 560,000 people out of work. Unfortunately, more and more we are seeing in different labor markets, such as the Erie labor market, which is at 10 percent, the Lehigh Valley, Allentown, Bethlehem, and Easton at 9.8 percent, northeastern Pennsylvania, my home area, at 9.7 percent—even though our rate has not yet hit statewide 9 percent, we are seeing in different pockets that number going up. We have to continue to put job creation strategies in the pipeline, continue to have the recovery act have an even more positive impact. And thirdly, we need to make sure we pass the safety net provisions.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I have sought recognition to talk briefly about two subjects: a recent CODEL where I participated and, secondly, on the passing of a beloved staff member. I ask unanimous consent that the time for business be extended until 12:45.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL

Mr. SPECTER. Madam President, from December 28 to January 7, I participated on a congressional delegation which visited in Cypress, Syria, India,

Afghanistan, and Morocco, and have submitted a lengthy report, which is my practice.

I ask unanimous consent that the full text of that report be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. For purposes of comment at this time, I will focus on what we found on our trip to Afghanistan and India as it relates to the current war in progress in Afghanistan which has, as a practical matter, been extended into Pakistan and a comment about our trip to Syria, our meetings with President Assad, as it bears upon the potential for a peace treaty between Israel and Syria.

Our visit to Afghanistan was very revealing to get a firsthand impression as to what is going on on the ground. I approached the trip with serious reservations about the President's proposal to add an additional 30,000 troops there. My concern arose in the context of why fight in Afghanistan when al-Qaida could organize as well in many other places, Yemen or Somalia. There had been such a lack of success in efforts in Afghanistan by the Soviets, by the Brits, going all the way back to Alexander the Great.

There is no doubt we have to do whatever it takes to defeat al-Qaida, because they are out to annihilate us. The question is, where? Where we face reports that there were only about 100 al-Qaida actually in Afghanistan, we are really looking at a battle with the Taliban.

In our meetings with General McChrystal and other key officials, they emphasized the point that we should not retreat and that it would be a watershed event if the United States did not provide whatever military force was necessary in Afghanistan.

Our delegation replied that the NATO support was lacking and we ought to rethink exactly how we are going to deal with the Taliban. The efforts to persuade the Taliban to come back and support the Karzai government—because there are many there who could be brought back if the inducements were sufficient and they were sufficiently confident—the Karzai government did not lend a whole lot to inspire confidence. They had an election which was clouded with fraud. They have sustained reports about dealing in the narcotics trade with high-ranking officials, repeated evidence of corruption at the highest levels—hardly inducive to a stable government.

When the President projected a withdrawal by mid-2011, that was not what President Karzai had suggested. He was quoted in the press as saying, U.S. troops would have to be in Afghanistan for 15 years. When our delegation had an opportunity to meet with President Karzai, we pressed him on that issue, and he said: Well, 2 years would be required for an adequate presence of the U.S. military. He never could quite define what ''adequate'' was, but he said U.S. forces would have to stay for another 10 years.

More recently, in the intervening weeks, the war there has shaped up. We still have only committed a small fraction of the 30,000 troops—something like 5,000. Perhaps it will not be necessary to commit the additional 25,000 troops.

We had a very productive meeting with the Prime Minister of India, Prime Minister Singh. A point which we pressed was whether India and Pakistan could enter into an arms reduction pact similar to the pacts which the United States and the Soviet Union have had, which would reduce the number of troops from India and the number of troops from Pakistan on the border to liberate more Pakistan military to help in the fight against al-Qaida and the Taliban.

Prime Minister Singh said he would certainly be willing to consider that, but Pakistan would have to control the terrorists. We questioned him as to whether the Pakistani Government could control the terrorists, and his reply was very blunt: Yes, the terrorists are the creation of Pakistan, which is the way he responded to that situation.

In the intervening weeks, again, there has been unique cooperation between Pakistani intelligence and the CIA, with many joint maneuvers, so perhaps there could be a material improvement along that line.

The written text, which will be submitted, goes into some greater detail, which I shall abbreviate because of the shortness of time.

In Syria, our meeting with President Bashar al-Asad was cordial and I think constructive. I had first visited Syria in 1984, and this was the 19th visit there. I have gone there repeatedly, as I have to the region generally, and even more often to Israel, because I have long thought Syria was the key to the Mideast peace process.

Syria desperately wants to regain the Golan Heights, and only Israel can decide whether it is in Israel's interest to cede the Golan Heights. But it is a different world in 2010 than it was in 1967, when Israel took the Golan. The strategy is very different in an era of rockets. It is not quite the same situation.

There is a great deal Israel could gain if a peace treaty was entered into with Syria: stopping Syria from continuing the destabilization of Lebanon, which Syria denies but I think happens to be a fact. For Syria to stop supporting Hezbollah and Hamas would be very important to Israel's security. To try to drive a wedge between Syria and Iran would be helpful not only to Israel in the context of the Iranian President wanting to wipe Israel off the face of the Earth but would be good not only for the region but for the entire world, if we can find a way to contain Iran in their determination to acquire nuclear weapons.

Secretary of State Hillary Clinton testified yesterday before the Foreign Operations Subcommittee, and I asked her if she would consider a recommendation to have the President call the Israeli leaders, Prime Minister Netanyahu, and the Syrian President, Bashar al-Asad, to the Oval Office to be an intermediary there. The office of the Presidency could have great forcefulness and great weight. The Secretary was noncommittal, and the record will reflect the exact words which she used.

The trip was very worthwhile. I find that when we leave the Beltway and leave Washington and see what is actually happening in the field, wearing a flak jacket in a helicopter across Afghanistan or talking to Foreign Minister Walid Mualem, who was the Ambassador here for 10 years, and getting a feel for what is going on in India, it gives us a much better insight into how we handle our foreign aid, how we handle our budget, and how we handle our military operations.

EXHIBIT 1

STATEMENT OF SENATOR ARLEN SPECTER

FOREIGN TRAVEL

I seek recognition to speak about a Congressional Delegation I took part in from December 28, 2009 to January 7, 2010. The CODEL, led by Senator Gregg, comprised of Senators Bayh, Cornyn, Enzi, Klobuchar and their spouses. I was accompanied by my wife, Joan, and my Legislative Director, Christopher Bradish.

CYPRUS

We departed Andrews Air Force Base on Monday morning, December 28th, en route to Nicosia, Cyprus, with a refueling stop in Shannon, Ireland. We began the day with a meeting with our USAID mission to review projects being supported by the United States.

We then had a briefing with the United Nations Development Program (UNDP), which is focusing on reconciliation projects, to include media expansion. The UNDP office is located in the U.N. administered neutral zone, which divides the island. The UNDP continues to work with representatives in Cyprus on revision of textbooks and the diversification of media to allow viewpoints other than those of just the state-dominated media outlets to be heard.

The media is dominated by Turkish Cypriot and Greek Cypriot political outlets. Cyprus does not have equivalents of NPR or PBS. UNDP hopes to build on those models to allow diversification in the media by providing independent programming which can then be picked up by existing outlets for broadcast. The UNDP media program aims to provide all Cypriots with a non-partisan avenue of communication.

Following our meeting with USAID and UNDP officials, the delegation held a country team briefing led by Jonathan Cohen, our Deputy Chief of Mission. Our embassy in Cyprus has 65 U.S. employees in addition to roughly 100 Cypriot nationals. Cyprus has become increasingly important to the U.S. due to its strategic location. With an increasing number of U.S. ships transiting the Mediterranean Sea, U.S. port visits in Cyprus increased 24 percent in 2008. With thousands of U.S. troops having shore leave while in port, the U.S. Embassy has worked with the Cypriot government to ensure that appropriate safety measures are in place to protect our ships and sailors.

Since Cyprus' accession to the European Union in January 2004, the number of Cypriots attending U.S. universities has decreased dramatically. The U.S. mission has created a program to use Cypriots who are alumni of U.S. universities to go to high schools and communities to speak about the benefits of an education in the United States.

On the law enforcement front, the Cypriot government has utilized U.S. expertise in some of their criminal investigations, including the investigation into the recent theft of the remains of former president Tassos Papadopoulos.

We received an overview of U.S. investment in Cyprus as well as U.S. businesses operating on the island. U.S. exports to Cyprus grew by 28 percent in 2008. I asked about the University of Pittsburgh Medical Center's efforts to establish a university and medical center in Cyprus. UPMC is exporting its expertise to bring world-class health care, advanced technologies, and management skills to markets worldwide.

Our mission provided an update on the status of negotiations between the north and south. Talks between the Greek Cypriot President, Demetris Christofias and the Turkish Cypriot leader, Mehmet Ali Talat have ramped up in recent weeks with the two leaders reportedly meeting multiple times a week. However significant obstacles remain to reaching an agreement to include how to resolve vexing property, security and constituent state constitution issues.

In November 2002, U.N. Secretary-General Kofi Annan presented a draft comprehensive peace settlement, commonly referred to as the Annan Plan. According to the Congressional Research Service:

''[The Annan Plan] called for a ''new state of affairs,'' in which the ''common state'' government's relations with its two politically equal component states would be modeled on the Swiss federal example. It would have a single international legal personality. Component states would participate in foreign and EU relations as in Belgium. Parliament would have two 48-seat houses. Each state would have equal representation in the Senate. Seats in the Chamber of Deputies would be allocated in proportion to population, provided that no state would have less than 25% of the seats. A Presidential Council would have 6 members; the offices of President and Vice President would rotate every 10 months among its members. No more than two consecutive presidents could come from the same state. Greek and Turkish troops could not exceed a four-digit figure (9,999). U.N. peacekeepers would remain as long as the common state, with the concurrence of the component states, decides. Cyprus would be demilitarized. During a three-year transition, the leaders of the two sides would be co-presidents. The 1960 Treaties of Establishment, Guarantee, and Alliance would remain in force. There would be a single Cypriot citizenship and citizenship of a component state; residence in a component state could be limited by citizenship, but such limits would have restrictions. Provisions would be made for return or compensation of property. Turkish Cypriot territory would be reduced to 28.5% of the island.

The Delegation departed the country team briefing for a meeting with Turkish Cypriot leader Mehmet Ali Talat. Talat provided an overview of the negotiations with President Christofias and focused on three main areas of dispute: governance and power sharing; economic and European affairs; and property reconciliation. While he expressed hope about having fruitful and productive discussions, he indicated that the two sides have disagreements over terminology which preclude them from moving forward on a solution. I asked if there were disadvantages to not achieving a solution and if the status-quo is acceptable. Talat responded that neither side seeks violence, but that the current situation is disadvantageous to both sides.

Talat expressed optimism that a resolution could be reached in 2010 but that the talks would likely break in mid-February to allow for elections, the outcome of which could have a significant impact on the continuation of talks between the two sides. Talat indicated that the Greek Cypriots have less of an incentive to find a solution given their dominance of the island. He also confirmed the UNDP representatives' previous assertions that the local media helps inflame opinions on both sides.

The delegation then departed the north en route to a meeting with President Christofias. The President opened the meeting with a 37-minute overview of the situation and the negotiations. He expressed concern over the more than 40,000 Turkish troops on the island, as well as the unknown number of Turkish settlers. He too focused on security and land/property compensation as main obstacles to achieving an agreement. Christofias avowed that he is ''free of nationalism'' and that ''Turkish Cypriots are not our enemies, but our brothers and sisters.'' He concluded that Cypriots must rule the country—not Turkey. He stated that he ''will be the unhappiest man on the island'' if he and Talat cannot reach an agreement, but stated: ''I will do my utmost because as time passes, new problems arise.'' He indicated he had a good partner and relationship with Talat and if he should lose in the upcoming elections, the prospects for constructive dialogue and resolution were poor.

SYRIA

On December 30th, the delegation departed Larnaca, Cyprus for Damascus, Syria. This was my nineteenth visit to Syria. We were greeted by Jason Smith, our control officer, and Charles Hunter, our Charge d'Affaires, who provided an update of the situation on the ground during the ride to the embassy. Upon arrival, the delegation received two classified briefings to include a country team briefing. Following our briefings, the delegation departed for the Presidential Palace for a meeting with President Bashar al-Asad and Foreign Minister Walid al-Muallem.

President Asad opened the meeting by welcoming the delegation and provided his views on the bilateral relationship as well as regional tensions. I have long held the view that the U.S. could play a positive role in fostering an agreement between Israel and Syria. I indicated that if Hezbollah and Hamas could be disarmed and renounce violence the region would be better off. I expressed the view held by many in the U.S. that the Syria-Iran nexus is troubling and Iran's desire to obtain nuclear weapons poses a danger to the region and the world. I complimented President Asad for his willingness to engage the Israelis via the Turks. I asked President Asad for his view on the prospects for an Israeli-Syrian peace, better relations with the West and his country's relationship with Iran. He indicated that the ''devil is in the details.'' He explicitly decoupled the issues, stating that his country's calculus for each is independent of the others. He indicated the U.S. should support the Turkish role in the peace process—which has been put on hold following the conflict in Gaza in 2008 and Israel's parliamentary elections in 2009.

Asad stated, ''only peace can protect Israel''—something no amount of armaments can do. He further stated that Hamas and Hezbollah exist as result of the lack of peace. On the U.S. role in the peace process, Asad pointed to efforts undertaken in the 1990s, when Secretary of State James Baker engaged forcefully with the interested parties.

It is clear to me that Syria desires robust U.S. engagement in the peace process. Syria's tepid alliance with Iran appears not to be bound by mutual affection, but rather by Syria's desire to be on good terms with a regional force. Syria clearly wants the U.S. to withdraw from Iraq, but not before Iraqi domestic institutions have time to mature to prevent Iran from sweeping in to a political vacuum.

We discussed the issue of intelligence cooperation. The good cooperation Syria and the U.S. had following September 11, 2001 has since dissipated. The delegation pressed Asad for more cooperation. Asad confirmed that cooperation had been good, but said that security and intelligence cooperation cannot flourish in the absence of strong political and diplomatic relations.

The delegation pressed Asad on the Iranian nuclear threat and the potential for Syria to be dragged into a regional conflict. Assad indicated that the Iranian issue needs to be resolved and that conflict must be prevented, but that he does not believe Iran is seeking a nuclear military capability.

Senator Klobuchar and I raised the issue of the three American citizens—Joshua Fattal, Shane Bauer, and Sarah Shourd—who have been detained in Iran since July 31, 2009, when they mistakenly crossed into Iran on a hiking expedition.

The United Kingdom had asked Syria to intercede with Iran in the case of five British citizens who were in Iranian custody under somewhat similar circumstances. The five citizens were released.

Since the start of their detention, I had worked with other members of the Senate to facilitate their release. On August 18, I joined Senators Casey, Feinstein, Boxer, Klobuchar, Franken and Murray in writing to the Iranian Ambassador to the U.N. Mohammad Khazaee to request that Iran grant the Swiss consular access to the Americans per Iran's obligations under the Vienna Convention. This letter was followed by a similar one to Ayatollah Khamenei on September 23, 2009.

On September 22, I introduced a resolution cosponsored by Senators Casey, Feinstein, Boxer, Klobuchar, Franken, and Nelson (FL) encouraging the Government of Iran to grant consular access for the Swiss and to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible. The legislation passed the Senate on October 6, and passed the House on October 29, sponsored by Reps. Schwartz and Hinchey.

On October 8, I sent a personal note to Ambassador Khazaee requesting his assistance in releasing the hikers.

On December 17, 2009 I sent a letter to Secretary Clinton requesting she ask the Syrians to engage Tehran to secure the release of the three Americans. The State Department contacted the Syrian foreign ministry to seek its assistance in a manner similar to the assistance the Syrians provided to the recent efforts to secure the release of the five British yachtsmen detained by Iran in late November after they strayed into Iranian waters. The five Brits were released within a week.

President Asad said they would look into the matter including the charges to see if Syria could be of help in securing their release. President Asad told me he would review the matter and that the Syrians ''will try our best.''

Later that evening Senator Klobuchar and I had a working dinner with Foreign Minister Walid al-Muallem. I have known Foreign Minister Muallem for two decades dating back to his time as Ambassador to the

United States. We discussed in depth the issues raised earlier with the President. We again pressed the Foreign Minister on the issue of the U.S. hikers detained in Iran. Foreign Minister Muallem indicated he would be willing to go to Tehran to engage his counterpart regarding the plight of the hikers if he sees ''some light at the end of the tunnel.''

INDIA

We departed Damascus the following morning for Delhi, India and where we were met by Deputy Chief of Mission Steven White. The issues we discussed were wide-ranging and included: nuclear cooperation between the United States and India; the November 2008 terrorist attacks in India and India's efforts to combat terrorism; India's tenuous relations with Pakistan and China; its economic and diplomatic presence in Afghanistan; and the position it has taken in global climate change negotiations, in which it has opposed binding emissions reductions as limits on its future economic growth. As the world's second most populous country, it is clear that India will play an increasing role in global politics this century.

The delegation participated in a country team briefing at our mission. We had the opportunity to discuss a wide variety of issues in our bilateral relationship with the DCM, political section, defense attaché, USAID and consular affairs officers.

Much of our discussions during our visit focused on India's growth and the growing pains associated with such growth, to include education. While 92 percent of the country's children go to primary school, half drop out by 6th grade. Many of India's 1.2 billion citizens live in rural regions and getting teachers to those posts is difficult. The country has engaged in an affirmative action for children of lower castes to attend university, but these reserved spots are extraordinarily competitive. Yet, the government of India is committed to inclusive growth and bringing the lower class up to participate in India's prosperity.

A central theme in our discussions with our mission personnel as well as Indian officials was the civil nuclear accord signed by the U.S. and India. On October 1, 2008, Congress approved an agreement facilitating nuclear cooperation between the United States and India. As chronicled by the Council on Foreign Relations, the deal, first introduced in a joint statement issued by President Bush and Indian Prime Minister Manmohan Singh on July 18, 2005, ''lifts a three-decade U.S. moratorium on nuclear trade with India. It provides U.S. assistance to India's civilian nuclear energy program, and expands U.S.-India cooperation in energy and satellite technology'' (CFR—11/20/09). During our meetings, this agreement was described as a ''watershed'' event in our bilateral relationship—an event that opened new doors, new cooperation and new possibilities for two countries that have spent the majority of their histories circling each other but not directly engaging in a meaningful manner.

According to our officials, India is taking steps to be a responsible world power on nonproliferation matters. India has supported international efforts, along with the United States, to address Iran's troubling military nuclear ambitions—most recently by supporting an IAEA censure of Iran's nuclear program during a November 27, 2009 meeting of the IAEA's Board of Governors. This has led to a cooling between the two countries, yet India and Iran still have deep economic connections, as Iran is India's second largest energy supplier.

On the economic front, India's economy was more sheltered than others and weathered the global economic crisis better than many. Their economy grew 6.8 percent in 2009 and is expected to grow 7.5 percent in 2010. India has increasingly sought and purchased U.S. weaponry. The deepening of the bilateral arms sales are a critical component of our relationship.

On the terrorism front, I pressed the team on the prospect of reconciliation between India and Pakistan in the hopes that a reduction in tensions would allow Pakistan to focus its forces on elements such as Al-Qaeda.

India is no stranger to terrorism, most recently seen in the horrific attacks in Mumbai on November 26, 2008, which killed at least 173 people, including 6 Americans. Our mission and its law enforcement components have provided assistance to the Indians in the investigation of the attacks.

Following the country team briefing, the delegation took a classified regional security briefing before departing for the Prime Minister's office.

I have long been concerned about Indian-Pakistani relations. I brought up the issue of an Indian-Pakistani rapprochement during a visit to India in 1995. In August 1995, Senator Hank Brown and I were told by Prime Minister Rao in a visit to New Delhi that India was interested in negotiating with Pakistan to make their subcontinent free of nuclear weapons. Prime Minister Rao asked Senator Brown and me to raise this issue with Pakistan's Prime Minister Benazir Bhutto which we did. I then wrote to President Clinton urging him to broker such negotiations. Those discussions are summarized in a letter which I sent to President Clinton:

AUGUST 28, 1995.

DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

Sincerely,

ARLEN SPECTER.

After returning to the United States, I discussed such a presidential initiative with President Clinton, but my suggestion was not pursued.

The delegation had a warm welcome from Prime Minister Singh. The Prime Minister began the meeting by thanking the delegation for Congress' strong bipartisan support in implementing the U.S.-India bilateral nuclear accord. He further declared that this event has made him believe the ''sky is the limit'' in terms of broadening and deepening the U.S.-India bilateral relationship, from energy to defense to education.

Prime Minister Singh confirmed that his economy continues to grow, and was insulated from the global fiscal difficulties largely because of India's savings rate and that domestic consumption filled much of the void left by lagging exports. He told the group that India's prosperity will have positive effects on the rest of the developing world. He expressed his strong desire to deepen the defense cooperation between our countries.

The group asked the Prime Minister for his views on Afghanistan. He informed the group that India has invested $1.2 billion in reconstruction and development in Afghanistan. While he admitted the existence of corruption within the Karzai government, he indicated that President Karzai is the best option for stability, and that all will benefit from strong international support for Karzai. He stated that deadlines and withdrawal will only play into the hands of the terrorists, as they will signal looming weakness of the government in Kabul.

I pressed the Prime Minister on the prospects for relieving tensions between his country and Pakistan and the possibility of having an accord on troops and nuclear weapons. If Pakistan will take action against the terrorist elements in its country, India would be willing to discuss many things, Singh stated. Prime Minister Singh told the group of the strong internal pressure he felt after the Mumbai attacks to take some action against Pakistan, but that he refrained. He further told the group that Pakistanis and Indians are the same—highlighting that he was born in what today is Pakistan and that former Pakistani President Pervez Musharaff was born in what is present day India. He told the group that Pakistan does not need to fear India and that he is committed to engaging in a positive manner with Pakistan. He suggested that serious reform in Pakistan's education system is needed and that madrassas are a significant problem.

I asked Prime Minister Singh whether India would consider a treaty with Pakistan to reduce military forces stationed by each nation on the border. I told him of my 1995 conversations with Prime Minister Rao and Prime Minister Bhutto and my letter to President Clinton. I noted that it would be a great help in the war against al-Qaeda if Pakistan could re-deploy significant soldiers from the border to fight al-Qaeda.

I analogized an Indian-Pakistan treaty to the U.S.-Soviet arms reduction treaties. If India and Pakistan could agree on disclosure and reduced forces, that would liberate Pakistani troops. Prime Minister Singh said India would be willing to consider such a treaty, but pointed out that Pakistan would have to control Pakistan terrorists such as the ones who attacked the hotel in Mumbai. He said he had been under considerable pressure to respond forcefully, but had not done so. Many feared that the Mumbai hotel attack and a forceful India response could have set off a nuclear exchange.

I asked Prime Minister Singh pointedly if the Pakistan government could control the terrorists and he responded ''yes.'' He added the terrorists were the ''creation'' of the Pakistan government.

Regarding Iran, Prime Minister Singh told the group India was not in favor of another nuclear power in the region and doesn't want Iran to have that capability. Prime Minister Singh highlighted his country's support at the United Nations to address Iran's nuclear ambitions. He indicated that Iran is a signatory to the NPT, and as such is entitled to

enrich uranium for peaceful purposes, but that they must comply with international accords to reassure the international community of their peaceful intentions.

Following our meeting with the Prime Minister, I returned to the embassy for a meeting with Robert Hladun, the Deputy Country Attache for the DEA and Gib Wilson, the Assistant Legal Attache for the FBI. I received an overview of the regional drug trade and how it impacts the U.S., and our cooperation and assistance to India with their investigations and counterterrorism efforts.

The Deputy Chief of Mission hosted a working lunch with our counterparts from the Indian National Congress including: Pallam Raju, Minister of State for Defense, Jitin Prasada, Minister of State for Petroleum and Natural Gas, Abhishek Manu Singhvi, Manish Tewari, Prakash Javadekar, Raashid Alvi, Madhu Goud Yashki and Deepender Singh Hooda. Our discussions centered on the same topics we had discussed with Prime Minister Singh and the country team, but also provided us an opportunity to discuss how, as parliamentarians, we deal with local and national issues of importance to our constituents. Following lunch, we departed Delhi for Morocco, with a refueling stop in Qatar.

AFGHANISTAN

On January 3, 2010, the delegation flew from New Delhi to Kabul, Afghanistan and returned to New Delhi late on the same day. Upon arrival at the U.S. Embassy, we were greeted by General Stanley McChrystal and Ambassadors Anthony Wayne and Francis Ricciardone.

General McChrystal outlined a strategy aimed at influencing the Karzai government to institute reforms to win the support of the Afghan people so that many of the insurgents would support the Karzai government and reject the efforts of the Taliban to win control. He acknowledged some of the insurgents who supported the Taliban leadership would stay with the Taliban, so that the Taliban and their supporters would have to be defeated militarily.

I asked General McChrystal why fight in Afghanistan when others—the Soviets, the British, Alexander the Great had failed—and al-Qaeda could organize strikes against the U.S. and others from Yemen, Somalia and elsewhere and the U.S. was engaging only a small number of al-Qaeda (estimated by some as few as 100) and really only fighting the Taliban. General McChrystal responded that U.S. withdrawal from Afghanistan would have disastrous consequences in the region and beyond and that al-Qaeda would continue to have their best sanctuary in the caves and mountains on the border regions between Afghanistan and Pakistan.

I asked him about the reality of significant withdrawal by mid-2011, pointing out that the commitment to start the withdrawal could be met by a small withdrawal which would not be significant. He did not respond on a date for final withdrawal, but said the mid-2011 start of withdrawal was a realistic exit strategy.

When I pointed out that President Karzai had publicly stated U.S. troops would be needed for 15 years, General McChrystal did not modify his previously stated estimates.

When our Codel later met with President Karzai asked when he thought Afghanistan would be able to maintain the peace and function on its own without any U.S. troops. He said that if the resources were ''adequate,'' that U.S. troops could start withdrawal in two years with full withdrawal after 10 years. There was insufficient time to clarify with President Karzai what resources would be ''adequate'' or what the timetable would be as to estimates of how many troops could be withdrawn each year.

We received a brief on the status of the Afghan Army and were informed that it is well respected by much of the population and is seen by many as an entity that holds the promise of binding the nation. The police force is in poorer shape: corruption and involvement in the drug trade, combined with a chronic lack of leadership, hamper its improvement. Only 25 percent of the police force has formal training.

The delegation then proceeded to a country team briefing. Our mission in Afghanistan has four ambassadors—a rare occurrence, but one that is necessary given the complexity of the issues and the size of the mission.

We discussed the significant monetary investment being made in Afghanistan, with $250 million alone spent on the civilian side each month, and once the additional 30,000 troops arrive the cost will rise to between $9 and $10 billion per month for the entire U.S. effort. When asked to discuss the national security significance to U.S., Major General MacDonald stated that Afghanistan is the extremists' base, threat exists and they have resources in Afghanistan. I pressed the team to rationalize the disparity between President Obama saying we begin withdrawing in 2011 and President Karzai saying that it will take 15 years for his security forces to be ready to stand on their own. I pressed them on how quickly we can train security forces so the U.S. could turn over responsibility and again shared the concern by many over U.S. debt, deficit and obligations at home.

Lieutenant General Caldwell outlined the efforts to develop the police and ministries of defense and interior. He highlighted the issue of lacking an effective afghan civil service. He told us that an Afghan soldier makes $165 a month whereas a judge makes only $80. Clearly, civilian pay reform is needed.

I pressed the officials on getting the international community to carry its weight. They replied that the U.S. requested 2,500 troops on December 1, 2009 and NATO pledged 460, and U.S. officials are now going around Kabul asking each country's ambassador for additional troops. I again pressed them on when we can finally leave. They stated that governance, economy and security need to all be working in tandem and that 300,000 Afghan security forces will be ready by July 2011.

MOROCCO

The delegation arrived in Rabat, Morocco at 1 AM on January 5th where we were met by Ambassador Samuel Kaplan. Our Codel was very impressed with him. There is considerable debate about ''political appointees,'' but Ambassador Kaplan brought unique skills to this position from a distinguished career in the law, considerable business experience, and extensive activity in political and community affairs.

We met with Foreign Minister Fassi-Fihri and Director General Mohamed Mansouri. The Foreign Minster told the delegation he was pleased with the status of relations between our two countries and the deepening in the relationship on issues such as trade and defense and intelligence cooperation. The Foreign Minister explained Morocco's unique position in the world, with one foot in the Mid-East and one in Africa. He described the difficulty his country has had in establishing a democratic system, permitting political parties while maintaining a democracy.

Much of our discussion focused on terrorism and prospects for peace in the region. Director General Mansouri stated that terrorists have manipulated Islam and that Morocco has pushed for a more moderate approach and that it is engaged in combating radicalism. I pressed the Foreign Minister on recent incidents of terrorism and what can be done to combat the ideology that inspires suicide bombers and their skewed religious/political views. He told me that many in the Muslim world are frustrated—especially the youth. They lack educational and economic opportunities and poverty has led many to extremist camps. Yet, we also discussed how many terrorists, including those that perpetrated 9/11 and most recently the Detroit airline bombing attempt were educated and came from middle class or wealthy families.

The officials told us that we must work to resolve the conflict between the Israelis and the Palestinians and that a lasting peace will help subdue tensions and allow governments and moderate Muslims to stand up and lead. In addition, they suggested a global interfaith dialogue must occur. They stated their desire to play a leadership role given Morocco's history in hosting the three great religions.

The Foreign Minister highlighted Morocco's efforts to engage the youth with opportunities and positive messages and that their brand of Islam is open, inclusive and tolerant and is a good model for the broader Muslim world.

We departed Rabat early on January 7th to return to Andrews Air Force Base by midday EST.

TRIBUTE TO MR. KENNY EVANS

Mr. SPECTER. Madam President, Kenny Evans recently passed after being with me for some 30 years. I had known Mr. Evans in Philadelphia for a long time, but when I ran for the Senate in 1980, I asked him to be my campaign deputy in the African-American community. When I was elected, I brought him in as my key operative in the African-American community because of the urgency of having active minority representation.

He came to be known and loved and admired as a leading public official in the city. He served longer than most anybody else who had been in public office. He took on a great role in housing and in job training and in education, on civil rights issues and on immigration.

When we had a proposal advanced by Congressman CHAKA FATTAH called GEAR UP almost a decade ago, with a $300 million price tag, I consulted with Kenny Evans, listened to his advice and recommendations and helped provide $300 million a year, which has now come to be in the $2.5 billion range, not only servicing Philadelphia but the entire country.

When we had a controversy last summer about African-American children being excluded from a swim club which said they were not welcome there, Kenny Evans took the lead in consultation and advice on how to handle it with the Civil Rights Division, and action has been taken to correct a wrong there.

He was an unusual public servant and an extraordinary man.

Madam President, I ask unanimous consent that a statement which was prepared by Michael Oscar, my executive director for southeastern Pennsylvania, which Mike Oscar gave at Kenny's funeral, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Today, we do not grieve for Kenny Evans, for now he is free to follow the path God has laid out for him. Kenny took God's hand when he heard Him call.

Good Morning and on behalf of Charolette and the entire Evans Family, I offer the following remarks highlighting our friend, Kenny Evans.

My name is Michael Oscar and I serve as Sen. Specter's Executive Director in Southeastern Pennsylvania. For nearly a decade, I had the distinct pleasure of working with Kenny in many different legislative and political capacities. It is with this background and distinction that I speak to you today.

May it be said of Kenny, the words of Alfred, Lord Tennyson:

''I am a part of all that I have met
To much is taken, much abides
That which we are, we are . . .
One equal temper of heroic hearts
Strong in will
To strive, to seek, to find, and not to yield.''

Kenny personified these words because his cause was ours,—you and me—the cause of the common man and the common woman. His commitment was to those who Andrew Jackson called ''the humble members of society: the farmers, mechanics, laborers, and the forgotten.''

On this foundation for the past three decades with Sen. Specter and beyond, Kenny defined our values, refined our policies, and refreshed our faith. He did this by operating behind the scenes with much grace, class, and dignity.

There was never a problem no matter how big or small, he did not try to solve, a request he did not try to respond to, or a person he did not try to help. This was his marquee value.

Kenny's work ethic and style mentored future generations of congressional staffers, political candidates, and current legislators in the art and science of politics. As Al Jackson, his friend and luncheon companion for nearly 27 years, stated on numerous occasions, ''he is the maestro of politics''—instinctively knowing how to deal with people and their everyday concerns.

In my opinion, he earned this astute characterization because he worked from the ground up, which provided him the proper rubric on how to communicate with people.

As his Executive Director for the past five years, I witnessed firsthand his innate ability to soften even the harshest of personalities. There was not a day that went by that Susan Segal would say, ''Kenny would be the perfect choice to handle this constituent.''

''And handle this constituent he did'' because his commitment went well beyond the federal scope. Whatever it took, a phone call, a letter, a closed door meeting. He was a tireless advocate always on a mission.

When I first joined Senator Specter's staff in Washington, D.C. before coming to Philadelphia, my COS at the time, Carey Lackman told me ''you had an impressive list of references, but none greater than Kenny Evans.'' Candidly, I didn't know what Carey was talking about. I had no idea who Kenny Evans was and he was not listed as one of my references.

I later learned that Kenny worked closely with one of my former employer's, Michael Kunz, the Clerk of Court for the District Court. When Mr. Kunz heard that I applied for the position he called Kenny to advocate on my behalf. Apparently, Kenny immediately called Carey and stated, ''this guy worked for the clerk, do you know how many calls a day I get from constituents to get out of jury duty? You need to hire this guy.''

However, my first and lasting impression of Kenny occurred about a year later. Many of you may not be aware of this, but Kenny, along with Al Jackson, established the first urban aquaculture center in the nation.

Many of you like me are probably scratching your heads right now wondering what is aquaculture. Well, it's any crop that is cultured in water—whether it be shrimp, fish, or seaweed.

Kenny learned about aquaculture from his numerous luncheon conversations with Al Jackson and over the course of a year, they drafted this unique partnership between the University of Pennsylvania and Cheyney University. They wanted to provide African American students the opportunity to learn this unusual science.

Proudly I report to you today, the center has been successfully funded for the past seven years by the U.S. Department of Agriculture and has graduated nearly 188 African American students in the field of urban aquaculture. This was just one accomplishment of many that Kenny succeeded in on behalf of Sen. Specter.

Beyond Kenny's political acumen, he mentored all of us on how to keep things simple, light. When I was drafted by the Senator to run his Philadelphia Office, I heard one of my predecessors define it as ''Kennyism.'' Those Kennyisms have sustained me and our team in Philadelphia for many years and they will never be forgotten.

One specific anecdote that defines what we collectively call a ''Kennyism'' was when I was on a leave of absence from the Senator's office to run Rep. Mike Fitzpatrick's campaign. Despite my absence from the office, my three-year-old son, Liam, at the time was enrolled in the daycare center located in the Green Federal Building.

So for three days a week, I drove down to the city to drop him off. Before heading up to the campaign office in Doylestown, I would stop by the second floor cafeteria to grab a cup of coffee and I was always greeted by Kenny's chuckle.

He would tell me ''Sit down, Mike, tell me about the campaign and more importantly, how is your family?'' He would listen, he would laugh, and he taught me to keep it light. He would end every conversation with ''It will be ok.''

Speaking of campaigns, when I had the pleasure of accompanying the Senator during his visit with Kenny just a few weeks ago in the hospital, Kenny despite his medical maladies went right to work assessing for the Senator how the African American Community along with many others will come out for him in his re-election. Yes, many a ''kennyism'' was shared that day.

A few short weeks later, I went back to visit with Kenny, along with Al Jackson, and Elvis Solivan, another stalwart of the Specter Team. While there I had this memorable conversation with Kenny's grandson, Lamont. He told me how his grandfather would bring the Senator's Lincoln Town Car home and when he did he would offer his grandchildren a ride in it, and if they accepted the offer then they would wash it later.

When I heard the story, I just laughed. ''Senator, rest assured, no one yet from the Oscar family has ridden in the Lincoln let alone washed it except for their father.''

Upon your arrival at today's services, you may have noticed that radiant photo of Kenny, Charolette, and President Obama. On that day, Tuesday, September 15, 2009, candidly, Kenny was noticeably not well, but we wanted to ensure he received his photo with the first African American President of the United States.

That said, I grasped Kenny's hand, along with Charolette's and together we raced down the long convention center hallway with Andy Wallace at our side running interference. When we got to the photo line, we were immediately escorted to the front of the line. I turned to Shanin Specter and asked him to introduce Kenny and Charolette to the President, and he replied, ''No,'' but he immediately responded with ''Mike, I want you to do it.''

So, I proceeded to the President, ''Mr. President, I would like to introduce you to Kenny and Charolette Evans. Kenny has been with the Senator for the past 30 years.'' President Obama retorted, ''my man, Kenny Evans'' and extended a warm hug and handshake. Without question, I will NEVER forget that moment.

Ladies and Gentlemen, for those of us who are a part of or friend of Sen. Specter's Alumni and Family, please do not regard today in sorrow, rather rejoice in Kenny's memory and adapt his cause to your daily work.

Find comfort and solace in knowing that Kenny joins Carey Lackman and Tom Bowman, former staffers that were dedicated to the cause in helping the common man and woman of Pennsylvania and the nation. Imagine if you will the conversation they must be having right now.

For the rest of us assembled here today and to Kenny's family; specifically, Charolette, I offer this summation of a consummate advocate for the little guy, Kenny Evans, by recounting the final sentence of Sen. Ted Kennedy's ''The Dream Shall Never Die Speech,'' at the 1980 Democratic National Convention:

''For all of those whose cares have been our concern, the work goes on, the cause endures, the hope still lives, and the dream shall never die.''

As in everything we do, may God be blessed! Thank you.

Mr. SPECTER. Madam President, I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold the suggestion of the absence of a quorum?

Mr. SPECTER. I do.

RECESS

The PRESIDING OFFICER. The Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009—Continued

The PRESIDING OFFICER. The Senator from Ohio is recognized.

HEALTH CARE REFORM

Mr. BROWN of Ohio. Mr. President, right now there is a meeting at the White House that is being covered extensively by the media live. There has been much anticipation about the meeting between the President and a number of Members of Congress, equally divided between the two bodies, the House and Senate, and the two political parties. It is a chance for both sides to listen to each other. The media has decided that by and large this is going to be unproductive. I watched a good bit of it today. At least people are

being open with what they believe and what they want.

There clearly are major differences between the two parties when it comes to health care. It goes back a couple, three generations. It certainly goes back to the mid-1960s, to 1965 especially, when the Senate and the House and President Johnson signed the Medicare bill. An overwhelming number of Republicans opposed it and an overwhelming number of Democrats supported it. It wasn't as partisanly charged as this, but it had the same interest groups around it, including the same insurance company opposition, the same accusations by—it was the John Birch Society then. Today it is the tea parties who oppose it. They didn't talk about death panels back then. Perhaps the John Birch Society wasn't as creative as are the tea party people, but they said it would be a takeover by big government of health care; the government would stand between the patient and the doctor. None of that has happened with Medicare. The kinds of accusations and charges and scare tactics used by the insurance industry and mostly Republican opponents in the 1960s to Medicare are very similar to the opponents to health care today.

So I say, setting the table, that there are major differences between the two parties. I was speaking to a couple of school groups recently, one from Lakewood, OH, and one from the University of Miami in Oxford, southwest Ohio. They asked about partisanship.

One woman said: I am neither a Republican nor Democrat—a young person, a 19- or 20-year-old college student. She said: I don't understand why they are blocking appointments, why you can't even agree on that, to even have a vote.

So the partisanship is surely more charged today than it has been. I explained to them it is not so much party as ideological differences; that Democrats are believers by and large in things such as Medicare, and the Republicans think: Let the insurance industry do it. That is fine. That is a legitimate philosophical difference. The Republicans side with the insurance industry, and the Democrats believe government can play a positive role—not an overreach but a positive role in people's lives by running programs such as Medicare, by running programs such as Social Security, by running programs such as student loans, agencies such as the Environmental Protection Agency which has made our country significantly safer and people's neighborhoods significantly safer.

There are some people on the other side of the aisle who just want President Obama to fail. I don't think that is a majority of Republicans; I think it is some number. Let's ignore that for a moment and just think there are philosophical differences between the two parties. I say that because I think there is something more going on, and that is that on a lot of these issues there has been bipartisanship on this bill.

I sit on the Health Education, Labor and Pensions Committee. We did our work on this bill back in May. Clearly, this hasn't been rushed through the Congress or rushed through with reconciliation. The Bush administration, on their big initiatives, pushed them through quickly without nearly as much debate as we have had, but, nonetheless, we sat in the HELP Committee and—the Presiding Officer knows this—we accepted, I believe, 163 Republican amendments. I voted for probably 155 of them. I agreed with most of them.

At the same time, the Finance Committee had negotiations with three Republican and three Democratic Senators. I think they took too long—that is my opinion—but the fact is, they had negotiations for months. There were discussions in May and June and July and August and September. Finally, Chairman BAUCUS, in frustration, said: Let's move forward. This doesn't seem to be working.

So there has been plenty of Republican input into this bill. There has been plenty of bipartisanship. As I said, there have been Republican amendments which have given the bill a Republican flavor and certainly a bipartisan flavor. There were a couple of specific matters. They wanted to allow health insurers to sell across State lines. We did that in the bill. The bill has provisions that allow a company in Indiana to sell insurance to residents of Ohio.

A company in Indiana can sell in Ohio, and a company in Ohio can sell insurance to somebody across the line in Fort Wayne or in Richmond or in Indianapolis or in Gary or anywhere else in that State.

So we listened to that, and we included that in the bill because that is one the Republicans always talk about: If you would only let us sell across State lines, that would be a great thing. That is what we did. We agreed to that.

The second big issue the Republicans talk about is allowing individuals and small businesses and trade associations to pool together so they can acquire health insurance at lower prices, much the way the large corporations and unions do. We did it. We set up exchanges that are basically clearinghouses of companies so that individuals can go into these exchanges and buy insurance and spread the risk out among millions of people. Or small businesses can take their employees—for a company that may have 25 employees, if one or two of them get sick from cancer, let's say, that small business will either—at best, that small business's premiums will go up and at worst they will get their premiums canceled. If two or three or four employees are sick and it costs tens of thousands or maybe hundreds of thousands of dollars, you can be in a risk pool with millions so your rates don't spike up. So the Republicans were right about that: Let them go into pools, and we did that.

So my point is, there is Republican flavor to this bill. There is Republican input—not just input, negotiations and successes—in this bill. There are 160 Republican amendments out of the HELP Committee in this bill. There have been almost unending discussions surrounding the bill. Yet the Republicans, to a person, oppose the bill. The only reason I can figure that out—not that it doesn't have bipartisanship to it—the only reason I can figure it out is what my colleague, Senator DEMINT from South Carolina, said: If this bill goes down, it is the President's waterloo.

I don't want to accuse my colleagues on the other side of the aisle of wanting this to fail in order to have the Democrats fail or wanting this to fail to damage Barack Obama's Presidency. I don't think that. I am not accusing them of that. I just wonder.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. LEMIEUX. Mr. President, I come to the floor today to speak on the issue of health care. Right now the leaders of this body, as well as the House of Representatives, are meeting with the President of the United States and members of his Cabinet at the Blair House to discuss the current health care reform proposal and where we should go forward to improve the health care of the people of this country.

I come to the floor today to talk about a specific portion of their discussion concerning health care fraud prevention.

Today, my colleague from Oklahoma, Senator COBURN, brought up with the President of the United States the issue of health care fraud prevention. As a Senator from Florida, this is something I have great concern about because, unfortunately, we are the capital of health care fraud for this country. I have put forward a proposal—S. 2128, the Health Care Fraud Prevention Act—to go after this very problem. Today, Senator COBURN brought up the fact that we believe that $1 out of every $3 spent on health care through Medicare or Medicaid or other public programs—$1 out of $3—is fraud, waste, or abuse—a shocking number. In fact, the belief is that $60 billion a year in the Medicare system alone—health care for seniors—is waste, fraud, and abuse.

Unfortunately, we don't have systems in place to go after and prevent that waste, fraud, and abuse. What we do in the Federal system when we think there is fraud is we send prosecutors and law enforcement folks out to

combat the fraud. These folks are doing a very good job, and there has been a lot of good work done in my home State of Florida. But the truth is, that is going after the fraud after it has already happened, and oftentimes there is no money left to collect. What we need to do is what I have proposed, and what the Health Care Fraud Prevention Act, S. 2128, accomplishes is it stops the fraud before it starts.

I was happy today that the President agreed we need to prevent health care fraud. He said we have already incorporated all of the good ideas on this. I hope that means we are going to pass S. 2128. It is a bipartisan supported bill. It is a bill that will stop the fraud before it starts. It is not, however, in the Senate bill we passed in December. When I tried to bring this measure to the floor as an amendment, it was objected to. Since that time, I have worked with my colleagues on both the Democratic and Republican side of the aisle to move this measure forward. Senator BAUCUS and I have spoken about it. In the 11-page memo the President put forward, it references doing in part what S. 2128 would accomplish. So I hope that in the new proposal, we will put forward S. 2128 and pass it.

Quickly, what does the bill do? It does three things:

One, it creates a chief health care fraud prevention officer of the United States. That person, appointed by the President, would work at the agency for health and human services, and their only job would be ferreting out fraud. When there is $60 billion in Medicare alone and potentially that much in Medicaid and across the health care system—we think $1¼ trillion a year in fraud, waste, or abuse—it is worth having one person whose whole job is to try to prevent that fraud. Remember, if this money is recovered, we can use it to provide health care, we can improve the quality of care because there will be more money going into actually helping our seniors, helping the poor, helping our veterans.

The second thing the bill does is it takes a model from the private sector—it borrows a page, if you will—because we have an industry in this country that does an excellent job of preventing fraud, and it is the credit card business. We have all had this experience. You go somewhere and use your credit card, and you get a phone call or an e-mail from your credit card company. They tell you some transaction has just occurred and ask: Did you really mean to have that transaction? Did you authorize that purchase? And you call them up and say either yes or no.

I have a young family, Mr. President, as you know. When I got appointed to the Senate, I brought my kids and my wife up here so we could be close. I have three children 6 and under and a baby coming in a month, so we are here in Washington, DC, most of the time. I had to do what any good dad would have to do: I had to go out and buy a television.

I went to Best Buy and bought a television. I live in Tallahassee, so before I left the store, my credit card sent me an e-mail. You live in Florida, is what this system is doing and thinking, and you are buying a television, which is a highly suspicious purchase, and you are doing it in Washington, DC. So I tell them yes, and the transaction goes through. If I tell them no, they do not pay Best Buy. They do not pay unless there is a verification on the front end.

We can use that same technology in health care to set up a predictive modeling system to prevent the fraud before it starts. I called the worldwide head of fraud prevention for MasterCard and asked him: Can we do what you do in health care? He said: Sure you can, and I will help you.

There is no reason we can't stop billions of dollars of waste, fraud, and abuse.

Mr. President, before we go on to all the other issues in health care that we can't agree upon, we should call up this bill and we should pass it. We would get 100 votes, I bet, in the Senate, and we could save what one group here in Washington thinks is $20 billion a year. That is $20 billion we could use to maybe pay down the debt and the deficit or put it back into Medicare, which is hurting and is going to run out of money in a few years. We could do good things with that money.

The third thing this bill does is it requires a background check for every health care provider. Can you believe we don't check the criminal records of people who claim they are providing health care to our seniors? We don't check to see if they are felons. We had a guy in Miami who was a convicted murderer who claimed to be a health care provider. This would require we do a background check. And if you are a criminal, guess what. You don't get to provide health care. You don't get to dupe the system.

So I hope we will take up this bill. I am appreciative of Senator COBURN. I am glad the President recognizes we can all agree on this. If we can all agree, let's get something done. Let's call the bill up and let's pass it.

HAITI

Mr. President, I had the opportunity to go on a congressional visit to Haiti a couple of weeks ago—actually, 2 weeks from tomorrow. We were there on the 1-month anniversary of the tragic earthquake that killed more than 200,000 people. Two hundred thousand people died in Haiti. Myself and the other Members of the Senate and the House who went there were able to see some of the tragedy.

We visited the cathedral in Haiti. You often hear President Clinton talk about this wonderful Catholic cathedral in Haiti that stood the test of time but could not stand the test of this earthquake. In fact, really the only prominent part of this cathedral that still stood, unbelievably, was the cross.

We talked to the people who were there. They are a wonderful and resilient people, and it is amazing that they could go on with the tragedy they had experienced.

I had the great honor to visit the Gesco Ford Operating Hospital, staffed mostly by American doctors and nurses, some of them from Miami, some of them from Orlando, in my home State of Florida. They are doing wonderful work.

We met with the President of the country and the Prime Minister and Ministers of the President's Cabinet, and we talked about what are the next steps.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I authored to the President of the United States, to which I will be referring.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
WASHINGTON, DC 20510
February 18, 2010.

Hon. BARACK OBAMA,
President of the United States,
Washington, D.C.

DEAR MR PRESIDENT: On Friday, February 12, we traveled to Haiti with a bipartisan group of colleagues from the House and Senate, led by Speaker Pelosi. The situation in Port-au-Prince, Haiti is dire. While much good work has been done to provide water and food, and to bury the dead, international assistance will be required for years to come.

Although a disaster of historic proportions, this earthquake provides great opportunity for renewal and rebirth as tragedies of the past have for cities around the globe. The goal must not be to return Haiti to where it was on January 11, 2010, but to assist the Haitian people in rebuilding a better, prosperous, and stable country.

We understand that in the coming weeks your administration will put forth a funding proposal to provide further relief to the Haitian people. For our efforts to be accomplished, that funding must be pursuant to a long-term plan for the success of Haiti's redevelopment. Accordingly, we suggest the following:

With the aid of the international community, Haiti must develop a long-term plan for investment. That plan must include defined goals and accountability measures that ensure both transparency and sustainable progress. Second, funds must be provided in a significant way to the Haitian people directly. Micro-loans for small businesses and similar targeted programs that are directly linked to economic performance will foster entrepreneurship and organic business growth. Third, a priority of international assistance to Haiti must be to ensure the well-being, safety, and security of the thousands of orphans that are currently living in Haiti. Fourth, long-term projects must focus on infrastructure and job growth with a special attention on developing centers of commerce outside the capital city, to strengthen the economy and disperse the population. Finally, a task force composed of Haitian-American leaders should be convened to tap the energy and vigor of America's Haitian community to sustain support for the relief effort.

In the short term, a joint effort must begin immediately to move displaced Haitians to high ground before the rainy season begins in the coming weeks. Thousands of Haitians are living in low-lying camps, and tragedy will strike again when the rain comes. We urge your administration to stress this point

with President Préval and Prime Minister Bellerive.

In the midst of the terrible disaster, we were all struck by the strength and resiliency of the Haitian people. With a long-term, measurable plan for redevelopment, the people of Haiti can achieve an economy and a society worthy of our investment and their tremendous sacrifice.

Sincerely,

GEORGE S. LEMIEUX,
BILL NELSON,
AMY KLOBUCHAR,
FRANK R. LAUTENBERG,
U.S. Senators.

Mr. LEMIEUX. Mr. President, this letter is cosigned by myself, Senator NELSON, my colleague from Florida, Senator KLOBUCHAR, as well as Senator LAUTENBERG, all of whom were on the trip with me. The letter basically asks the President to do four things in trying to focus our help and relief for this country.

We have been involved in trying to help the Haitian people for decades, and the American people have opened their hearts and their wallets to help the situation in Haiti, but the situation is dire. I cannot think of a more complicated, difficult problem than trying to bring Haiti forward to a sustainable place.

Haiti was already in bad shape, but it had a path forward and progress was being made. Now, as you drive the streets of Port-au-Prince, it looks like a bombed area. It looks like a war zone. You will randomly see three buildings standing as if nothing had happened and then a building that is completely and utterly destroyed. Right now, thousands of people are huddled together in these makeshift camps in low-lying areas. My great fear for the short-term is that when the rains come, which they will in the next weeks in Haiti, there will be another great tragedy. So we have to be focused in our help.

So I, along with my colleagues, sent this letter to the President and asked the President to do four things:

First, create a long-term sustainable plan for Haiti and put in charge of that plan, on behalf of our relief efforts, a trustee, along with an inspector general, along with a board of advisers, to work in partnership with the Haitian Government to make sure the money is spent wisely. We cannot just send billions of dollars into Haiti and let the money evaporate in short-term solutions. There needs to be a long-term sustainable plan.

Second, we have to provide funds to the Haitian people directly. Small businesses need microloans so they can provide jobs for the people of Haiti. We can't just give the money to third-party contractors.

Third, we have to be focused on this orphan issue. We have to make sure it is done legally, and where it is done legally, we have to make sure we get those children to their adoptive parents as quickly as possible.

Fourth, we have to make sure Port-au-Prince is not the center of the entire population for the country of Haiti. We are putting too many people in one place when tragedy strikes. We need to encourage development throughout the country.

I had the honor of having the President of Royal Caribbean cruise lines in my office yesterday—a Floridian, Adam Goldstein—and we talked about tourism to Haiti. There is a beautiful citadel in Haiti that would be a wonderful attraction for cruise ship tourists. There have been all sorts of difficulties building a road to it and making sure it is safe and secure.

We need to find ways to create jobs outside of Port-au-Prince, outside that city, so that fragile humanity is not all focused in one place.

Finally, we need to make sure the Diaspora of Haiti, the Haitian-American people—for example, we have about 250,000 Haitian Americans in Florida—are involved in the rebuilding of Haiti. They need to be welcomed. They are dying to get involved. They are hungry to get involved in this process of rebuilding their home country.

So I hope the President will put together this commission, appoint a strong leader—a Colin Powell or someone of that magnitude—as the trustee to work with the Haitian people to rebuild the island of Haiti, and I hope we can get effort and energy behind that proposal quickly so we don't have any other significant challenges in the coming months ahead for the Haitian people.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise today because our economy is struggling. Unemployment remains high, and the recession's hold on cities across America is as strong as ever. My home State of Nevada has been one of the hardest hit, and our tourism-dependent economy is barely hanging on. Unfortunately, this is true for tourism-dependent cities across our country.

During these difficult economic times, it simply isn't enough to try to stimulate domestic spending by passing one massive spending bill after another. We need to incentivize tourists from across the world to visit the truly unique destinations across America. From one coast of this country to the other, there are endless opportunities to tour historic sights, take advantage of recreational opportunities, observe great architecture, visit theme parks, dine in some of the finest restaurants in the world, view natural and man-made miracles, and soak up everything that is so uniquely found in America. We all know we live in the best country in the world. Now is the time for people across the world to enjoy all we have to offer while repairing our economy at the same time.

My colleague from North Dakota, Senator DORGAN, understands the importance of reasserting our tourism industry on the world stage. Together, he and I have sponsored the Travel Promotion Act, which is before us today. This bipartisan piece of legislation would help to make our travel and tourism industry more successful and more competitive internationally. So I thank my colleague, Senator DORGAN, for his great leadership on this important issue.

Tourism is our country's truest form of economic stimulus. The average overseas visitor to the United States spends roughly $4,500 per trip to pay for hotels, transportation, dining, shopping, and other things. Unfortunately, tourism took a massive hit on 9/11, and it has not yet recovered. This lost decade has only been made worse by last year's recession.

If the United States had managed to keep pace with global travel trends, 68 million more travelers would have visited the United States between 2000 and 2009. These travelers would have generated an estimated 250,000 new U.S. jobs in 2008 alone.

At a time when unemployment is at record-high numbers in this country, we cannot afford to throw away anymore tourism-related job creation. We could take a cue from Canada on successful ways to spur this tourism that we need so badly. If you have been watching the Olympics, you have seen these ads about British Columbia. I don't know about the rest of you, but it has made me actually want to go up and visit. But it is not just watching the Olympics. It is the ads that have been the most successful part of making me want to go to that part of the world. They have beautiful things to advertise, to show you: Doesn't that look like an incredible place to go visit?

Think about all we have in America that we can advertise to the rest of the world that may not have thought about it. I didn't think about going up to Vancouver and British Columbia, but those ads spurred my interest in it, and I am sure they have for many Americans and other people around the world. Tourism-related jobs can be created simply by spreading the word about the wonderful destinations that are literally scattered across the United States of America, and we can do it without raising taxes on hard-working American families or by digging ourselves even further into debt.

Unfortunately, the United States has dropped the ball when it comes to tourism and the industry has been virtually left behind. Declines in visits to the United States since 2000 have cost our country an estimated $500 billion in lost spending and at least $30 billion in lost tax receipts.

My speech today is not all gloom and doom, however. Instead, I stand here to offer a solution, a solution that can help get our hard-hit tourism industry back on its feet. What we need is a comprehensive strategy coordinated by public-private partnerships between the Government and the expert leaders

from our travel and tourism industry. This effort needs to center on a major initiative that will make the wonderful destinations throughout our great country known to foreign audiences. Actually, we do not want them to just be aware of these magnificent places. We want them to feel compelled to visit them.

September 11, 2001, forever changed our country and the security measures along with it. But we need to teach potential visitors about the new security policies of today so they can travel to and from our country with ease.

The bottom line is, the United States stands to make great gains economically and diplomatically if we strengthen our travel and tourism industry. So how do we go about doing this? The Travel Promotion Act which is before us today would create a public-private corporation for travel promotion to promote the United States as a travel destination to overseas travelers. This corporation would develop and execute a plan to do the following: It would promote the United States to foreign travelers by using coordinated advertising campaigns and other promotional activities, similar to what we see in the Olympics with Canada; the corporation would identify and correct misperceptions about U.S. travel policies; it would also help provide travel information to foreign visitors to the United States such as information about entry requirements, fees, and documents; and last, the corporation would focus its efforts to ensure that all 50 States benefit from overseas tourism, including areas not traditionally visited by international travelers.

Understand this, no taxpayer funds would be used to finance the corporation for travel promotion. Let me repeat that. No taxpayer funds would be used to finance the corporation for travel promotion. All the funding would come from private industry and from user fees paid by some international visitors. This would finally put the United States on equal footing with many other developed countries.

This legislation would be a true lifeline to my home State of Nevada, which depends so heavily on travel and tourism. I mentioned earlier my State was one of the hardest hit. But I do not think that description does the situation in Nevada justice. The tourism industry in Nevada, especially Las Vegas, has truly been crippled by the economy. Nevadans who were already struggling through home foreclosures have been forced to carry the burden of the downturned economy. Taxicab drivers, valets, housekeepers, waiters and waitresses and construction workers are drowning in this recession because Americans are not traveling like they used to. These workers are barely keeping their heads above water and some are not even able to do that. They are losing their homes, which has truly annihilated the housing market in my State.

Boosting overseas travel will provide for growth in an otherwise shrinking segment of our economy, and it will help heal local economies around our country. This will, in turn, greatly advance our overall economy at a time when we cannot afford to turn away the potential of hundreds of billions of dollars.

With domestic travel and convention travel down, overseas travel could be the silver lining we all need. At a time when our country faces record deficit and spending levels, I know this money may seem like a lot. Believe me when I say to you that I take my pledge of fiscal responsibility very seriously. I vote against spending bills that come across this floor all the time because they simply are an irresponsible waste of hard-earned taxpayer dollars. However, this bill is a responsible use of dollars. It does not apply a government spending bandaid to tough economic situations. It creates a solution that will greatly benefit our economy, and it does it without taxpayer dollars.

The Travel Promotion Act, which has the overwhelming support of Democrats and Republicans alike, is a relatively small investment that will significantly boost our economy, create jobs, and make us more competitive in the world. The bill will not increase the deficit. This bill does not increase the deficit. But it could spur billions in additional economic activity, benefiting Americans all around the country.

The Congressional Budget Office—nonpartisan, the official scorekeeper around here—confirms it will not place any additional burden on the taxpayer. People across my State and across the country have had to make difficult decisions when it comes to their own families' budgets. In fact, the legislature in my home State of Nevada is coming to terms with steep spending cuts and slashing services across the board as we speak, in a special session, because it is too far in the hole to sustain the current spending spree. So Americans are looking to us to boost the economy and so far we have not been able to do that.

Yes, we have spent money—and a lot of money at that, in fact—but our economic situation remains the same. I am asking that we look to the tourism industry as a lifeline for our economy, as I know it will be for my State and for so many others. The Travel Promotion Act will be that lifeline. It will create jobs, create opportunity, and show the world the beauty and the diversity of America.

Each one of us, who together represent all 50 States, knows we have incredible places to show the rest of the world. My home State of Nevada is actually the gateway to the Grand Canyon, which is located in Arizona. We have Lake Tahoe. We have, obviously, Las Vegas. We have so many other places to visit around our great State. But every single Senator could tell those stories. What we need to do is tell them in a way that makes foreign travelers want to come to America. The Travel Promotion Act is going to help us do that.

Let me remind folks, if you watch the Olympics, ask yourself these questions when those commercials about British Colombia come on: Does that make you more or less likely to go, especially if you can afford it? I think the answer is pretty obvious. They make an attractive case to visit their country.

This is the United States of America, with some of the most beautiful, incredible places to see. Are you telling me we cannot advertise this in a way that makes people want to come here? Of course we can. We can have tourism boosted like never before in this country and all Americans will benefit by doing that because when foreign travelers come here, they spend money, boost the economy, and boost every single State in this country.

I encourage this Senate to pass this bill as quickly as possible and get it over to the President for signature so we can get on with boosting the economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, may I ask what is the pending business before the Senate?

The PRESIDING OFFICER. The travel promotion bill.

Mr. WEBB. I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KENNAN NOMINATION

Mr. WEBB. Mr. President, I would like to speak for a few minutes on behalf of Justice Barbara M. Kennan, who is the nominee to serve on the Fourth Circuit Court. I respectfully request, in the name of good governance and the proper functioning of our constitutional system, that our colleagues on the other side of the aisle allow a prompt vote on her nomination.

Justice Kennan was voted out of committee in October of last year by a unanimous voice vote. Her nomination is noncontroversial. She has been a dedicated public servant, a fair and balanced jurist, and her nomination has had broad bipartisan support. I believe it is critical that we move forward as quickly as possible to confirm her nomination.

There are currently four vacancies on the Fourth Circuit, more than any other circuit. The seat that Justice Kennan would fill has been vacant for more than 2 years. Justice Kennan is an extraordinary choice to fill this vacancy. She has been a State supreme court justice since 1991. She has been a trailblazer for women in the law throughout her career. At the age of 29, she was the first female general district court judge in Virginia when she was selected for the Fairfax County bench. That was in 1980. She became the first female circuit court judge when she was promoted to that court in 1982.

In 1985, she was 1 of 10 judges named to the First Virginia Court of Appeals and the only woman when that court was created. She was selected for the State Supreme Court, the second female justice ever to serve there, in 1991. She was, in fact, the first judge to have served on all four levels of Virginia's courts.

I also would like to point out when Governor McDonnell was recently sworn into his office, he specifically requested that Justice Kennan deliver him the oath of office. There is a wide bipartisan consensus inside Virginia about the quality of this nominee, and I am very hopeful we can move forward in an expeditious way.

I am mindful of the Senate's constitutional role in confirming executive nominations. It is vitally important, and a robust vetting process and debate is appropriate. We have conducted, inside Virginia in our delegation, that kind of vetting process which resulted in Justice Kennan's name being moved forward.

In the spirit of pragmatic bipartisanship and good governance, I believe it is time to move past these procedural delays that seem to infect us and get on with the business of governing.

I would like to point out that out of 876 Federal judgeships, there are now 100 vacancies. These delays affect the administration of justice. These vacancies delay the resolution of disputes and they diminish our citizens' rights to a speedy trial. It is my understanding that Justice Kennan has broad support in this body. The vote in the Judiciary Committee is evidence of that. In fact, I will be very surprised if any Senator were to vote against her confirmation. Again, I am asking my colleagues on the other side of the aisle if they might allow this nomination to advance in a timely way.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Thank you.

(The remarks of Mr. KAUFMAN pertaining to the introduction of S. 3043 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KAUFMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BURRIS. Madam President, as I address this Chamber, President Obama is hosting the leaders of both political parties in a summit on the issue of health care reform. He has asked for all serious proposals to be brought to the table, once and for all, in an effort to bridge the gap between the House and Senate legislation and pass a final bill. He even provided his own proposal for how we can reconcile these bills with one another.

I thank the President for his leadership on this issue and his continued commitment to the issue of health care reform. I am glad he has called Republicans and Democrats to the table once again in yet another effort to reenergize this debate and move forward on behalf of the American people. I remain confident that we can still get this work done. That is why I have come to the floor today: to reaffirm my commitment to comprehensive health care reform and to urge my colleagues to join with our President and the leadership of our respective parties to find a real solution. In fact, I recently joined many of my colleagues in signing a letter urging this Senate to pass a bill that includes a public option—something everyone in this room knows I have supported since the beginning of this long debate. No matter what comes out of this afternoon's summit, I will judge our final proposal based on its ability to acknowledge three goals—the same three goals I have called for time and again over the past several months.

Our reform bill must restore competition to the insurance market, it must give us the tools to hold insurance companies accountable, and it must provide real cost savings to the American people. I am confident we can pass a measure that is capable of meeting these goals. I remain confident that after nearly a century of inaction, the American people demand and deserve nothing less.

Every President, every Congress, every ordinary citizen in the past 97 years has had to wrestle with a health care system that is broken and inadequate, a system that our predecessors consistently failed to fix; a system that has deteriorated badly over the last few decades and that remains unworthy of this great Nation. Today, 47 million Americans are without health insurance and 88 million do not have stable coverage. As a result of our broken system, 45 million Americans die every single year because they had no health insurance. These shocking facts should never be far from our minds as we debate these issues. They are more than statistics; they are ordinary Americans who desperately need our help.

As I address this Chamber today, we stand on the verge of correcting the oversights of the past century and getting these people the help they need. Legislation has been written, amended, and rewritten. We have compromised and compromised again. Each Chamber of the Congress has passed a comprehensive bill. Neither bill is perfect but both represent significant progress. We are so close to doing this. Now is the time to finish the journey.

Late last year, both the House and Senate voted for health care reform with a strong voice and a clear majority. At this point, we have only to reconcile the differences between these two bills. Just this week, President Obama released his detailed proposal outlining exactly how we can get this done. I urge my colleagues from both Chambers and from both parties to strongly consider this option.

Regardless of how we choose to proceed after today's bipartisan health care summit, let us come away with a definite plan of action. Let us come away with a plan to get this done, a plan that includes competition, cost savings, and accountability.

It is time to realize the promise of the last 100 years. I urge my colleagues to finish the fight that Teddy Roosevelt first waged more than a generation before any of us were born. Now is not the time to lose our nerve. Now is the time to act with conviction. Let's not allow the obstructionist tactics of a few to undermine legislation that garnered 60 votes in this Chamber and 220 votes in the House. I refuse to accept that a handful of ''no'' votes can invalidate 280 votes. I refuse to accept that the minority party can stifle the voices of millions of Americans and hundreds of Members of Congress who have demanded that we win this fight. I call upon my colleagues in both Chambers to look past our differences and carry out the will of the American people. They sent Democrats to Congress with the largest majority in decades. They elected a President who has pledged himself to this cause.

As far as the American people are concerned, this debate was over a long time ago. This issue has carried the day. This is the measure that the American people voted for in 2008 and, my fellow Democrats, this is what our party is all about. Now is not the time to shrink from the fight but to engage in it. Now is not the time to falter or to second-guess the wisdom of the folks who sent us here. Now is the time to take bold action, to forge ahead, to carry forward the ideas and principles of our party by delivering real results and delivering for the American people a health care plan that will give them protection and not see their premiums going up 39 percent and 40 percent.

Comprehensive health care reform will extend quality coverage to 31 million Americans. It will reduce premiums and prevent insurance companies from abusing their customers or discriminating against people who get

sick. Can my colleagues imagine: You get sick and think you have coverage today and then they cancel your policy and you have no coverage. The majority leader stood on the floor yesterday and told the story about the young kid with the cleft lip where the father paid $90,000 because the insurance company canceled the policy because the kid was born with a cleft lip. That is unconscionable. We in this country should not tolerate it.

The Senate bill could even cut the Federal deficit by about $1 trillion over the next two decades. I ask my colleagues: What are we waiting for? This is about values, not politics. Our country deserves better, so let's make it happen.

In politics, it is easy to find excuses. It is easy to wait, to delay, to place blame on another and throw up our hands. That is not leadership. That is not what the American people have called upon us to do and it is far less than they deserve. The American people have been waiting for 100 years, and I, for one, think that is quite long enough.

I say to my colleagues: It is time for us to lead. It is time to take up the mantle of Teddy Roosevelt and, yes, Teddy Kennedy, and everyone in between. Because this isn't just about health care; it is about creating jobs, helping small businesses, and keeping America on the road to economic recovery. These issues are not separate as some would have us believe. They are tied inextricably together. Fixing the American health care system will reduce the deficit, make it easier for small businesses to meet expenses, create jobs, and provide health coverage to more Americans than ever before. The way I see it, we cannot afford to wait any longer.

So let us act with a strong, united voice. I urge my colleagues to join me in passing a final health care bill and sending it to President Obama as soon as possible. Yesterday would have been all right. Let's win this fight. Let's stand up for what we believe in and succeed where our predecessors came up short. The stakes are too high to settle for anything else.

I say to my colleagues, and to those who are meeting today with the President, we must come up and out of this summit with a plan that is going to give health insurance to the people of America not tomorrow, not next week, but right now.

Thank you, Madam President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. REID. Mr. President, Nevada's tourism has been hit hard by the slowing worldwide economy. And when tourism in Nevada hurts, the entire State suffers.

Hardworking people have lost their jobs. The State's budget has taken a major hit. Because that budget is largely funded by tourism, funding for vital programs in our State are at risk.

But Nevada is not alone. Its problem is not unique. Tourism is one of the top industries in nearly every State in the country and one of the largest employers in America.

That is why this bill is so important. This is an opportunity not only to give American tourism a boost, but it is one of the many ways we are working to create jobs and help our economy recover.

The concept behind it is simple: It says, let's create jobs and reduce the deficit. It is a win-win for the economy of every State and our national economy alike.

And it is a bipartisan bill that take the strategies that have made Las Vegas such a success and brings them to our entire Nation's tourism industry.

This week, the U.S. Travel Association called the last 10 years a ''lost decade'' for tourism. It cost us half a million jobs and half a billion dollars in lost spending. This bill will turn that around.

The travel promotion bill is a jobs bill. It is about creating jobs, it is about growing our economy and it is about keeping the United States competitive in the world travel business.

UNANIMOUS CONSENT REQUEST—H.R. 4691

I ask unanimous consent that the Senate proceed to the consideration of H.R. 4691, which is a 30-day extension of provisions which expire on Sunday, February 28—they are an unemployment insurance extension; COBRA, health insurance for the unemployed; flood insurance; the Satellite Home Viewer Act; highway funding; SBA business loans and small business provisions of the American Recovery Act; SGR, which is the so-called doctor fix; and poverty guidelines—received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be made and laid on the table.

This matter passed the House unanimously today. The reason it passed the House unanimously today, if we don't do something about this, all around America, about 1½ million people who will be watching TV will no longer watch TV. This is mostly in rural areas of America, rural areas of Nevada. I guess we could be hard-hearted and say they don't need to watch TV, but in Nevada we have very harsh winters in many parts of the State. For many of these people, the only way they can get information is through television. It could lead to some very serious problems. If we talk about flood insurance, even though Nevada is a very dry State, this is something we need to do for States where we have all kinds of problems with floods all the time. We, in northern Nevada and in southern Nevada, have had some devastating floods, not often but we have them. Highway funding, this costs nothing, what we are doing here, the extension costs zero. SBA business loans, this costs $60 million to allow the SBA to continue processing programs to allow people who want to have a business to get a few dollars so they can continue or start a new business. We are not going to be able to do this because it expires at the end of this month; small business provisions of the Recovery Act, the same thing; poverty guidelines, these things cost nothing basically nothing; the SGR, it is my understanding about $1 billion is being asked for here. I think it is such a shame that we don't get this done. The big ones, though, from my perspective, are the poor. We have people who weren't poor who are now poor because they have been unemployed for so long. This will terminate on Monday. I talked to the Presiding Officer. In just a matter of weeks, 65,000 people in Illinois will no longer be able to draw these benefits. In the State of Nevada, which is not as heavily populated as Illinois, thousands of people who have been unemployed for long periods of time—and I repeat, they started out in this business not being poor; they are poor now—it would be a shame not to give them those moneys.

My friend, the distinguished Senator from Kentucky, is going to say: Pay for all this. As I have gone through everything we have talked about, it doesn't cost much money. Unemployment compensation does. It costs a lot of money. We have millions of people who are unemployed. In years past, when we wanted to extend unemployment benefits, it was an emergency, a declared emergency historically in this body. Why? Because it is an emergency. We have rules in effect, pay-go rules we have passed. Of course, we can look to that as a step forward. But that doesn't mean we don't have emergencies.

I would also say that COBRA—what is COBRA? It is a program to help people who are out of work or who lose their jobs get insurance.

Anyway, I say to my friend from Kentucky, I would hope that for the people I have described who are just wanting us to do our work, we can get that done. I hope my friend would not object to this.

The PRESIDING OFFICER (Mr. DURBIN). Is there objection?

Mr. BUNNING. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Kentucky, Mr. BUNNING.

The majority leader.

UNANIMOUS CONSENT REQUEST—H.R. 4691

Mr. REID. I ask unanimous consent that the Senate now proceed to H.R. 4691 and that the Reid of Nevada substitute amendment which is the desk be considered read; that the Republican leader or his designee be recognized to offer a substitute amendment, and

there be 60 minutes of debate with respect to that amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, and if a budget point of order is made against the amendment, a motion to waive the relevant point of order be considered made, and the Senate then vote on the motion to waive the point of order; that if the waiver is successful, the amendment be agreed to and the Reid substitute, as amended, be agreed to; that if the waiver fails, the amendment be withdrawn; further, that there be 30 minutes for debate with respect to the Reid substitute amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of that time, and if a budget point of order is made against the amendment, a motion to waive the relevant point of order be considered made, and the Senate then vote on the motion to waive the point of order; that if the waiver is successful, the Senate proceed to vote on adoption of the Reid substitute amendment; further, that no further amendments, motions, except a motion to reconsider a vote, or debate be in order; that upon disposition of the Reid substitute amendment, the bill, as amended, be read a third time; and following the reading by the clerk of the budgetary effects of the pay-go legislation with respect to H.R. 1586, the Senate proceed to vote on passage of the bill, as amended; that upon passage, the title amendment, which is at the desk, be considered and agreed to.

Before my friend from Kentucky makes his feelings known, let me say this. This is something we worked out yesterday. When I say ''we,'' that means Democrats and Republicans, all except one Senator. What this agreement allows is for all the provisions in this, these extensions be paid for out of the stimulus or the economic recovery money. That is a fair vote. Some people want to do that. Let's vote on it. We know what the rules are. We are sent here to vote. We are not sent here to object. When 99 Senators want something done, it is not right for one Senator to hold it up. My friend has that right. But it is a real problem for so many different people. I would hope we could have a vote. We can do it tonight and move on to other things.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. Reserving the right to object, I just wish to make sure I am objecting to the right motion. In the third-to-last sentence, the leader used, in my opinion, the wrong number. He used H.R. 1586.

Mr. REID. Mr. President, the Senator from Kentucky is right. I have it written here.

Mr. BUNNING. It should be 4691.

Mr. REID. That was my mistake. I appreciate the Senator catching that.

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard by the Senator from Kentucky, Mr. BUNNING.

Mr. BUNNING. Mr. President, may I now speak and propose a unanimous consent? First of all, let me say this to my good friend from Nevada. I have worked all day trying to work out a compromise, anywhere from 2 to 4 weeks on this UC, trying to get it paid for, for the time of the extension. We were very close. We tried to get agreement using different pay-fors than what I am going to propose. But in the final analysis, it came down to, when the White House summit adjourned, the leader came back and it was going to be his way and no one else's way. That is what it turned into. I am going to propose a 30-day extension with an offset. So I am as anxious to get those same provisions he has brought up—the COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA provisions, American Recovery Act, SGR, poverty guidelines. I wish to get them renewed also.

UNANIMOUS CONSENT REQUEST—H.R. 4691

So, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691; that the amendment at the desk, which offers a full offset, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. BURRIS). Is there objection?

The majority leader is recognized.

Mr. REID. Mr. President, reserving the right to object, there probably has never been a time in the history of our country when we had economic conditions that are like they are today—unemployment all over this country averaging some 10 percent; some States as high as 14 percent. If there were ever an emergency with our economy, it is tonight, it is today. And to think we are not going to declare this an emergency?

Millions of people are unemployed, millions of people have been unemployed for long periods of time and their unemployment benefits are running out. They are not able to buy their health insurance because the program is going to expire on Monday.

The Senate has a history of treating unemployment benefits as an emergency. No one, I repeat, can argue that the current economic downturn does not represent a grave emergency. So, Mr. President, I am forced to object.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, I now ask unanimous consent that notwithstanding rule XXII, the cloture vote on the motion to concur in the House amendment to the Senate amendment to H.R. 1299 occur at 7:50 p.m. tonight—3 minutes from now—that if cloture is invoked, then all postcloture time be considered yielded back, Senator DEMINT then be recognized for up to 10 minutes to move to suspend the rules; that upon the use of that time, the Senate then proceed to vote on the DeMint motion; that if the DeMint motion is successful, then the amendment be agreed to, and the motion to concur with the amendment be agreed to; that if the DeMint motion fails, then no other motions or debate be in order; that the motion to concur with an amendment be withdrawn, and the Senate then proceed to vote on the Reid of Nevada motion to concur in the House amendment to the Senate amendment to the bill, H.R. 1299.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, we expect to have three votes here tonight. As soon as those are done, we will not have another vote until Tuesday, but it will be in the morning.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1299, the United States Capitol Police Administrative Technical Corrections Act.

Harry Reid, Byron L. Dorgan, Russell D. Feingold, Patrick J. Leahy, Daniel K. Inouye, Kay R. Hagan, Jeff Bingaman, Robert Menendez, Richard J. Durbin, Jack Reed, Mark Begich, Patty Murray, Bernard Sanders, Robert P. Casey, Jr., Barbara Boxer, Jon Tester, John D. Rockefeller IV.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 1299, the United States Capitol Police Administrative Technical Corrections Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 76, nays 20, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—76

Akaka	Baucus	Begich
Alexander	Bayh	Bennet

Bennett
Bingaman
Bond
Boxer
Brown (OH)
Burris
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Collins
Conrad
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Franken
Gillibrand
Graham
Hagan
Harkin
Hatch
Inouye
Isakson
Johanns
Johnson
Kaufman
Kerry
Klobuchar
Kohl
Landrieu
Leahy
LeMieux
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Merkley
Mikulski
Murkowski
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Snowe
Specter
Stabenow
Tester
Thune
Udall (CO)
Udall (NM)
Vitter
Voinovich
Webb
Whitehouse
Wicker
Wyden

NAYS—20

Barrasso
Brown (MA)
Brownback
Bunning
Burr
Coburn
Corker
Cornyn
Crapo
DeMint
Enzi
Grassley
Gregg
Kyl
McCain
McConnell
Risch
Roberts
Sessions
Shelby

NOT VOTING—4

Hutchison
Inhofe
Lautenberg
Warner

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 20. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that following the remarks of Senator DEMINT, his vote and the next vote be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Cloture having been invoked, the motion to refer falls.

Under the previous order, all postcloture time is yielded back.

The Senator from South Carolina, Mr. DEMINT, is recognized for up to 10 minutes.

Mr. DEMINT. Mr. President, I know many here are very anxious to start a new government agency, and I won't hold you up for very long.

It is important that we recognize some things that are happening. There is probably one good thing we can do tonight—maybe—to stop the landslide of more government control. In the last year—a little over a year—we have seen this Federal Government take over two of our largest auto companies, our largest mortgage company, our largest insurance company, and expand its control on America's domestic energy sources, and, of course, we had the debate on trying to expand control of health care.

We are expecting, very soon, a new financial reform package that will expand Federal control everywhere from Wall Street to the local pawnshop.

While these big things are coming in front of us, there are things happening in the executive branch that are circumventing Congress, and that should concern us. A lot of you have heard from industries back home about what the EPA standards are doing. Businesses don't know what to expect, nor do local communities. I had an engine company in my office today that said orders were on hold until they find out what the EPA is going to do. I have also had people in my office in the last week talking about the FCC and the coming ruling on expanding control over the Internet—one place in our economy that continues to boom with innovation.

There is one thing that just leaked out that I want to bring to your attention. We need to try to halt that tonight before it is too late. A whistleblower at the Department of the Interior leaked a document that shows they are considering using the Antiquities Act to grab over 10 million acres of land in nine Western States and basically take them offline of jobs for mining, forestry, and energy. This includes Nevada, Utah, Montana, New Mexico, California, Arizona, Oregon, Colorado, and Washington. It is important that we stop this and at least have some Senate hearings on what they are trying to do.

This is a priority for what we are talking about today because the President and the Congress have said our top priority is jobs. This action by the Interior Department will hurt jobs. It will dry up tax revenues in local communities and States. It will restrict energy supplies in this country.

Mr. President, all I am asking is that we suspend the rules, which require 67 votes, and vote on this amendment to stop the Department of the Interior from taking over over 10 million acres of land and hurting our economy and jobs.

I promised the leader I would keep it to less than 10 minutes. I encourage everybody to support this motion I am getting ready to make.

Mr. President, I move to suspend the provisions of rule XXII, including germaneness requirements, for the purpose of proposing and considering my amendment, which is at the desk, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, I rise in opposition to the motion of the Senator from South Carolina to suspend rule XXII and offer an amendment to prohibit the establishment of national monuments under the Antiquities Act or any other law.

I understand that the proposed amendment is in response to allegations that a portion of an internal planning memo at the Department of the Interior identified several areas throughout the country as areas that may be appropriate for potential national monument consideration.

The Secretary of the Interior has stated that the document was simply a brainstorming exercise to identify sites on public land that might merit more serious consideration for possible management options, and that no decisions have been made about which areas, if any, might merit more serious review and consideration.

I don't think it makes sense to try to legislate every time an article appears in a newspaper. I would observe that even the document in question that was leaked to certain Members of Congress states that ''further evaluations should be completed prior to any decision, including an assessment of public and Congressional support,'' and Secretary Salazar has publicly stated his view that new designations and conservation initiatives work best when they build on local efforts. So I think that any attempt to legislate at this time is very premature.

Apart from the substantive problems with the proposed DeMint amendment, the travel promotion bill is not the appropriate legislation to consider this issue, and waiving the Senate rules to allow for consideration of an amendment that would not otherwise be in order is, in my view, not appropriate.

For these reasons, I oppose the motion to suspend rule XXII.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 58, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—38

Barrasso
Baucus
Bennett
Bond
Brown (MA)
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Crapo
DeMint
Ensign
Enzi
Graham
Grassley
Hatch
Isakson
Johanns
Kyl
LeMieux
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Risch
Roberts
Sessions
Shelby
Tester
Thune
Vitter
Voinovich
Wicker

NAYS—58

Akaka
Alexander
Bayh
Begich
Bennet
Bingaman
Boxer
Brown (OH)
Burris
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Franken
Gillibrand
Gregg
Hagan
Harkin
Inouye
Johnson
Kaufman
Kerry
Klobuchar
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Merkley
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Snowe
Specter
Stabenow
Udall (CO)
Udall (NM)
Webb
Whitehouse
Wyden

NOT VOTING—4

Hutchison	Lautenberg
Inhofe	Warner

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 58. Two-thirds of the Senate voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Under the previous order, the motion to concur with amendment No. 3326 is withdrawn.

Mr. INOUYE. Mr. President, I am pleased to join my colleagues in support of H.R. 1299, the Capitol Police Administration bill, the legislative vehicle for the Travel Promotion Act of 2009.

The Travel Promotion Act of 2009 will allow the United States to remain competitive as a welcoming destination for foreign travelers. Our ability to explain the processes and changes made by the United States to gain entry for travel will help to ease fears about the entry process. The proposed nonprofit, independent corporation charged with this responsibility will be able to conduct the necessary outreach and promote tourism in a way that the tourism industry cannot. In addition, an Office of Travel Promotion will be able to work with the Department of State and the Department of Homeland Security to improve the entry process.

Promoting the United States as an attractive tourist destination for both leisure and business with international visitors is of the utmost importance to the many States that house destination resorts. Consider the experience of my own home State of Hawaii. Hawaii's economy largely relies on travel and travel related business. Visitors from around the world come to see our islands' natural beauty, and experience the spirit of ''Aloha.'' Our Nation's hospitality industry suffered a severe setback following the events of September 11, 2001, and travel from abroad to the United States fell dramatically.

It is not only the hospitality industry in Hawaii that suffers, but our local businesses. The State of Hawaii boasts its beauty and environment, but many travelers to our State come to do business, which is sometimes obscured or overlooked because of Hawaii's label as a tourist destination. The hospitality industry's employees rely on vacationers and businessmen and women to provide for their families. The economic activity generated by this industry continues to struggle during these financially challenging times.

Hawaii's experience is not unique. The hospitality industry nationwide continues to face similar challenges, and the economic effects have rippled through the nation to impact all of our citizens. The State of Hawaii's visitor statistics continue to reflect the downward trend. Preliminary travel data for 2009 indicate that there was an overall 3.5 percent decline in the number of international visitors to the islands compared to the number of international visitors in 2008. Nationwide, the number of international visitors between January and November of 2009 fell by 7.2 percent compared to the same period during 2008.

Both developing countries and industrialized economies around the world have ministers and offices that promote travel to their respective countries. However, the United States does not have an office that promotes travel and tourism abroad. This legislation is an important first step in the right direction. Establishing an Office of Travel Promotion will help to attract foreign travelers to the United States. This will not only sustain our tourism based industries, it reinforces business relationships and promotes a better understanding between Americans and our friends abroad. Interacting with the American people is a valuable tool at our disposal to dispel international travelers of misconceptions they may have about our country. Approximately 74 percent of visitors have a more favorable opinion of the United States after visiting our country.

The economic activity generated by international travel and its promotion should be approached in the same manner we foster other industries equally important to jobs and the economy. The Travel Promotion Act of 2009 is vital to our travel and tourism industry's ability to compete globally, and to restore confidence in the United States' image as a country that is committed to welcoming our friends from abroad. I urge my colleagues to support this legislation, and help us ensure that international business and leisure travel to the United States is given all of the tools necessary to succeed.

The question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 1299.

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 18, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—78

Akaka	Boxer	Collins
Alexander	Brown (OH)	Conrad
Barrasso	Burris	Dodd
Baucus	Byrd	Dorgan
Bayh	Cantwell	Durbin
Begich	Cardin	Ensign
Bennet	Carper	Enzi
Bennett	Casey	Feingold
Bingaman	Chambliss	Feinstein
Bond	Cochran	Franken
Gillibrand	Levin	Sanders
Graham	Lieberman	Schumer
Hagan	Lincoln	Shaheen
Harkin	Lugar	Snowe
Hatch	McCaskill	Specter
Inouye	Menendez	Stabenow
Isakson	Merkley	Tester
Johanns	Mikulski	Thune
Johnson	Murkowski	Udall (CO)
Kaufman	Murray	Udall (NM)
Kerry	Nelson (NE)	Vitter
Klobuchar	Nelson (FL)	Voinovich
Kohl	Pryor	Webb
Landrieu	Reed	Whitehouse
Leahy	Reid	Wicker
LeMieux	Rockefeller	Wyden

NAYS—18

Brown (MA)	Cornyn	McCain
Brownback	Crapo	McConnell
Bunning	DeMint	Risch
Burr	Grassley	Roberts
Coburn	Gregg	Sessions
Corker	Kyl	Shelby

NOT VOTING—4

Hutchison	Lautenberg
Inhofe	Warner

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INHOFE. Mr. President, I have no real strong feelings about this bill other than that I do not think this country needs to create another corporation, a corporation that would be authorized to impose an annual assessment on U.S. members of the travel and tourism industry represented on a board of directors of the corporation established in the Department of Commerce, Office of Travel Promotion. I do not believe we need another office in this bureaucracy, so I will be voting against this bill. I voted against it on June 22 of last year, September 8 of last year, and September 9 of last year, so my vote would have been the same this year.

UNANIMOUS CONSENT AGREEMENT—H.R. 4213

Mr. REID. Mr. President, I ask unanimous consent that on Monday, March 1, at 3 p.m., the Finance Committee be discharged of H.R. 4213, an act to provide for certain extenders; that once the committee is discharged, the Senate then proceed to its consideration; that after the bill is reported, Senator BAUCUS or his designee be recognized to offer a substitute amendment, and once the amendment is reported by number it be considered read.

Mr. President, prior to a ruling, I would like to express my appreciation to the Republican leader and all those who worked so hard to get us to the point we are at today and next week. We should have a very good week next week. Everyone should be ready for some legislating. There will be a number of amendments offered, some of which I know, most of which I don't know what they will be. But a lot of work has gone into this very important legislation and, again, I express my appreciation to the Republican leader and others who worked so hard to get us to where we are.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 4691

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28—unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business provisions of the American Recovery Act, SGR and poverty guidelines—received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Kentucky.

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Mr. President, the Senator has objected to extending unemployment benefits across the United States of America which will expire on Sunday night. He has also objected to extending COBRA benefits, which is health insurance for the unemployed people across America. This has been done regularly, now that we are in this recession, because millions of Americans are out of work. We know there are four or five, maybe even six people for every available job. Folks have depleted their savings, they run the risk of losing their homes, they are trying to keep their children in school, they are trying to provide the necessities of life, and the Senator from Kentucky objects to their having unemployment benefit checks.

What does it mean to me? Well, in the State of Illinois, it means that as of Sunday night, 15,000 people in my State will stop receiving unemployment benefits because of the objection of the Senator from Kentucky. It means that every week thereafter another 15,000 will lose their unemployment benefits. It is a harsh reality that many of these families have been looking for work for a long time.

The Senator has also objected to providing assistance to small business. The request I made would extend, for 30 days, provisions of the Small Business Act and the Recovery Act lending programs for small businesses. So what the Senator from Kentucky is doing, as of Sunday night, is shutting down the availability of credit for small businesses across America through this Small Business Administration program. In the midst of a recession, when we are told small businesses are the engine that will bring us out of this recession, when they are desperate for credit to keep their doors open, families who have spent a lifetime building a small business are going to be denied an opportunity to borrow money through the Small Business Administration because of the objection of the Senator from Kentucky.

Let me say a word about COBRA. One of the first casualties of unemployment is health insurance. Sadly, many of these people are in a position where they do not qualify for Medicaid—health insurance for the poorest people. So they find themselves without health insurance for the first time because they are unemployed. We said, under President Obama's Recovery Act, we are going to help you pay for those premiums so you can continue to have health insurance for your family. That expires Sunday night too. The objection of the Senator from Kentucky means thousands of people across America will lose their health insurance. Because of his objection, they will lose it on Sunday night.

Workers who lose their jobs count on COBRA. And COBRA, frankly, is expensive. On average, COBRA coverage consumes 84 percent of unemployment benefits. It is not cheap. The average monthly unemployment benefit in Illinois is just over $1,300. The average monthly family COBRA premium is over $1,100. Through the Recovery Act, we said we would pick up 65 percent of that. Well, because of the objection of the Senator from Kentucky, if these people want to maintain their health insurance through unemployment, they are basically going to have to turn to savings or give it up.

Why? Why would we want to heap this kind of suffering on people who are already going through such misfortune? It isn't just Illinois that suffers, it is virtually every State. As of December, there were 221,000 people in Kentucky unemployed—10.7 percent of the Kentucky workforce—63,000 people in Louisville, 18,000 people in Lexington, 6,000 in Bowling Green, 5,500 in Elizabethtown, 5,000 in Owensboro. As they are desperately looking for work, many of these people are just getting by on unemployment checks. They are just trying to get by.

Last month, the State of Kentucky had the sharpest increase in unemployment claims in the country—in the entire United States—with 2,510 more claims than the month prior due to the automobile industry and manufacturing job cuts. Unfortunately, many of these people will lose their unemployment benefits in Kentucky because of the objection of their Senator. If Senator BUNNING has his way, more than 14,000 Kentucky residents will lose their unemployment assistance in March and 60,000 by the end of June.

Why? Why are we doing this to these families in Kentucky and Illinois and every State? Everyone acknowledges there is only one objection. Everyone in this Chamber acknowledges we are a caring and compassionate country, and we will, on an emergency basis, extend a helping hand to those who have lost their jobs.

Most Senators have left for the evening, but some have stayed on the floor. I have asked them if they would like to say a word on this issue. They are going to go home and tell their people back home there are going to be some terrible things happening as of Sunday night because of the objection of the Senator from Kentucky: 15,000 in my State, thousands in his own State and all across the country.

I am staying tonight to talk about this because, frankly, I don't think this ought to be business as usual. I don't think one Senator ought to be able to heap this kind of suffering and misfortune on people who are already struggling in this economy. If you wish to take it out on somebody, take it out on a colleague or a debate, but these are helpless people out of work.

Senator REID offered to the Senator from Kentucky an amendment—bring to the floor your theory on how to pay for this. He has a theory. He wants to pay for it with unexpended stimulus funds, as I understand it. He would have had his chance on the floor to make his case. He would have had a rollcall at the end of the day. He might have won, he might have lost, but he came to the floor yesterday and said I am not going to fall for that. I may lose this amendment and therefore I am going to object.

That is the nature of things. It is like when you pitch a ball game. Sometimes you win and sometimes you lose. On the floor, sometimes you win——

Mr. BUNNING. Do you know about that?

Mr. DURBIN. I have never pitched a ball game. I never have. I am very proud of what you have done in your baseball career. But let me tell you, this is a wild pitch you are throwing tonight because this is a pitch that is hitting somebody in the stands, it is hitting an unemployed worker in Illinois. That is a wild pitch that should not have been thrown, Senator.

I believe when you look at what this is going to do across America, this is unforgivable that we would do this to these unemployed people.

For the Senator from Michigan, I yield for the purpose of a question.

Ms. STABENOW. I appreciate the Senator from Illinois, my friend, in his comments. I guess my question would relate to the State of Michigan because the Senator listed off some very important statistics. I wonder if the Senator is aware that in March, 62,000 people in the great State of Michigan, where we have the highest unemployment rate—we have a 14.6-percent unemployment rate, over 700,000 people right now unemployed, looking for work. These are people trying to keep a roof over their head, trying to keep food on their table, they are trying to hold things together as they are looking for a job. Yet we have 62,000 great people from Michigan who are going to lose their benefits in March. In fact, if this continues—and I know all of us are working very hard to get a year extension of

unemployment benefits. But I am wondering if my friend is aware that by May, 225,000 people in Michigan will be out of their benefits. These are people who are looking for work. We know for every one job available there are six people right now who are fighting to get that job. We have a jobs agenda. We are working very hard to make sure there are more jobs and partnering within the private sector.

But in the meantime, I am wondering if my friend would agree with the fact that this is a disaster, in fact. This is as much a disaster for families as anything else. We do emergency spending for floods and hurricanes and all kinds of disasters. For families, would my friend agree, this is as much of a disaster and warrants as much immediate attention as anything else we do?

Mr. DURBIN. I would say to the Senator from Michigan, this has been characterized as an emergency because it is an emergency. It has been acknowledged by the Budget Committee. It will be treated as an emergency spending situation. It is an extraordinary situation, just like a drought or flood or hurricane or tornado. These people have had their lives disrupted. We are trying to keep these families together. If there is ever a family value issue, this is it.

At this point I would like, on behalf of the people of Michigan and Illinois and Kentucky, Mr. President, to ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28, unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA, business loans and small business provisions of the American Recovery Act, SGR, and poverty guidelines received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. The Senator from Kentucky objects.

The PRESIDING OFFICER. The objection is heard.

Mr. DURBIN. Mr. President, I yield to the Senator from Rhode Island for purposes of a question.

Mr. REED. I am wondering if the Senator can confirm that we have routinely extended unemployment benefits over many decades, over both Republican and Democratic Presidents and Republican and Democratic Congresses, and we have always done it when the unemployment rate was at least above 7.4 percent. I think the lowest unemployment rate in which we suspended unemployment, extending benefits, was 7.4 percent. I say that because in Rhode Island we are up to 12.9 percent and there are other States that are equally disadvantaged.

This not only sort of upsets what I think is the logical way to proceed on this tonight, but it rejects decades and decades of the common sense and common decency of the Congress.

I think and I hope you can confirm that understanding.

Mr. DURBIN. I say to the Senator from Rhode Island he is correct. In these extraordinary times when people have lost so many jobs, we set politics aside and we say we are going to help these people, whether it is victims of an economic disaster or a natural disaster. I cannot imagine if I were going home to Rhode Island, facing 12.9 percent. It is 11.1 in my home State of Illinois. You have a larger percentage of your population going through this. I am sure you have examples of friends, of folks who have already contacted your office who are at their wits end to figure out how to keep their families together.

I have seen it. I went to the unemployment offices in Chicago. I hope the Senator from Kentucky has visited with unemployed families in his State and understands how desperate they are. These are people who will do anything to get a job. They will do anything to get an interview.

They are trying desperately. Some of them are taking training courses, trying to figure out anything that might work to get a job.

They are really up against it when it comes to health insurance. It is one of the first casualties. This objection by the Senator from Kentucky will make it next to impossible for these families to have health insurance as a result of his objection.

I don't understand why we would do this. We are a caring people. On a bipartisan basis we step up as an American family when people are in need. I would not ask twice if someone came to me with a disaster in another State, because I know I have needed help in my own State. This is a real disaster. It is one that has affected virtually every State.

When you take a look at some of the provisions in this bill—incidentally, beyond unemployment—some people, particularly those living in rural areas, are affected by this Satellite Home Viewer Act which will not be extended because of the Senator's objection. It is a minor inconvenience for some, maybe more of an inconvenience for others. But why would we do this? Why would we object to the extension of these basic provisions in the law for 30 days? That is all we are asking for. I would think that is very basic and something we should be doing.

I also think the idea of helping the doctors who are treating Medicare patients is not an unreasonable thing to do. These are people who are taking care of the elderly in America, our parents and grandparents. This so-called SGR, the sustainable growth rate, or doc fix, is also one of the provisions which the Senator from Kentucky is objecting to.

It doesn't make sense. We want to make sure patients across America receive the care they are entitled to, that Medicare patients can go visit their doctors and doctors can receive adequate compensation for doing that. I do not think that is an unreasonable thing for us to ask and I hope my colleagues who are on the floor here, if they have similar situations in their own State with unemployment, or if they are dealing with small businesses needing credit, would join me in this conversation on the floor about how unfair it is to be objecting to this extension of unemployment benefits.

I yield to the Senator from Missouri for purposes of a question.

Mrs. McCASKILL. Mr. President, I am not prepared with some of the questions I would like to ask because, frankly, I am surprised. I would like to be able to ask you and compare the numbers in Missouri, the number of families who are going to find out tomorrow morning that even though we have appropriately extended unemployment benefits, that now we are not going to. I think they are going to be as surprised as I am. It is easy to get out of touch in this place. People are deferential to you around here. They open doors for you and bow and scrape. It is easy to forget what people are going through, what families are feeling right now, how hard it is for them to look to the future and still see that American dream on the horizon.

Really, 30 days of unemployment? Really? Have we gotten to that? Have we gotten to the point that that is going to be a political football? I think we have to take a hard look in the mirror, if it comes to this—30 days of unemployment insurance for families who want to work, who deserve to work, who are trying to work.

By the way, let me ask the Senator from Illinois, if the unemployment runs out, where do those families go? What happens then? Where do they go?

Mr. DURBIN. I would say to the Senator from Missouri that for many people there is almost no place to turn. In my hometown of Springfield, IL, there is something called township assistance, when you have no place to turn. It is a fraction of the money you would receive for unemployment. It would barely provide money for food for these people.

Mrs. McCASKILL. I am assuming if they get to the point, then it is food stamps, right?

Mr. DURBIN. That is correct.

Mrs. McCASKILL. There is other governmental assistance that is available to them. Maybe they will have to lose their homes. They would have to go to homeless shelters.

What I am trying to get at is there is a cost to this. It is not like all of a sudden the government is not going to get any cost if these people stop getting unemployment insurance. If they lose their health insurance, it is not as though they are going to not get treated in the emergency room if they get hit by a car on Monday. We are going to take care of them in the emergency room. We are all going to pay for it.

This is wrong. I hope the Senator sticks around and renews this motion for a while. I hope some of us stick around and help.

The American people need to realize how out of touch this place has gotten.

Mr. DURBIN. Mr. President, on behalf of unemployed people in Kentucky and Rhode Island and Michigan and Illinois and Missouri, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28; unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business loans and small business provisions of the American Recovery Act, SGR, and poverty guidelines received from the House and at the desk; that the bill be read three times, passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. BUNNING. It seems to me people have not been listening, particularly the Senator from Illinois. He has been through two of these with the leader. He heard the arguments on both sides. Unfortunately, he has a one-side-only view of this situation. I have offered the same COBRA, flood insurance, unemployment insurance, Satellite Home Viewing Act, highway funding, SBA loans, small business provisions—I have offered to do the same thing for the same amount of time. The only difference I have, and some of my good friends from the other side of the aisle, is that I believe we should pay for it. There is a right over the last 3 years of the Democratically controlled Congress. We have run up $5 trillion in debt. There has to be a time to stop that.

We just passed, last week, pay-as-you-go. The first bill up—and I have said this before earlier—was the small business bill that just passed. Now, $5 billion out of that bill was paid for; $10 billion was not.

This is the second request after we passed the small business bill that the leader proposed. This also adds $10 billion to the deficit. That is $20 billion in two small bills.

What I have proposed is that we pay for it. My gosh, we have over $400 billion in unspent stimulus money. I also worked, or tried to work, with the leader and his staff. I know he was busy at the White House, but I tried very hard to work with his staff to get other pay-fors and cut the time down to 2 weeks to make sure these people were taken care of.

I did not get any support from my good friends on the Democratic side of the aisle. I did not think it was fair to do what you are proposing to do, the Senator from Illinois. I will be here as long as you are here and as long as all of those other Senators are here. I am going to object every time because you will not pay for this and you propose never to pay for it.

Eventually, by Tuesday, when we do have another vote, you will get a vote, and you will get this done. So I am trying to make a point to the people of the United States of America: We have a debt of $14-plus trillion. I listened to the head of the Federal Reserve speaking to me in the Banking Committee today, and he looked straight at me and said the debt and the proposed budget of the Obama administration makes the debt unsustainable. We cannot sustain it.

I have a family of nine children and 40 grandchildren. I am as concerned as all of those good Senators sitting over there to pay for this and make sure we give these benefits to those people. But that is not the case. So it is their way or the highway, and I am not taking the highway.

Mr. DURBIN. Regular order.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. I wanted to give the Senator from Kentucky an opportunity to explain his position. I did not assert regular order until he had an opportunity to do so. But I would like to remind him, on November 4 of last year, he issued a press release entitled, ''Bunning Supports Extension of Benefits for Kentucky's Unemployed.'' The legislation includes Senator BUNNING's net operating loss amendment. It passed by a vote of 98 to 0. And he said:

> Kentucky has been hit hard by the current economic downturn. This legislation will lend a helping hand to working families across the Commonwealth who are in search of a job.

It was not paid for either. The point is, we are in the same recession. It has gotten worse in some areas of the country, particularly in the Senator's area of the country.

As I reported earlier, unemployment figures are growing in Kentucky. The situation is just as dire and just as serious.

I share the Senator's concern about our deficit situation. But virtually every reputable economist you will talk to will tell you, in the midst of a recession you need to insert into the economy economic activity and spending, and the money that flows through the fastest is unemployed benefits to those out of work because they spend it instantly. It goes right back into the economy.

This idea of somehow we are going to hold back on unemployment benefits and balance the budget on the backs of unemployed people in Illinois and Kentucky, you could not pick a worse strategy or a worse time to do it. The stories coming out of Kentucky and the stories coming out from Illinois are as graphic as can be.

Samantha, who lives in Kentucky, writes: I am in desperate need of help. I have been unemployed since January 31, 2007, cannot find work anywhere. I was laid off after 10 years of employment. I was able to get 26 weeks of UI benefits. After these ran out, I thought I needed to take whatever job I could find. I took a job that I was told would be full time at minimum wage. I never got more than 20 hours a week. When I asked my employer, I was told I would get more hours. I was forced to quit due to not being able to afford childcare and transportation. I still cannot find work. I have been forced to sign up for government assistance. This is not enough to live on. I have three children.

Talk about 40 grandchildren. This lady has three children she is trying to support—''and we have already lost our home. Is there anything I can do to try and qualify for unemployment?''

I mean, for goodness' sakes, why would we want to make this deficit battle on the back of Samantha from Kentucky. Let's have this battle out on the budget resolution. Let's have it out on appropriations bills. But on unemployment benefits, for someone in this circumstance? That, to me, is pushing it too far. This is a national emergency. It should be treated as such.

I am supportive of the commission we voted for and only had 53 votes. But I believe it is a step in the right direction toward resolving our deficit difficulties. The majority leader has appointed me as a member of the Presidential Commission on the Deficit and Debt. It is not an easy assignment. I take it seriously. But I will tell you, if the belief is that we can somehow deny enough unemployment benefits to people to balance the budget, I do not want to see what America will look like. I cannot imagine what it will look like with Samantha and her three children if that becomes our national strategy.

Ms. STABENOW. Will the Senator yield for a question? I want to ask a question. Would the Senator from Illinois agree that we make choices here every day about what, in fact, we are going to do? And there is no question that the deficit is a huge issue. But I, along with you, have a reaction this evening listening to my friend from Kentucky, who is my friend. We have worked together on a number of different issues.

But to hear that somehow, when there has not been a concern about rising deficits when we were talking about tax benefits for the wealthiest Americans that did not have to be paid for, but now we are talking about those who find themselves, through no fault of their own, without a job, who are trying to hold it together in one of the worst economies certainly of my lifetime, and that somehow we are now—now—going to worry about balancing the budget and the deficit on the backs of the least of our brothers—I mean, that is really what is being talked about tonight. I find it outrageous that we would be having this kind of discussion.

Would my friend agree that, in fact, there are other choices? In fact, when we have the debate about extending the tax cuts to the wealthiest Americans, I want to hear the same debate and the same objection coming as is coming to people right now who are trying to hold it together for $200 or $300 a week and keep food on their table for their families.

Would my colleague agree?

Mr. DURBIN. I agree with the Senator from Michigan. I will tell you that because the Senator from Kentucky has noted our current national debt, $14 trillion, I think it is worth a moment to explain that debt and how we reached that astronomic figure.

When President George W. Bush became President of the United States, we had a national debt of $5 trillion, and we handed him a surplus—as President Clinton left office, he gave to President George W. Bush a surplus. At the end of the George W. Bush Presidency 8 years later, we were knocking on the door of $12 trillion in debt. We had more than doubled the national debt in 8 years.

How did that happen? Some of it came from circumstances beyond President Bush's control. 9/11 devastated the economy, and that devastation cost us dearly in terms of jobs and services and businesses and revenue lost.

But conscious decisions were made by the George W. Bush administration to enact tax cuts in the midst of a war. That has never happened before in the history of the United States. It is counterintuitive. In addition to your ordinary budget of your country, you have a war budget on top of it. When you desperately need revenue to pay for that war and the ordinary expenses of your government, this administration, the previous administration under George W. Bush said: Let's give tax cuts to the wealthiest people in the midst of those two wars. They were voted on by the other side of the aisle, who supported the idea, driving us deeper in debt as a nation. And, of course, we waged the wars under President Bush without paying for them. That, too, added to our national debt.

Another $400 billion was added to the debt with the Medicare prescription drug program, which was not paid for. So when this President came to office, he inherited not only a recession, but $12 trillion in national debt brought on by the previous administration. The recession has taken and added another $1 trillion to that debt in this last year, and we are trying to claw our way out of it.

Now, that is the reality and the history of how we reached this point of $14 trillion in debt. To suggest it is the Democratic side of the aisle that does not take the deficit seriously, I would say, we produced a surplus under President Clinton, a surplus that was handed to President George W. Bush and quickly mushroomed into the biggest debt in the history of the United States of America.

Mr. SESSIONS. Would the Senator yield for a question?

Mr. DURBIN. I would be happy to yield for a question.

Mr. SESSIONS. The Senator from Illinois is very eloquent in his advocacy. But I think he is avoiding the question posed by Senator BUNNING, who simply says he is prepared tonight to fund the programs that you wish, to have them go forward.

As I understand it, is it not true he said that if you take this $10 billion, I think it is, that is required to fund this program, and you fund it out of the $400 billion unspent from the stimulus—a large part of it was supposed to be for this very purpose—that he would let the bill go tonight; that what he objects to is not doing that, and which, in effect, means—does it mean that the debt will be increased again tonight by another $10 billion.

Mr. DURBIN. In response to the Senator from Alabama, there is one element that he has forgotten to include; that is, the majority leader, Senator REID, offered to the Senator from Kentucky a vote, an up-or-down vote, as to whether these unemployment benefits and COBRA benefits would be paid for out of stimulus funds. He rejected it. He said: I do not want to agree to that because I may lose the vote. And he may.

The Senator from Kentucky would not agree to a vote on that question. He said: I may lose it. Well, he may. He may win it. But the fact is, he would not agree to a vote. He said: You have to put in this unanimous consent request a provision that says this would be paid for.

Now, I would say to the Senator from Alabama, I understand that the remaining stimulus funds, most of which are already committed and obligated, will be spent this year on projects in Alabama, Illinois, and Kentucky to create jobs. So the money we take out of that stimulus fund now unspent is money that will not be spent to create jobs across America.

Now that, to me, would be a misfortune because we want to create jobs. I will concede to you this money for unemployment will add to the deficit, as previous emergency spending for unemployment has as well. What we are asking for tonight has been the ordinary care of business, which the Senator from Kentucky has supported as recently as November.

Mr. SESSIONS. Will the Senator yield?

Mr. DURBIN. I yield only for the purposes of a question.

Mr. SESSIONS. We are well aware that the Democrats have a sizable majority in this body, and if the Democratic leadership, including yourself, is committed to not paying for this and taking care of this appropriation by borrowing additional money from the world on which we pay interest, then it is likely to be a futile act to have this vote.

He is asking you to step to the plate, as I understand it, is he not, and say: Join with me and let's pay for it, either through the stimulus or some other way, and let's not keep adding debt because that is what the American people are asking. And I ask you, are you not hearing that from your constituents?

Mr. DURBIN. I am hearing from my constituents that they want jobs. They are out of work. Many of them are unemployed. And I would say to the Senator from Alabama, we may have 59 votes, but you know as well as I do that 60 votes is the coin of the realm in this body.

You also know that with very little parliamentary effort, you can drag out this whole question through motions to proceed and cloture and filibusters. It can go on literally for days if not weeks.

I ask the Senator from Alabama, why would we do that in a situation where these people desperately need help for unemployment assistance and for health insurance? Why do we want to heap this misery on them?

We said to the Senator from Kentucky: You can have a vote. You may win. You may lose. You will have your day on the floor of the Senate. He said: No. Unless you accept my way, go to the highway. Did I hear that earlier? As far as I am concerned, that is not a reasonable approach.

I have called up amendments on the floor and lost them. But the point is, you make your best case, and the Senate decides whether to support your position.

Mr. SESSIONS. I thank the Senator from Illinois for allowing me to ask those questions. I think the Senator from Kentucky is speaking on behalf of the conscience of a lot of Americans, a majority of Americans, if they heard this debate. He is doing it as a matter of principle. I know he has no desire to see people not receive unemployment compensation. He is willing to support that. He simply is saying that enough is enough.

Mr. BUNNING. I have a question for the Senator from Illinois.

Mr. DURBIN. I yield for a question.

Mr. BUNNING. The press release you read from was about an unemployment insurance extension that was fully paid for. So don't compare apples to oranges.

Mr. DURBIN. I will verify that. I was given information it was not. If I am incorrect, I will state so. But we have extended unemployment benefits repeatedly and not paid for them.

Mr. BUNNING. I understand that. I have voted for that occasionally. But this one you read from was fully paid for.

Mr. DURBIN. I will check on that. If the Senator is correct, I will make that point in the record.

I would like to notify the Senator from Kentucky about Joetta from Ferguson, who wrote:

> I have been laid off since October 31, 2008. When I was laid off, I lost my health insurance coverage. The COBRA plan offered cost so much, I could not keep the insurance. I

was told if business picks up in the spring, I could get called back to work. However, since I was laid off from the concrete company, there have been two other office personnel laid off this past January, so I doubt I will be called back to work. I am 58 years old. I have a high school education. I am finding it extremely difficult to find a job, even though I apply for work and am registered with the local unemployment office. I am not one to seek after handouts. However, I have worked all my adult life and have paid taxes as most everyone else has. And I do not expect favors from anyone. I am completely down and out and can hardly pay bills, buy food, et cetera, let alone medical expenses. My husband has insurance through his employment but the cost to add me onto his plan is so high, we simply cannot afford it. Also, he makes $10 per hour, so it isn't as if we have an abundance of money to live on. And I am a very economic person.

It is hard to imagine why we would say no to unemployment benefits for Joetta from Ferguson under the circumstances. If we want to fight this budget and deficit battle, why would we hurt her in the crossfire of the conversation? Why wouldn't we extend these unemployment benefits for her and thousands like her in Illinois and Kentucky and other States?

Mr. MERKLEY. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield to the Senator from Oregon.

Mr. MERKLEY. First, I would like to know, as we stand here tonight, have we paid for the tax cuts handed out to the wealthiest Americans?

Mr. DURBIN. If you are talking about the tax cuts under President George W. Bush, no.

Mr. MERKLEY. I am a new Senator. I have been here just over a year. But I don't recall, in January of 2009 when I arrived, that any Member stood up and said: I am going to hold up everything right now until we pay for the tax cuts for the wealthiest. Did that happen in January? Did I miss that?

Mr. DURBIN. No, it did not happen. I don't think it has ever happened. It is an indication that when it comes to giving relief to those who are in a pretty luxurious state, we don't pay for it.

Mr. MERKLEY. It sounds as if the Senator shares my memory, because I don't remember it in January 2009. I don't remember it in February 2009. I don't remember it in March 2009. I don't remember it in April, May, June, July, August, September, October, November, December, or January of this year or this month.

I am confused. I am confused that the principle has been put forward tonight that there is a reason to hold up a program that hasn't been paid for. Even if we haven't been here late into the evening having a discussion about paying for the tax cuts, are there Members of this body who have held up affairs over the last 14 months, saying it is time to take care of paying for the tax cuts for the wealthiest Americans?

Mr. DURBIN. No. As a matter of fact, there are some who are trying to extend estate tax benefits to even the wealthiest of the wealthy and to give them additional assistance and argue that tax cuts should not be paid for.

Mr. MERKLEY. So the principle being presented tonight is that if you are fortunate to be among the wealthiest Americans, we will give you additional benefits and it doesn't matter if we pay for them. But if you are among the most unfortunate Americans who have lost their jobs—and when you lose your job, you might well have lost your health care that went with your job—if you are struggling, then it matters that it is paid for immediately.

Mr. DURBIN. I agree with the Senator. It is a double standard, and it is one that benefits those who are wealthy as opposed to those who are out of work.

Mr. MERKLEY. It is a double standard that bothers me a great deal.

We in this Chamber are fortunate enough to receive a paycheck. But back home, I have a tremendous number of families, working families in Oregon who are not going to get a paycheck. I have unemployment in Crook County of 16.8 percent. I have unemployment in Douglas County of 14.9 percent. In Harney County, it is 15.5 percent. In Deschutes County, it is 14.5 percent; Jefferson County, 14.1 percent; Lake County, 12.9 percent; Josephine County, 13.6 percent. These are counties where more than one in eight people is out of work.

Am I to say to my good citizens back home that if you are among the most fortunate, we will give you additional benefits, unpaid for, but if you are down and out, it is just too bad, we are going to hold up everything and say we are not going to help you?

Mr. DURBIN. That is exactly what has happened with this objection, this objection to extend unemployment benefits for 30 days. That is all we are asking for, 30 days.

Mr. MERKLEY. So if I understand right, there is the complete opportunity to have a debate 30 days from now, but we could have had the debate tonight because there could have been a vote tonight. It was offered but turned down. There will be opportunities throughout this next month, but we are going to cut people off at the worst moment here because one Senator says: I am happy about unfunded gifts to the most fortunate, but I am determined not to help people who are down and out.

Mr. DURBIN. I would say to the Senator from Oregon, that is exactly what has happened. When it came to the tax cuts, they weren't paid for. They went primarily to the wealthiest people in America. Now unemployment benefits not paid for are objected to.

Mr. MERKLEY. I am deeply disturbed that one could be so disconnected from the challenges of working Americans as to have us in the situation we are in at this moment.

Mr. DURBIN. I would say to the Senator from Oregon, here is a comment from Sharon, who is also from Kentucky. She writes:

I have worked since the age of 15. I hold two MA degrees and have worked a full and part-time job for 15 years. I entered the private sector until my position was eliminated approximately 14 months ago. Gas prices almost prevented my seeking employment very far from home. At 55 years of age, I never thought I would be without health care. I never considered that I would have difficulty finding a job. By the way, my spouse was also employed by a company which was downsized and sold twice within 1 year. He is also unemployed. We live in Kentucky which is a more rural part of America. Our state and county typically have a high unemployment rate as well. Extension of unemployment insurance would be a lifeline.

That lifeline has been cut off by the objection of the Senator from Kentucky.

I yield to the Senator from Vermont for purposes of a question.

Mr. SANDERS. I thank the Senator for yielding. We have talked about the fact that unemployment today and economic suffering is probably greater than at any time since the Great Depression of the 1930s. But I wonder if the Senator from Illinois is aware that the problem is not just high unemployment but long-term unemployment; that, in fact, I believe we have never seen in modern history a length of time in which people are unemployed as is currently the case. Would the Senator concur that what we are looking at now is a modern tragedy in terms of the length of time people are experiencing unemployment?

Mr. DURBIN. I would agree with the Senator from Vermont. You have to go back 70 or 80 years to the Great Depression to see this long a period of unemployment.

Mr. SANDERS. I want to ask another question. My recollection is that a number of months ago there was a vote here on the floor of the Senate regarding the repeal of the estate tax. My understanding is that vote to repeal a significant part of the estate tax would have benefited, as I recall, the top three-tenths of 1 percent of the population; 99.7 percent of the people would not have benefited. I could be wrong, but my understanding is that if that legislation, that bill, that amendment had passed, it would have cost our government about $1 trillion in a 10-year period, $1 trillion in benefits to the top three-tenths of 1 percent.

Can my friend from Illinois remind me as to how many Republicans voted against giving $1 trillion in tax breaks to the top three-tenths of 1 percent that was not paid for?

Mr. DURBIN. I would say to the Senator from Vermont, I do not recall, but I think he might recall. Does he?

Mr. SANDERS. On my suspicion—I won't swear to it—I don't recall that any Republican did not. I may be wrong on this, but my recollection is that all Republicans voted to repeal the estate tax, voted for that legislation. Some Democrats did as well.

But I find it remarkable, picking up on the point the Senator from Oregon made a moment ago, here we were talking about $1 trillion over a 10-year

period to benefit the top three-tenths of 1 percent. I don't recall hearing anybody saying: Hey, we have a huge national debt. We can't afford another trillion dollars. But somehow, when it comes to desperate people who are hanging on by their fingernails, trying to keep their families afloat in the most serious economic moment since the Great Depression of the 1930s, somehow, right now that has to be paid for. We have to pay for $10 billion, but somehow you don't have to pay for $1 trillion over a 10-year period. I don't quite understand that. Maybe my friend from Illinois can elucidate.

Mr. DURBIN. I would say in response, I do not understand it. It is hard for me to follow the logic that we need to reward those who are the most comfortable in America and punish those who are suffering. That is what this objection does. By denying unemployment benefits and COBRA benefits to those out of work, it literally makes their lives more difficult. Yet many of the same people have argued that these tax breaks for the wealthy should be considered as part of our future, even if they are not paid for. I don't follow the logic behind that position in any way whatsoever.

Mr. SANDERS. For the record, the sum was $350 billion over 10 years, not $1 trillion. The trillion would have been the complete repeal of the estate tax. But nonetheless, $350 billion benefiting the top three-tenths of 1 percent is a sizable chunk of cash. I am somewhat amazed that nobody at that point was terribly worried about how that was going to be paid for.

I thank the Senator from Illinois.

Mr. DURBIN. I yield to the Senator from Pennsylvania for a question.

Mr. CASEY. I don't know if the Senator has seen this, but this is the National Employment Law Project, February 2010. One of the columns highlights the total number of individuals exhausting their unemployment benefits in the month of March. I don't know if the Senator from Illinois quoted this number earlier. I don't think he did. But the total for the month of March in Illinois would be 65,431 people. In my State of Pennsylvania, the total would be not quite that high but 62,599 people.

That leads me to my second question. I had the opportunity a couple weeks ago to sit with 8 of the 560,000 people in my State who are out of work. In Pennsylvania, that 560,000 adds up to 8.9 percent of the workforce, but it is an incredibly high number—maybe not a record but very close. Those eight individuals were like every one of the people in this country who has lost their job, not through anything they did. Through no fault of their own, they are out of work.

I would ask the Senator from Illinois about what he has seen and heard from individuals he has sat down with in Illinois who have lost their jobs and are going to job centers and places such as that to fill out unemployment forms, fill out job applications. I would ask you about that.

(Mr. MERKLEY assumed the Chair.)

Mr. DURBIN. I say to the Senator from Pennsylvania, in response to the question, through the Chair, that I have been to these unemployment centers in Chicago and downstate, and I am always heartened by the fact that these people are just not going to give up. They really keep trying. But you can tell that many of them are beaten down. Some of them tell me about how many times they now apply on the Internet for any job openings and they do not even get a response. They consider it a victory just to get an interview or a response, and they just keep trying every single day. Meanwhile, they are trying to keep their families together, and the only lifeline they have is unemployment insurance checks. It is not a lot of money: $1,100 a month. Imagine trying to live on it. It is a very meager amount of money, particularly for someone who is used to a larger paycheck and more comfort in life. Why would we cut off the $1,100 a month to these people at this moment in time when the economy is so weak? I do not understand why we would object to providing unemployment benefits to these people, whether they are in Pennsylvania or Kentucky or Illinois. In my way of thinking, many of these folks are in this situation through no fault of their own, and they are trying their best to turn their lives around and it is not an easy circumstance for any of them.

Mr. CASEY. The ones I have met in that—they call it a career link, a job center—of those eight individuals, all but one—but maybe even the one—of those eight people were in their fifties, sixties, or seventies. In most instances—probably five out of the eight, maybe six out of the eight—they had never lost their job before; they had never had to depend upon unemployment insurance, food stamps, any kind of help. In fact, one woman said she felt ashamed that she had to apply for food stamps. She had never had to be that reliant on anything. Another woman by the name of Debbie said to me: We just want to get back to work. We don't want to be in this condition. We want to get back to work. So there was no complaining.

But I want to ask the Senator, as well, you referred earlier to another part of this discussion, which is that we focus on those who need this unemployment insurance—and we are talking here just about a 30-day extension; we are not talking about providing this for years or a long period of time—but the Senator talked about the economic impact of the spending of these dollars. I do not know if the Senator is familiar with what Mark Zandi, the economist, talked about. I do not know if the Senator is familiar with that. Let me just ask the Senator that.

Mr. DURBIN. I say to the Senator from Pennsylvania, I am aware of that economist, and I am aware the CBO recently reported that the one thing we can do to generate more economic activity in our economy that is better than anything else is unemployment assistance. It is No. 1 on their list. They talked about tax credits for new jobs in small businesses, but No. 1 was unemployment assistance. So as we cut back on unemployment assistance, the economy starts to go into a stall. We are not putting the money back into the economy; we are pulling it out at a time when the Federal Reserve is trying to keep interest rates low to generate more economic activity and move us forward to better employment. We are pushing against it. We are taking unemployment assistance out because of the objection of the Senator from Kentucky—one Senator who has objected. So from the economist viewpoint, we are doing exactly the opposite of what we should be doing to get this economy moving again.

Mr. CASEY. Let me add that the reference to the Congressional Budget Office—that has been the referee or the arbiter of what is used as a number for health care, what protections are for spending—I heard the summary of that same report on the House side at a Joint Economic Committee meeting.

But the reference I made earlier is a very similar analysis made by Mark Zandi. Mark Zandi is an economist from moodys.com. He happened to be an adviser to JOHN MCCAIN's Presidential campaign, so he is not some partisan in this debate. But he said, going back a year ago, when we were debating the recovery bill—whether to enact it or not—he said that if you spend $1 on unemployment insurance, you get I think it is more than $1.60 back, somewhere in the $1.60 to $1.70 range. So this is not only a question of how we help people who have lost their jobs through no fault of their own; the secondary benefit here is it can help people who are out of work and need a stimulated economy, need an economy that is jump-started by the spending we would provide through unemployment insurance. So it makes no sense.

As the Senator from Illinois said earlier, there are lots of ways to make the argument that our friend from Kentucky is making, but this is not the time or the place, when all we are talking about is a 30-day extension of unemployment insurance for people who, through no fault of their own, have lost their jobs. It makes no sense. And as I look at these numbers in Pennsylvania of 62,599 people losing or will lose, if he prevails, their unemployment insurance in the month of March, it makes no sense.

Mr. DURBIN. I thank the Senator from Pennsylvania.

I yield to the Senator from Alaska for a question.

Mr. BEGICH. I thank the Senator very much.

I have a couple questions in regard to the bill. I will probably have more later, but, first, remind me and the

people who are watching what the unemployment rate for our country is today.

Mr. DURBIN. Currently, on a national basis?

Mr. BEGICH. On a national basis.

Mr. DURBIN. I believe it is now just slightly below 10 percent on a national basis. In my State, it is still over 11 percent.

Mr. BEGICH. In your State, it is 11 percent?

Mr. DURBIN. Yes.

Mr. BEGICH. In my State, it is 9 percent.

I will lay out a couple points. In my State, the 9 percent, which is one of the highest in years for us, one of the highest numbers ever in a long time, but when you look at it by region—and I am curious if in your State it has similar impacts like this—for example, 9 percent is a lot, no question about it, but in the Aleutians East Borough in Alaska it is 20.2 percent; in Bethel it is 14.8 percent; in Aleutians West Borough it is 13.7 percent; in the Northwest Arctic Borough it is 12.89 percent; in Kenai Borough it is 12.3 percent; in Mat-Su it is 10.4 percent. Those are examples. The number is high for our State. It is one of the highest in many years. But it really does not tell the whole story.

I ask the Senator, do you have similar circumstances that are regionally higher than the average for your State?

Mr. DURBIN. I say to the Senator from Alaska that Rockford in the northern end of my State was as high as 15 percent. You know, it does not tell the whole story because, as they say, some people get discouraged when they are out of work and they do not get counted on these rolls anymore. So the actual unemployment rate is much higher. These people will not be affected by our action tonight because they are not in the program, they are not receiving unemployment assistance. But the actual misery index of people unemployed over a long period of time is even higher.

Mr. BEGICH. They have given up. They have lost faith.

Mr. DURBIN. They have lost faith and they have stopped trying.

I would say to the Senator from Alaska, when I look at the State of Kentucky, here is Allen County with 13.9 percent unemployment; Bath County, 15.7 percent unemployment; Carroll County, 13.8 percent; Clay County, 13.3 percent unemployment; Cumberland County, 13.4 percent; Edmonson County, 14.3 percent; Elliott County, 13.0 percent; Estill County, 12.7 percent; Fleming County, 12.4 percent; Floyd County, 12.3 percent; Fulton County, 14 percent; Gallatin County, 13 percent; Garrard County, 12 percent; Grant County, 11.2 percent; Graves County, 10.6 percent; Grayson County, 16 percent—one of the highest; Green County, 12 percent; Hardin County, 10.1 percent; Harlan County, 12.5 percent; Jackson County—this is even higher—17.8 percent.

On this page, as I look through here, the highest in Kentucky appears to be—I may mispronounce this—Magoffin County, 21.4 percent unemployment in that one county; Marion County, 11.8 percent. The list goes on and on. McCreary County, 14.1 percent; Meade County, 14.3 percent; Menifee County, 17.5 percent; Metcalfe County, 14.4 percent; Morgan County, 15.1 percent; Powell County, 16.9 percent; Trigg County, 16.5 percent; Wolfe County, 15.6 percent.

The Senator from Alaska is right. The average does not tell the story. There will be pockets in Kentucky and Illinois and Alaska with much higher unemployment. So when we cut off the benefits because of the objection from the Senator from Kentucky, as of Sunday night some of these counties will be hit harder than others. There is no question about that.

Mr. BEGICH. I will ask if I can read something toward a question. As you drill down—that is what we are doing here a little bit, and your answer to my question is what I wanted to ask to make sure I was clear on that. It is not just the average that we should always be thinking about, but how do we drill down?

When I got back from my break, I received this e-mail. I am sure you have similar e-mails. That is going to be my question. What kind of responses have you gotten from those who are unemployed?

Here is one from my State:

> . . . I implore you as your first order of business upon your return from the snow—

Which I thought was very interesting—

> and recess to extend the emergency unemployment benefits through the end of 2010 that are due to expire on the 28th of Feb. Thank you.

He was thanking me in advance for something this gentleman believes we will do because it is right. This gentleman is 46 years old, a professional in the legal field. He had applied for over 30 different jobs. He has had two interviews. He is still unable to get a job. He is Jeff from Eagle River. I will not use his last name. He did not authorize me to do that. But just reading this letter tells me, why are we not doing this?

I am a new Member. Like the Senator from Oregon, I have been here a little over a year. I have the same question he had on, literally, the $1 trillion that was unfunded, given to the richest of the rich. It has never been revoked or changed, but it was funded by whom? Not by this body but on the backs of people like my son who is 7½ years old, who will pay for the richest of the rich. I do not call it a tax cut; I call it a tax scheme. To me, that is outrageous when I think about it.

So I associate my comments with those of the Senator from Oregon. As a new Member, this is not necessarily new to me, but being here in the Chamber and watching this process over the last year and a half, this, to me, seems so simple. These are the people who are hurting the most. Yet when it comes time to do a small item of a $10 billion extension to allow them to make sure, come Monday, they know they can provide for their family, as this gentleman here who is 46 years old—it is just shocking to me and unbelievable.

I am assuming the Senator from Illinois receives these same kinds of letters every day from people who are stressed and concerned. And they are not out there looking for a handout; they are looking at someone in our position to assist them in this unbelievable recession we are facing. Is that similar to what the Senator receives?

Mr. DURBIN. It is exactly what I have run into. Here is a letter from a man from Yorkville, IL, who wrote me:

> On bailout after bailout for businesses, my tax dollars have been used to save companies that should have planned better in the first place. Now I am unemployed—not because I made some poor decisions like AIG or Citigroup, but because in today's economy, the company I worked for folded. . . .
>
> If the Senate cannot reach an agreement . . . to extend unemployment, myself, my wife, and our two young children will have nowhere to live other than our car. How about a bailout for those of us Americans that have worked all our lives and now cannot get a decent job?
>
> I am begging you to stand up in front of the Senate . . . and demand that congress work harder for those of us who put all of you in office. The next time you need our votes, hopefully the 10% of unemployed Americans will not have had their cars repossessed so that we may make it to our local polling places.

Well, he kept a sense of humor in his misfortune. But this is an example of a man who thought he had a good job and a good future who now is contemplating living in his car. And now we are saying, because of the objection of one Senator, that we are not going to provide unemployment benefits to thousands of people in similar situations as of Sunday night. Why we are doing this to these poor people at this moment in time is impossible to explain.

Mr. BEGICH. I thank the Senator. I have other questions, but I know there are others who are standing to ask questions. But I have a question on the small business fund and the Medicare component, which are vitally important to keep our economy moving. I will withhold and ask those questions in a few minutes.

Mr. DURBIN. I yield to the Senator from Rhode Island for a question.

Mr. WHITEHOUSE. I thank the Senator. I very much appreciate the Senator from Illinois yielding for a question. If the Senator would not mind a series of questions, the first question has to do with, I guess I would say the sense with which we on this side of the aisle should receive the protestations of intense concern about the deficit that come from the other side of the aisle, and it relates back to when the previous Republican administration first took office.

As the Senator from Illinois mentioned, the last Democratic administration left an annual budget in surplus and a nation that had a $5 trillion

debt. But my recollection is that in addition to a nation in annual budget surplus, what President Clinton also left the Republican administration that followed was a budget trajectory projected by the nonpartisan professional Congressional Budget Office to eliminate the national debt of the United States of America. We would be a debt-free nation if the Democratic policies of President Clinton had been followed according to the nonpartisan, professional Congressional Budget Office. If I additionally recall, there were actually economic debates that were provoked by that, wondering whether it was actually a good idea for the Nation to be, for the first time since President Andrew Jackson, debt free.

So my question is, Is it not true that more than just an annual budget surplus was left to the Republicans by the Democrats last time, but what was left to them also was a budget trajectory that would have made this Nation debt free during President Bush's term had he extended those Democratic policies?

Mr. DURBIN. The Senator from Rhode Island is correct. The Senator from Kentucky has talked about the Nation's deficit and debt, and he should realize that when President Clinton left office in January of 2001, the national budget was in better shape than it had been in a generation.

In fiscal year 2000, the final year in which President Clinton had full responsibility for the national budget, our Nation's budget surplus was $236 billion—budget surplus. That year, the debt held by the public declined for the third consecutive year. As President Clinton left office, budget surpluses were projected to continue throughout the next 10 years. CBO, in its January 2001 budget outlook, projected surpluses of $5 trillion for 2001 through 2010, including nearly $800 billion in 2010 alone. Those surpluses were so large, as the Senator from Rhode Island indicated, that the Congressional Budget Office told us the debt held by the public would be entirely paid off by 2006.

Fast forward 8 years, at the end of George W. Bush's Presidency, that administration, and the national debt had climbed from $5 trillion that he inherited to more than double that amount.

Mr. WHITEHOUSE. The question I was asking is, Is it not fair to ascribe to that Republican administration and its policies the responsibility for more than just the difference between $5 trillion and $12 trillion? Because if those policies hadn't changed, according to the nonpartisan, neutral, professional Congressional Budget Office, during the term of President Bush, we would have actually been a debt-free nation and, therefore, responsibility for the entire Federal debt that was inherited by President Obama could fairly be said to be the responsibility of the policies from the other side of the aisle.

Mr. DURBIN. The Senator from Rhode Island is correct.

I don't know how the Senator from Kentucky voted when it came to the tax cuts for the wealthy. I don't know, so I can't presume to state it on the floor. I don't know if he voted for the annual budgets to prolong the wars in Iraq and Afghanistan without paying for them. I don't know how he voted on the Medicare prescription drug benefit that was not paid for, at least the $400 billion cost. I will acknowledge he was correct that the unemployment I referred to in November was paid for. I want that clear on the RECORD and I stand corrected and acknowledge it to the Senator from Kentucky. But I would say that his——

Mr. BUNNING. Will the Senator from Illinois yield?

Mr. DURBIN. I will yield after one more question from the Senator from Rhode Island. But I would say, when it came to his party position, tonight we hear this idea of fiscal conservatism, strict spending, punish those who are unemployed, take money away from those who have been out of work in order to bring down this budget deficit. But for 8 years, under President George W. Bush, we certainly didn't hear this sentiment expressed when it came to people who were so well off across our country.

I yield to the Senator from Rhode Island for a question.

Mr. WHITEHOUSE. In evaluating this concern about the deficit, we have just determined that the policies of the other side of the aisle contributed to virtually all the national debt we have inherited. Then let's look to the situation now because I think we understand we have to fix this deficit problem.

The distinguished Senator from Illinois earlier mentioned a vehicle for trying to do this, which was the establishment of a statutory deficit commission. My recollection is, the votes were inadequate for that, in significant part because on the Republican side of the aisle, seven of our colleagues whose names were on that plan as cosponsors of it voted against the bill that they had cosponsored for a mechanism that would potentially, at least, have provided a vehicle for resolving some of our deficit concerns.

My question is, Is that also the recollection of the Senator from Illinois? And how, in the light of this debate about the budget deficit and the fact that the budget deficit is so important, it is worth forcing honest, hard-working—when they can find work—Americans into their cars to sleep, as the Senator from Illinois has said, out of their homes, into penury. Why is it not important enough for our friends on the other side to support legislation of which they were cosponsors, and what was the motivation for that?

Mr. DURBIN. I would say in response to the Senator, for those who have not been following the debate from the beginning, tonight we are speaking to the fact that the Senator from Kentucky, Mr. BUNNING, is objecting to extending unemployment benefits for 30 days in the United States to those who are out of work and extending COBRA benefits which help to pay for health insurance for 30 days, in addition to several other items, and has stated his reason is because of his concern about the budget deficit.

I don't know how the Senator from Kentucky voted on this commission, but I do remember it well because Senator KENT CONRAD, the chairman of the Senate Budget Committee, came to me and said he had worked out an agreement with Senator JUDD GREGG, a Republican, that they would try to create a commission which would take a look at our national deficit and make recommendations to Congress which we would then have to vote on. It was controversial, that is for sure.

When it was called for a vote, it ended up with, I believe, 53 votes and fell short of passage because 7 Republican Senators who had cosponsored the measure initially voted against it, cosponsors who voted against it, and it included the Republican minority leader. Their determination to deal with the deficit and the debt withered away and disappeared when they had a chance to vote for it on the floor. I don't know how the Senator from Kentucky voted.

So here is a chance for the Republicans to join the Democrats to deal with the deficit and debt, and they walked away. Seven of them turned their back on a bill they had cosponsored and walked away from it.

Mr. WHITEHOUSE. Mr. President, with the indulgence of the Senator from Kentucky, if I may ask my final question. If we have established that it was the Bush administration and Republican policies that created virtually all the national debt we now carry, and if we have established that when the mechanism that many believe would be the best vehicle to address the deficit was abandoned by our friends on the other side in significant measure, even those who had cosponsored it, thus preventing it from passing, what am I supposed to tell Carol Thomasian from North Providence? She is unemployed. She is a Rhode Islander. She has worked hard all her life. She went to work first as a teenager. She eventually got married. She started a family. She got a college degree to increase her earning potential. She bought a home. Her family lived in the home. She did everything right, pursuing the American dream.

Two years ago, when the Rhode Island economy collapsed—and it collapsed in Rhode Island sooner than in other States; we have been in a recession for a long time now—she was laid off from her job as a construction project manager, and she hasn't been able to find work since. She is struggling to keep her family together. She is a single mom now. She is raising a 12-year-old son and a 15-year-old daughter. She has all those responsibilities of teenager parenting. She is also

trying to care for her disabled mother. She has a bachelor's degree in business administration. She has an associate's degree in architecture. She is a capable, trained, hard-working woman. Because she is out of work, her car has been repossessed, making it so much more difficult to try to find work, and it is unemployment insurance that is keeping her family together. This will cut 309 Rhode Islanders in our small State right off, in another few months it will cut up to 1,500 people right off.

How am I supposed to explain to them this principle that they need to suffer because of our budget deficit, with a party that is forcing that suffering on them and that did more to run up our national deficit than ever and that has obstructed the vehicle that would have started the work to fix the deficit and is absolutely silent about the deficit when millionaires and multimillionaires and billionaires are given tax breaks? How can I explain that? What do I tell her?

Mr. DURBIN. I would say to the Senator from Rhode Island, there is no explanation because it doesn't make sense. You certainly couldn't explain to this woman who has worked so hard throughout her entire life and now faces this misfortune that we are heaping additional misfortune on her because of this objection to extending unemployment benefits. In the State of Rhode Island—I know it is small in comparison to so many others—the Senator from Rhode Island is likely to meet some of these 309 people or hear from them when their unemployment benefits are cut off. I am sure my office will hear too. I will not know how to explain to them that the Senator from Kentucky has objected to a 30-day extension of unemployment benefits. If we are going to fight this war on the deficit and debt, why fight it on the backs of unemployed people such as the one we have just heard described in the State of Rhode Island?

Mr. BUNNING. Would the Senator from Illinois give me a chance to respond? You have had the floor for an hour and a half.

Mr. DURBIN. I would be happy to yield for a question from the Senator.

Mr. BUNNING. A question. OK. If all the things that have been said on the other side are true, all of the programs you have talked about could have been extended and for much longer periods if Senator REID, your leader, had not blown up the bipartisan jobs bill agreed to by the chairman of the Finance Committee and the ranking member, Senator BAUCUS and Senator GRASSLEY, and jammed through his own bill which we talked about; and all the spending forces of that compromise, of those programs that you are talking about, were paid for in that bill. Explain that to the American people.

Mr. DURBIN. I would be happy to. The Senator from Kentucky has not stated it 100 percent accurately.

Mr. BUNNING. Oh, he has.

Mr. DURBIN. Because in the original proposal from the Finance Committee, the unemployment benefits were extended for 3 months, as I understand it. The tax extenders——

Mr. BUNNING. They were paid for.

Mr. DURBIN. Let me explain. There was a source of revenue for the bill, but it wasn't enough to pay for the entire bill. The source of revenue was enough for those who wanted to say: Well, this will pay for unemployment, to point to it; and those who wanted to say: No, it pays for another part of the bill. So it did not pay for the entire bill.

Mr. BUNNING. That is your interpretation.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DURBIN. I yielded for a question and I answered the question, but I will yield for another question.

Mr. BUNNING. It has been brought up during this debate that the balanced budget amendment and the balanced budget is a product of the Clinton administration. The Senator from Illinois knows that to be false.

Mr. DURBIN. No, I don't know that to be false.

Mr. BUNNING. Well, do you know anything about how the balanced budget bill was brought to the floor of the House of Representatives?

Mr. DURBIN. I would say to the Senator from Kentucky I was serving in the Senate.

Mr. BUNNING. I was serving.

Mr. DURBIN. I will tell my colleague what has been said on the floor and which I stand behind; that is, the fact that when President William Clinton left office, he left a budget in balance and in surplus.

Mr. BUNNING. Yes.

Mr. DURBIN. I yield for a further question.

Mr. BUNNING. That is only because Representative John Kasich and the Budget Committee that he chaired in the House, for 3 years in a row, brought a balanced budget bill to the floor of the U.S. House of Representatives. I was a member of that Budget Committee.

The first 2 years, the Clinton administration rejected the balanced budget bill. In the third year, instead of getting run over by the train, President William Jefferson Clinton got on the train and agreed that the balanced budget bill should be passed. Then the Senate concurred and we balanced the budget. It took a little bit, but we did it. That is where the surplus came from—a Republican's idea, John Kasich, of Ohio, who brought a balanced budget to the floor.

Mr. DURBIN. If that is a question—

Mr. BUNNING. The questions I have are—I wanted to straighten out my good friend from Rhode Island.

Mr. DURBIN. If that was a question, it is clear that there was bipartisanship, and we can use a little bit more of that around here.

Mr. BUNNING. Even the fact that our President—somebody who talked about extending tax cuts to the wealthy and talked about extending tax cuts, and the fact that nobody on the floor of this Senate—explain to me, with 60 Democrats and 40 Republicans, why someone on the Democratic side of the aisle didn't make a bill that would rescind those tax cuts? Your President—our President—wants to extend 85 percent of those same tax cuts without paying for them. He has a bill in his budget to do just that. Explain that. I have one more. Your President also wants to pass a $250 billion estate tax bill, also without paying for it. That is right. Well, it is right. Look it up. I am on the Budget Committee, so I see these bills. Is the Senator on the Budget Committee?

Mr. DURBIN. No, I am not. I yield further for a question.

Mr. BUNNING. The Senator in the chair is, so he knows what has been proposed.

Mr. DURBIN. I yield for the purpose of a question.

Mr. BUNNING. The question I asked about the 60/40, I didn't hear anybody answer that. The Senator from Oregon is gone. He was the guy who posed the question.

Mr. DURBIN. In response to the Senator from Kentucky, this is a great debate. I think we ought to continue it. But can we remove from the audience the millions of Americans who will not have unemployment checks as of Sunday night because of the Senator's interest in this issue? When you think about this, we ought to be engaged in this, and you and I ought to stay up late to talk it over and talk about what we should do. But why are we leaving these unemployed people in Kentucky and in Illinois in the middle of this debate? These people have nothing to do with what happened with John Kasich, of Columbus, OH, or what happened with President William Jefferson Clinton. They are trying to provide food for their families in the morning. Instead, we have dragged them into the middle of this deficit and debt debate.

For those who have just tuned into this conversation, the Senator from Kentucky has objected to extending unemployment benefits for 30 days, and COBRA benefits, which pay for health insurance for the unemployed for 30 days.

Because of his objection—he is the only Senator to object—I will find 15,000 people in my State of Illinois, as of Sunday night, losing their unemployment benefits. If you wonder why I am still on the floor at 10:20 p.m. in Washington, on Thursday night, after a pretty long day, it is because I thought to myself: How in the world can I walk away from this Chamber, go home and relax, realizing that 15,000 people, come Sunday night, in Illinois are going to get cut off from unemployment benefits?

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, we have been talking about whether tax cuts were paid for. Let's talk about

other things that weren't paid for. That is what this is about. As the Senator knows—in fact, I know the Senator from Illinois gets irritated at me sometimes because I am constantly trying to figure out ways that we can be more fiscally responsible around here. Sometimes I swim upstream on some of those things. I was one of the cosponsors of pay-go. In fact, pay-go was in place in the 1990s, and it was allowed to expire in Congress. It was 2000, or 2001, or 2002, in the early years of the Bush administration, when the Republicans had the majority. They let it go. They said they didn't need pay-go anymore. This is probably the most glaring example, and it gets in my craw, because I now hear so much about fiscal responsibility, and as we struggle with this health care bill, making sure that we pay for it, I look back at Medicare Part D. Now that is a lallapalooza right there, Medicare D.

I am wondering if the Senator from Illinois remembers what the vote was on the motion to waive the Budget Act on Medicare D.

Mr. DURBIN. I do not.

Mrs. MCCASKILL. Well, it is interesting. It was a big majority to waive the Budget Act. I have the vote here. There were 61 votes to waive the Budget Act, including our friend from Kentucky. I think the CBO score on that was around $450 billion, as I recall.

Mr. DURBIN. That is correct.

Mrs. MCCASKILL. Not a dime of it paid for—not one dime. It is all on the credit card, one big blob of red ink.

Is the Senator aware how many of our friends on the other side of the aisle have new religion—this is new religion about balancing the budget—and how many actually voted for Medicare D? It was a brandnew entitlement program, a massive government entitlement program, a government-run health care-related government program, and not one dime was paid for? Do you know how many on the other side, who are still serving today, voted for this new entitlement program?

Mr. DURBIN. No, I do not.

Mrs. MCCASKILL. It was 24. Do you know who the Senators were who voted for this massive, government-run entitlement program that added hundreds and billions of dollars to our debt—not tax cuts? We can argue about whether tax cuts create jobs. Clearly, those didn't because we inherited a big mess in terms of job creation. But do you know who the Senators serving on that side are who now want to preach about fiscal responsibility and pay for programs—how many were willing to put that kind of program on the credit card? They were Senators ALEXANDER, BENNETT, BOND, BROWNBACK, BUNNING, CHAMBLISS, COCHRAN, COLLINS, CORNYN, CRAPO, ENZI, GRASSLEY, HATCH, HUTCHISON, INHOFE, KYL, LUGAR, MCCONNELL, MURKOWSKI, ROBERTS, SESSIONS, SHELBY, SNOWE, and VOINOVICH.

All of it was a massive government entitlement program run out of Washington—big government, big bill, not paid for, and there was not one word about it needing to be paid for. And we fast forward to now. That is a big part of our deficit. We now figured out on Medicare D that we transferred a bunch of taxpayer money straight to the bottom line profits of the pharmaceutical companies. I wasn't here then, but maybe the Senator can enlighten me. My recollection is that the biggest people in favor of Medicare D were pharma.

Mr. DURBIN. The Senator is correct. It was their belief that they would make a lot of money.

Mrs. MCCASKILL. They have made a fortune on the backs of taxpayers.

Mr. DURBIN. Those of us who supported some kind of competitive bidding and government buying in bulk to reduce costs were defeated because pharma objected.

Mrs. MCCASKILL. In that bill, they even outlawed the ability of the government to negotiate for lower prices based on volume. Those are ''good business practices''—make sure we cannot get a good deal based on how many drugs we are going to buy. We cannot even lower the cost of this massive government entitlement program by negotiating for lower prices based on volume. They outlawed that.

Mr. DURBIN. This cost over $400 billion, and many Republican Senators, including the Senator who has objected to unemployment benefits for millions of people in America who are out of work, voted for this program that was unpaid for. Now they tell us we cannot extend unemployment benefits to people in Kentucky and Illinois and Missouri because we have not paid for them. Clearly, it is a double standard.

I might add that when it came to the estate tax, aka the ''death tax,'' according to some, on June 7, 2006, the Senator from Kentucky took the floor and said:

> Mr. President, I rise today in strong favor of abolishing one of the most unjustified taxes we have in America today, the death tax. Americans should not have to talk to their undertaker and their tax man on the same day. Small businesses and family farms should not be forced to close down in order to pay the government money because a loved one has passed away.

Then when the Death Tax Repeal Permanency Act was called for a vote, the Senator from Kentucky voted to repeal this tax, costing the government $300 billion; that is over $300 billion added to our national debt. This tax affects less than one-half of 1 percent of all the people in America, the wealthiest people in our country. To provide $300 billion in tax relief to them—the Senator from Kentucky said we can add that to the deficit and that is OK. But when it comes to providing a $1,100 monthly unemployment check to someone in Illinois who is struggling to find a job, he says no, that adds to the deficit. So for the wealthiest in America on the estate tax, there is no accountability, no reckoning, but for the poorest in America, the most struggling families in America, we are going to hold them to the hardest economic standard. To me, that is at least inconsistent, if not inexplicable.

Mr. BUNNING. Will the Senator yield?

Mr. DURBIN. I have yielded to the Senator from Missouri for a question.

Mrs. MCCASKILL. I have a couple more questions. I wasn't here when the major tax cuts went through in the Republican Congress with President Bush—the tax cuts that were supposed to bring about great prosperity and job creation in our country. Of course, they didn't. We have had record job losses. As President Bush left office, my recollection is that we were having between 600,000 and 700,000 job losses every month. Clearly, the plan that these tax cuts would be a time of wine and roses for all didn't work out. My recollection is that that tax cut was done by reconciliation, wasn't it?

Mr. DURBIN. I would have to check my notes.

Mrs. MCCASKILL. I think it was. Reconciliation only lasts for so long and then they sunset. I think that was one of those things where a massive amount of government liability was incurred through reconciliation at that time.

Let me also ask a couple questions about the stimulus. I know the Senator from Kentucky was offered a chance to have an amendment paid for by the stimulus. I don't think that we have talked enough about what is left of the stimulus money and what it is for. It is my understanding—and correct me if I am wrong—that a big chunk of the stimulus that is left is in fact the tax cuts for working families. In fact, the tax cuts were a 2-year period. So, of course, that was about one-third of the money, and only half of that has been paid out because we have only been through a year of the stimulus. We still have money waiting to go out in the form of tax cuts to 95 percent of America—in fact, the exact opposite folks who got the tax cuts under George Bush.

Is that my understanding about what is remaining in the Treasury as it relates to stimulus?

Mr. DURBIN. I believe the Senator from Missouri is correct. It is interesting that those who are critical of the stimulus, the Recovery and Reinvestment Act, on the Republican side virtually never acknowledge the fact that one-third of that whole package is tax cuts, which is the Holy Grail on the Republican side of the aisle—tax cuts for working families.

Mrs. MCCASKILL. Tax cuts for working folks.

Mr. DURBIN. Working families.

Mrs. MCCASKILL. These are working folks. They are not—frankly, my family is very blessed. The tax cuts that were passed helped my family. It didn't help some of the families out there now struggling with unemployment.

The rest of the stimulus that is out there—I have been interested in Missouri. In fact, I wrote a letter to the

budget chairs in Missouri because they were kind of puffing up about how they were going to be able to balance the budget this year. I looked into it and realized that the only way they were balancing the budget this year was because of the stimulus money. It is, in fact, the stimulus money that has gone to Kentucky, gone to Illinois, gone to Missouri, gone to Oregon, gone to Alaska, and gone to Rhode Island. That is what is allowing these State legislatures to keep from making massive layoffs of public school teachers. There would be massive cuts in education in Missouri this year, and, frankly, no cuts in public education would be popular in Missouri.

I asked the Missouri legislators. I said: Some of you have been talking about doing away with the stimulus, pulling back the stimulus. In fact, some of our friends across the aisle said we should get rid of the rest of the stimulus. I asked the State legislators: What will you cut if we pull the stimulus? Tell me how Missourians will be hurt if we decide to pull the rest of the stimulus and maybe spend it on other things, such as perhaps this emergency bill dealing with unemployment insurance. They would not tell me. They want the people of Missouri to think they are balancing that budget with fairy dust. They don't want the people of Missouri to know that, in fact, the stimulus is what is out there helping these States balance these budgets because their revenue has dropped off the charts, just like our revenue has, which is causing some of the deficit and which is certainly contributing in a great way to the debt as it relates to a drop in revenue, an increase in unemployment expenses, and then the programs that have been passed in the previous administration not paid for.

I have 20,000 Missourians—20,000—who are going to find out sometime in the next 48 hours that they are done with unemployment. I cannot help but believe that if we have this kind of crisis at the other end of the income scale, that all of a sudden we would not have this newfound religion that this is the moment, this is the hour, this is the day that we are going to find new religion about deficits. It is the wrong time.

I am a cosponsor of pay-go. I am a cosponsor of the fiscal commission. I don't take earmarks. I voted against the omnibus. I voted against many budget bills because I think there was too much fat in them. I voted against a lot of fiscal measures in this body. But this is not the time to do this on the backs of these families. It is the wrong time.

Mr. DURBIN. Mr. President, I thank the Senator from Missouri and for those who are following this debate.

Mr. BUNNING. You said you would yield to me.

Mr. DURBIN. I know. For those who are following this debate, we have asked to extend unemployment benefits for those out of work in America for 30 days and to extend COBRA benefits which helps them to pay for their health insurance for 30 days. It passed the House of Representatives. We were prepared to pass it this week so that when the benefits expire for many people on Sunday night, they would continue.

One Senator from Kentucky, Senator BUNNING, who is on the Senate floor, objected. As a consequence, we have taken to the floor to make certain that the people who are following this debate understand the gravity of this decision. It is not a casual decision. It is a decision made by one Senator that will literally affect the lives of a lot of people.

I give an example of Stan Lipowski who lives in Rockford, IL, as I mentioned earlier an area hard hit. Stan is pretty nervous. He is 60 years old. He lives in Loves Park near Rockford. He lost his job in June and relies on his unemployment check to keep his household afloat. This is from the Rockford newspaper where he is quoted as saying:

> It's not sufficient, but without it, I'd be in real trouble. I'm already borrowing against my house to put my daughter through college.

He is living on his unemployment check, and the objection of the Senator from Kentucky is going to cut off the checks for people just like him. I cannot understand why we would do this. I am going to renew my unanimous consent request.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire Sunday, February 28, unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business provisions of the American Recovery Act, SGR, and poverty guidelines received from the House and at the desk; that the bill be read three times, passed, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER (Mr. SANDERS). Is there objection?

Mr. BUNNING. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. There are so many things that I would like to say in response to so many Senators. Before I do that, I want to straighten a few things out. First of all, the prescription drug Part D—I want to help out my good friend from Missouri and my good friend from Rhode Island. I want them to know that the $400 billion that was spent has not been spent. Just for their information. And the Democratic alternative proposed by Representative PETE STARK on the Ways and Means Committee in the House of Representatives cost over $1 trillion to fund. That was the alternative to the Republican $400 billion.

I know the Senator from Missouri was not here. She probably doesn't know Representative STARK. I served with him for 8 years on the Ways and Means Committee. The same thing goes. If you don't like Part D of Medicare, you have 59 Senators and you can repeal it anytime you want, or at least try to, if you think it is misspent money.

Somebody complained about HHS negotiating drug prices. Our own scorekeeper, CBO, said we would have—I was on the committee—we would have no savings if they negotiated directly with the drug companies. Those profits that my good friend from Illinois talked about are not profits that go to the drug companies because any of the Medicare facilities we use, whether it be a hospital or a doctor or Medicare Part B or Part A or Part D—all of those moneys go to doctors, hospitals, and people who get prescription drugs to pay for those prescription drugs.

You have to look at the benefits and see if they outweigh the complaints.

I object.

Mr. DURBIN. I ask for the regular order.

Mr. BUNNING. I object and would like to make a unanimous consent——

Mr. DURBIN. Regular order.

The PRESIDING OFFICER. The Senator asked for the regular order. Is there objection to his request?

Mr. BUNNING. No.

The PRESIDING OFFICER. He said he did not object.

The Senator from Illinois.

Mr. DURBIN. As I understand it, the unanimous consent request is agreed to?

Mr. BUNNING. I object.

The PRESIDING OFFICER. The Senator from Kentucky objects?

Mr. BUNNING. Yes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thought maybe we had gotten through to the Senator from Kentucky.

It is interesting, he wants to talk about everything except the unemployed people affected by his objection. I say to the Senator from Kentucky, we can relitigate all you want. The fact is, the Medicare prescription drug program, which costs $400 billion over a 10-year period of time, is not paid for and you voted for it. So when it comes to deficit reduction, you pick and choose those issues that you will spend money on. Tonight you are making it clear that you will not spend money to help unemployed people—people across Kentucky and across Illinois.

Some of these stories I received from my State I am sure you received from your State. Here is one from a woman in Bullhead City, IL:

> My husband and I are in our fifties and lost our jobs in 2008. I knew immediately we were in trouble so we took our savings and moved to a state park where rent is $400 a month, including utilities.

They were living in a camper.

> My husband has gotten sick and not been able to see a doctor as we have no medical insurance, our unemployment benefits ran

out in August and we have no income. The $400 rent that seemed so cheap a year ago is now a struggle to pay. To keep our phone and Internet on is a struggle, yet imperative—

Because that is the way they look for jobs.

Neither of us has ever been without until now. I have found that it is more and more difficult and our spirits are at an all-time low. I write this with tears in my eyes, not so much for myself but for the thousands who are facing these difficult times alone. I could not do it alone.

When my husband left the house this morning to look for work, I slipped a baggie of Life cereal in his pocket so he would not go hungry. We had no milk . . . too early to offer ramen noodles or macaroni and cheese.

I've always been proud to be American and of this great country, yet I can't seem to hold my head up these days. I barely have enough money left to make it. . . . I wait and pray for an extension [of unemployment benefits] to buy us more time.

I implore the Republicans to quit dangling carrots in our faces and do the right thing.

That is what this is about, Senator BUNNING. This woman and people like her all across America who will be turned down for unemployment benefits because of your objection. Why are we doing this to these people, whether they live in Tennessee, Kentucky, or any other State? We are a caring people, and I know the Senator from Tennessee feels that way. I do too.

Mr. BEGICH. Will the Senator yield?

Mr. DURBIN. I will be happy to yield for a question from the Senator from Alaska.

Mr. BEGICH. I know we talked about unemployment which is a significant piece of this bill. I also want to point out there are other pieces. I want to make sure I am correct. Maybe the Senator could clarify this.

I know he mentioned in the very early hours when we started this discussion that there were issues that deal with small business, seniors, and it has two other major components.

Is it correct that this bill also deals with seniors and small businesses?

Mr. DURBIN. Yes, it is correct.

Mr. BEGICH. I appreciate the Senator's constant reminder that this debate is about real people. I don't know what the debates were in years past. I was not here, as Senator MCCASKILL and Senator MERKLEY mentioned. I was not here. People read and watch what is going on. They see right through what is going on: The wealthiest of the wealthiest get the privileges of this body, and people working every single day and those now unemployed ask for a little bit of help to make sure they can make it through these tough times, and the other side of the aisle turns their back on them.

You used the example of seniors. In Alaska, the Medicare reimbursement rate is critical. We are one of the highest cost States. We have less doctors today than yesterday, the year before and the year before. We have very few. I met with our clinics today. I think it is down to one in Anchorage that accepts new Medicare patients. Now we say we are not going to make sure these reimbursement rates are the right rate. So now we will have more doctors not serving our seniors. It is not only about the unemployed. They are about to throw seniors over the cliff, at least in my State.

Does this bill deal with seniors and making sure the reimbursement rate is the right rate so doctors can perform the services these seniors need?

Mr. DURBIN. I would say to the Senator from Alaska that is correct. According to the 2009 Medicare Trustees Report, on January 1, 2010, physicians were expected to face an across-the-board cut of 21½ percent. By 2014, the cuts to physicians treating Medicare patients would be 40 percent. We have averted these cuts with short-term extensions, because at those reimbursement levels many doctors would stop treating Medicare patients.

Mr. BEGICH. I know in my state the answer is: They will. This is a significant problem even at the 21-percent rate of reimbursement. So not only do we have the unemployed now, whom the other side seems to have a problem with, yet when it comes to the richest of the rich, they have no problem dealing with them, taking care of them unfunded.

The pharmaceuticals—I know this debate a little bit. I know how the talk I just heard from the Senator from Kentucky sure did go around and around, but the bottom line was the pharmaceutical companies got those monies, made extensive profits, and on the backs of taxpayers. But now it is time to help our seniors, make sure they get basic care, and they are going to be thrown over. It is amazing to me, when I look at this bill—I thought it was simple. Maybe I am naive, being a new Member here, but these are simple things. The crisis in this country is the biggest recession since the Great Depression. Yet when it comes time to giving a little bit of assistance to make sure we can move through this tough time, we are not willing to assist the unemployed. Yet the richest of the rich get taken care of.

I want to ask one question about that so-called bipartisan bill that was mentioned earlier. I know earlier there was discussion, and I hope I can ask this question. The ''bipartisan'' bill that was talked about earlier, I know I flipped through the multiple pages of the index and saw all these extenders for businesses, and, if I remember this right—correct me if I am wrong—the unemployed had a very short extension but all these businesses got the long extensions for their tax benefits.

Again, it is a question of who do we support here and who do we help? Am I mistaken that so-called bipartisan bill—that really wasn't bipartisan and which had a lot of issues with it—am I correct there was some imbalance there that people were concerned about?

Mr. DURBIN. I think the Senator from Alaska is correct.

Mr. BEGICH. The other piece I want to talk about, and I will end on this because I know the Senator from Oregon has a question or two, and it is one of the things I heard over and over again, and that is why I think the way this is being approached is very simple: Here it is, don't cloud it with a lot of other junk. The public has spoken, and they want transparency. They want it clean, they want it simple, and they want to understand what it is talking about, without this whole business of jamming in things left and right. Here, this is simple: Unemployment for the unemployed, taking care of our seniors.

I am on Alaska time, so this is early for me. I have plenty of time. When it is midnight here, it is 8 o'clock in Alaska, so I have plenty of time here. But when I think about these issues of seniors and the unemployed that the other side doesn't want to help, it seems the next issue—and I will wait my time here and ask about it—is small businesses—the people who are the backbone of this country—trying to help those unemployed become employed. That is another piece of this bill. Is that correct, that small business is another piece?

Mr. DURBIN. It is. The SBA programs, which would provide credit for small businesses—we were looking for a simple 30-day extension so these programs would be available. This objection has stopped that 30-day extension and it is going to close down some of those programs, as of Monday, that would be available to small businesses across the Nation.

Mr. BEGICH. Small businesses that were probably in the process of pursuing their dreams and hopes in this recession of creating a new opportunity to help those unemployed and others to build our economy. In Alaska, 52 percent of our employment is small business. They are the backbone of this country. They were kind of left out last year. This is an effort to continue to help them. Is that a fair statement?

Mr. DURBIN. The Senator from Alaska is correct.

I want to make it clear for the record, because the Senator from Tennessee came and asked me why we didn't offer to the Senator from Kentucky an opportunity to have an amendment to pay for these unemployment benefits out of the stimulus package, that was offered to him. He said, no, he didn't want to have an amendment offered on the floor because he wasn't sure he could pass the amendment. So he was offered the same chance that every Senator has had to take his idea before the Senate and to get a majority vote. That is not an unreasonable thing. That is how the Senate works.

I would also say to the Senator from Kentucky that if he believes we have surplus funds in the stimulus or Reinvestment and Recovery Act that can be spent on unemployment and the like, I am afraid he is wrong. It is important to note that of the $166 billion in funds

remaining to be obligated, almost every dollar has already been spoken for, even if not yet obligated. So if he thinks the money that has not gone out the door of the stimulus act is not spoken for, it is not true. It is spoken for. That would have been part of the argument when his amendment could have come to the floor, an amendment which he did not care to offer.

I would tell him there are two projects in his State that will be affected if he cuts the balances in this. And I know he may not care, but some may. It is a Milton-Madison bridge replacement—Milton, KY, to Madison, IN—asked for by the Kentucky transportation cabinet. The total cost is $131 million; TIGER funding, $21 million—a vital link, I am told, between two towns. If the bridge is taken out of service, the resulting detours will create resulting hardships for residents on both sides of the river.

There is also another project under this Recovery and Reinvestment, which I know you voted against, but it is the Appalachian Regional Short-Line Rail Project; the location, Kentucky, West Virginia and Tennessee, and the TIGER funding there is $17 million. The fact is many people believe these will create jobs in Kentucky and put people to work. They have been spoken for and obligated. If that money were taken out of the stimulus package, it may affect that project or some other project. But the fact is the money is not just sitting in the stimulus fund waiting to gather dust or interest; it is money that has been spoken for to put people to work in Kentucky and Illinois and all across America.

The fact is the Senator from Tennessee came and asked me why didn't we offer the Senator from Kentucky a chance to offer his amendment. We did. And if he had taken that opportunity, he might have won, he might have lost, but he would have had his day on the floor of the Senate, which is all any of us can ask for—an up-or-down vote. Instead, he said: If you don't pay out of the stimulus, no one is going to get unemployment benefits, and that is, I believe, an unreasonable position, and that is why we have taken to the floor this evening.

Mr. CORKER. Will the Senator yield?

Mr. DURBIN. I will yield to the Senator for the purpose of a question.

Mr. CORKER. Mr. President, I have been working in an unusual way across the aisle on an issue that I think is important in this body for the last 2 weeks, and I had planned to spend all day tomorrow, Saturday, Sunday, and Monday—whatever it takes—to get a bill that I think is important to this country and important to this body. It is 10 till 11, 5 till 11. And whether you agree or disagree with the Senator from Kentucky, I am here because I think this is a broadside. The fact is that we here in the Senate give each other notice.

I understand the frustration with my friends on the other side of the aisle. I talk to many of you after the lunches that take place. I know there is a lot of frustration. I understand the concerns of the people on my side of the aisle, especially after we just voted for a pay-for. And my guess is everybody on the other side of the aisle who is here tonight voted for it. Yet we are continuing to pass bills that are not paid for.

I am not going to debate the merits. I know you can talk about taxes for the rich, tax reductions, and all that. The fact is, you did not give the Senator from Kentucky notice this was going to occur.

Mr. DURBIN. If that is a question, I would like to respond to it. If that is a question, it is incorrect, and I want the record to be clear.

MR. CORKER. Let me just say this——

Mr. DURBIN. I am sorry, that is not correct.

Mr. CORKER. If I can just finish.

Mr. DURBIN. Regular order. I have the floor.

Mr. CORKER. If I could just——

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. CORKER. This also is not comity.

Mr. DURBIN. I will yield for a question after I respond to the Senator from Tennessee, and what I would say is the Senator is incorrect. After the Senator from Kentucky objected this evening, the Republican side was notified that I was going to come to the floor and renew this unanimous consent request. The Senator from Kentucky knew it. He was notified in advance. We then had three subsequent rollcall votes and a unanimous consent request, and then I came to the floor. So the Senator from Tennessee is not correct. He was given prior notice.

I would be happy to yield further for a question.

Mr. CORKER. I appreciate the explanation. I believe we are stooping to a low level.

Mr. DURBIN. I am sorry, I did not hear the Senator.

Mr. CORKER. I believe we are stooping to a low level. The Senator from Kentucky and I agree on a lot and we disagree on a lot, and I am not here at this moment to debate the merits of either side. What I am saying is this is not the way the Senate functions.

Everybody in the country now knows that the Senator from Kentucky has a hold on this bill. That is something that is honored. Not a hold on the bill, but he is objecting to unanimous consent, and that is something that we honor in this body. If the attempt made tonight is going to be to keep a man 20 years my senior here, without the knowledge that this was going to happen—obviously other people had this knowledge—you can see that nobody on our side did.

I was getting ready to go to bed, get up in the morning, resume my talks with Senator DODD—which regardless of what you all do tonight I am going to continue because I think our country has serious problems that need to be dealt with—but this, in my opinion, is beneath the Senate. And while I might be weary, I will stay here the entire night to defend the Senate and defend the fact that the Senator from Kentucky did not know this was going to happen.

I am tired. I have been working hard for a long time on a bill that I think is important. I would rather go to bed and be fresh and deal with the issues that need to be dealt with for this country, but I will stay here all night because this is not the way the Senate functions.

I am disappointed. I know that we have a lot between us, but I have felt actually, recently, that we were beginning to sort of make things click. I have seen people stepping out and doing things that I feel are the right things to do on behalf of the country, and I have talked to my good friend, the Presiding Officer tonight, about those kinds of things. I have a lot of friends on both sides of the aisle. But this is not the way the Senate functions.

Mr. DURBIN. I did yield for a question, and I don't believe the Senator has a question, but I respect him and respect his point of view.

Mr. CORKER. My question is: Is this the way the Senate functions? And I am asking someone who I respect right now.

Mr. DURBIN. I said to the Senator that we gave notice to the Senator from Kentucky, after he had made his objection. So this was not a sneak attack. As soon as he made his objection, we notified the Republican side of the aisle of what I was going to do.

Secondly, I would say that I think those of us who——

Mr. BUNNING. Unfortunately, that is not true.

Mr. DURBIN.—Put a hold on a bill or a hold on a nomination can certainly do that. I think they ought to step forward and say publicly when they do that and why they do that.

Mr. CORKER. That has been done.

Mr. DURBIN. In this situation, in fairness to the Senator from Kentucky, he has been very public and open about his objections to this. I certainly respect we have different points of view. But I would say to the Senator from Tennessee, here is what I face and what other Senators face. After we completed these rollcalls here, we would have walked out the door and gone home and relaxed and headed home for the weekend, and then come Sunday, somebody might have noticed the unemployment benefits for 15,000 people in my State were cut off, eliminated, people out of work.

I could have left. I would like to be home relaxing too—I am not a spring chicken—but I think it is an important enough issue to stand up and speak about it tonight. We have heard from the Senator from Kentucky. I have yielded to him in a way that may go beyond what is required, but I wanted him to express his viewpoint, and he has, about why he has done this.

And, yes, I am a little weary standing here, too, and I don't plan to stand here all night. But if we were to walk out that door and ignore the impact of that objection on the thousands of people in our own State, do you think we are meeting our obligation as Senators? I think it is worth speaking out. You must receive these same communications I receive from people who are out of work. These are sad, heartbreaking stories. We are about to make these stories even worse because of the objection of one Senator.

Yes, it is his right to do it. But it is our right to stand and explain the effect this is going to have on a lot of innocent people.

I yield to the Senator from Oregon for purposes of a question.

Mr. MERKLEY. I thank the Senator. I have before me a chart on workers losing Federal unemployment benefits at the beginning of March. It notes ''Workers Exhausting Regular State Benefits without Additional Federal Extensions'' as 380,000 workers. Then there is an additional column that says ''Workers Prematurely Exhausting Their Federal Benefits'' at the start of March: 813,000. I am rounding off. It has a ''total'' column that says, for the United States as a whole: 1,193,838 individuals lose their benefits.

As I am reading this chart, my impression is they are losing their benefits at the end of February if we do not have an extension. Am I reading this correctly?

Mr. DURBIN. I say to the Senator from Oregon, I believe it is the end of March.

Mr. MERKLEY. The end of March. But there are many people who lose their benefits much sooner if we do not pass this extension?

Mr. DURBIN. As I understand it, some will start to lose them as of Sunday night. Then, as their benefits expire, by the end of the month, the Senator is correct: 1,193,000 people. The Senator from Kentucky and others have said eventually you are going to get around to the process of actually getting the 30-day extension. It is true we could do that. We could use up another week of time of the Senate to go through the filibusters and cloture motions on the motions to proceed and the rest of it. But it strikes me as a colossal waste of time and a sad commentary on the Senate that we are forced to do this to provide simple unemployment benefits to people across America who are out of work.

Mr. MERKLEY. My friend from Tennessee has made some comments about the process. I must say I very much respected the dialog he has been involved in, in the Banking Committee, through the year I have served on that committee, working to find the right way to have regulatory reform that will help put our economy back on track. There is so much I agree with him on. But I completely, respectfully, disagree that it is inappropriate, when unemployment benefits are threatened for our workers in our States, to come to this floor and say: This matters. This matters for working families.

When I was asking the people of Oregon to consider my candidacy to come here to represent them, I went on a 100-town tour with 100 public townhalls. In every townhall, people came and talked to me about the challenge of employment and health care. Tonight, both are at stake.

I had one woman who stood and she said: I got a letter from my doctor whom I have had for many years. I think she said 20 years. She said: The letter fired me from being a patient because I am on Medicare now and that the doctor had dismissed all the Medicare patients because the calendar could now be filled with folks with private insurance that paid better.

My colleague from Alaska was talking about that problem in Alaska. It is a huge problem in Oregon that our seniors who are on Medicare cannot get in the door of a doctor—at least it is increasingly difficult. The result of it being increasingly difficult is, a program they have counted on to provide their health care they are unable to utilize.

Tonight we are considering an extension or a fix of the physician payments related to this very issue, whether doctors are going to take and keep taking Medicare patients in their agenda. We have talked about unemployment, but it is equally important we address this Medicare rate because, in my State, it is a growing challenge. We have a generational contract with our citizens over Medicare that they are going to be able to get in the door of a doctor's office. If we do not address this payment issue, then we are not honoring that generational commitment under the Medicare Program.

So I do, respectfully, disagree with my colleague from Tennessee. I wish we had more debates such as this. I wish we had more debates such as this with votes. I wish we had a vote tonight, with a debate, and that my good colleague from Kentucky had agreed to have the debate and had made his case and persuaded us on this floor of his point or that others would have made a different point and would have been persuasive. But we didn't have that debate because the offer was made and the offer was rejected.

Here I am tonight, looking at the thousands and thousands of Americans who are going to lose their health care because they will not be able to get in a doctor's door, who are going to lose their COBRA benefits and therefore will not be able to afford the expense of health care because they are unemployed, who are going to lose their unemployment insurance benefits—or looking at the businesses that are trying to get small business loans that will not be able to get them if we are not extending the small business loan guarantee program.

I think this is about one of the most important debates for working Americans. We need to get this 1-month extension, we need to respect that everyone in this Chamber, every one of our 100 Senators can proceed to carry this debate on over this coming 30 days. We are going to have another chance to vote on this. But tonight we should not take our differences over the process—or our differences over what happened during the Bush administration—and take it out on the most vulnerable members of our society.

So I ask my colleague from Illinois, does he share my concern that we are taking procedural differences and age-old debates and we are taking it out on the most vulnerable? Is it the wrong thing to do, as I believe?

Mr. DURBIN. I say to the Senator from Oregon that is exactly why I am standing. I didn't plan on doing this. I had a pretty full day down at the Blair House and other places. I believed, by the end of the day, the Senator from Kentucky would agree to a vote. He would have had his chance on the floor—which is all we can ask for in the Senate, to argue his point of view—and that we would be able to go home for the weekend knowing unemployed people across the United States would not have their benefits cut off—cutting off unemployment checks in the midst of this recession.

I had not planned on being here tonight, but I thought to myself, I say to the Senator from Tennessee, how can I walk out that door and go home and go to bed and say: Well, just another day, another objection. Those 12 million people who sent me here expect me to stand for them once in a while.

That is what I am trying to do. I cannot believe we have reached the point in the Senate where these battles over cosmic issues are being visited on people who are struggling to survive day to day, to put food on the table. That is what it has come down to. That is exactly what it has come down to. I think that is unfortunate. I think we are better than that. I think we should be better than that as a Nation and as a Senate.

Does the Senator from Vermont seek the floor to ask a question? I yield for the purposes of a question.

Mr. SANDERS. I say to my good friend, the Senator from Tennessee, he is a good friend as is the Senator from Kentucky. I like the Senator from Kentucky. I know he is honest. He is sincere. He is not hiding. He is here. I respect that. We disagree very strongly on his position.

The Senator from Tennessee said a moment ago his point of view, this is not the way the Senate functions, that is not what the Senate is about, in so many words.

If you go and ask millions of people and say if the amendment of Senator BUNNING came to the floor of the Senate—no one can predict what the vote would be, but my guess is he would probably lose. That is my guess. But he has decided, one person, to say to hundreds and hundreds of thousands of

workers, I, one Senator, am exercising my right, no question about that, and I am going to object. I, one person who does not have the votes to pass my amendment, am saying to people—you have heard the Senator from Illinois describing these stories of the pain, turmoil that families are going through. No one disputes what he is saying. It is going on in Tennessee, it is going on in Vermont, Kentucky, Missouri. We all understand that. I don't think there is a disagreement. People are hurting terribly.

I don't think there is a disagreement. When people Monday morning wake and find they are not getting the safety net of that life-supporting check, do you know what people are going to be feeling? Do you know what panic? They don't know how the bureaucracy works. Suddenly, they wake and somebody says: I am not getting my check. Am I ever going to get a check? Well, they are going to get a check, but it is delayed.

There was an article in the paper just the other day, one of the ramifications of this recession, and we all know it is true, is what it is doing to the emotional health of people. Think about people who want to work, who have worked their whole lives and cannot find a job. Do you know what it is doing to them? To their emotional well-being? Do you think they like unemployment checks? The vast majority don't want it—a thousand times more they would like a job. Suddenly, for no understandable—they don't understand what is going on. I don't understand what is going on half the time in the Senate. Suddenly, because one Senator says: I am sorry, I object, I object, and thousands and thousands of people are wondering whether they are going to survive.

They are going to get their checks. We will eventually pass this.

This is a good debate. We have a $14 trillion national debt. How did we get here? How do we resolve that debt? Who in this room thinks that a $14 trillion debt is sustainable? Nobody does. We have to deal with that issue. Who caused it? We have disagreements. How do you solve it? We have disagreements. Let's argue out those disagreements but not on the backs of people today who are hurting and hurting terribly.

One of the points I would like to ask the Senator about is we are not just looking at record-breaking unemployment in our lifetimes. This unemployment rate takes place after years and years of decline.

There was an interesting piece—I don't have the date, it was a couple months ago—in USA Today; astounding facts. What they said—this is from USA Today, I think going through the census data. Between 2000 and 2008, men between 25 and 34 saw an 11.7-percent drop in their median income; people, then, from 45 to 54, 11.2 percent drop. In other words, all over this country we see people who are furious. They are angry. They are confused. Do you know why? They went through a decade where they worked hard and at the end of that decade they were poorer than when they began the decade and then came the Wall Street collapse and then came massive unemployment. What we are trying to do—no one thinks the extension of unemployment is the solution. We have to rebuild the economy. We have to create jobs. But I hope nobody in this room thinks it is acceptable or moral that we allow desperate people to go over the cliff—not to have money to buy food?

Hunger in the United States of America today is a serious problem. It is not a joke. This is America. Desperate people, for their kids, for their parents, need that unemployment check.

We are going to pass this. I gather we will pass it next week. But all we are doing is disrupting the lives of hundreds of thousands of people for no good reason. Senator BUNNING has raised important issues. I disagree with him, but those issues are important. Let's debate them. But you do not have to do it on the backs of the middle class and the working class who have been decimated for years and are now in worse shape than they have been and now we are suddenly pulling out the rug.

I ask my friend from Illinois, my assumption is, we are at some point soon going to pass these unemployment extensions. My understanding is, I don't know how it is going to be, but I suspect many Republicans are probably going to vote with many on this side; is that a correct assumption? And are we simply bringing more pain and confusion to hundreds of thousands of people who suddenly, Sunday, Monday, are going to find out they don't get a check?

Mr. DURBIN. I would say, in response to the Senator from Vermont, the last time we went through this exercise about unemployment benefits, he may recall there was a Republican Senator who insisted on an amendment on the bill relating to ACORN. If he could not get another chance to take a swing at the organization, ACORN, he was going to hold up the unemployment benefit bill.

I reached the limit of my patience at that moment. I thought to myself, it was not the first, second, third, or fourth or fifth time, it was going to be the sixth or seventh time. There was a belief on his part that he had to keep taking a swing at this organization, even at the expense of delaying unemployment benefits.

I will tell you, I think that is unfortunate. If you want to fight a battle, for goodness' sakes, make it a fair fight. Do not fight the battle over the bodies of people who are unemployed and struggling to get by on a day-to-day basis. If you want to fight the battle of the deficit, fight the battle of the deficit on the budget resolution or whatever appropriations bill you choose.

But to deny unemployment benefits to make your point about the Nation's debt takes this to an extreme. That is why I am here. That is why I did not go home tonight. I would like to be there to see what is happening with the Olympics and what every other American family is doing. But I thought to myself, I cannot walk out that door without speaking up for what I consider to be an unjust decision by one of my colleagues.

He sees it differently. I do like Senator BUNNING. He and I may have had our differences, but we have had some good conversations about baseball. Maybe that is all but about baseball.

Mr. SANDERS. I would say that the Senator and I have had strong agreements. I would ask the Senator from Illinois, in the hearing of the Senator from Kentucky: Look, the Senator from Kentucky has raised important issues. I would hope that he would allow us, not for our sake, but for the sake of tens and tens of thousands of people, to get those checks out. Let's come back and continue that debate.

You have raised the right issues. These unemployment checks are going to go out, unless I am mistaken. So all we are doing is disrupting the process. We understand where you are coming from. You have raised a fair point. It is a very important issue.

But I would, through my friend from Illinois, ask my friend from Kentucky, who is a friend—I like JIM BUNNING: Let us continue this debate. But it does not have to be tonight. It does not have to be in a way that causes confusion and uncertainty and a lot of pain for a lot of people. So I would—

Mrs. MCCASKILL. Would the Senator yield for a question?

Mr. DURBIN. I would be happy to yield. But I would say also to the Senator from Tennessee and the Senator from Kentucky, there is a version of this unanimous consent request which will give you your vote. If the Senator would agree to that. You will not.

I yield to the Senator from Missouri.

Mrs. MCCASKILL. The Senator from Tennessee and the Senator from Vermont and the Senator from Rhode Island all came here in the same class. The Senator from Oregon just arrived in January. So we have not been here for a long time to watch how the Senate works and how the Senate traditionally has worked. I know it appeared to my pal from Tennessee that this looked like some organized ambush of the Senator from Kentucky. I have to tell you the truth, we are not that well organized. If we were that well organized, we probably would have been doing more of this a long time ago.

I honestly came down to the Senate floor understanding a deal had been made to give Senator BUNNING a vote on his amendment. I expected that vote to occur. I had not talked to my office. I was surprised when I got to the floor and realized that Senator BUNNING, which he can do under the rules, was going to hold it.

I walked up as I was finishing voting on the third bill, and I said to DICK: Are you going to stick around and make him object again?

He said: You know, I think I am going to stick around for a while. I just do not feel right going home.

At that moment I thought: I do not feel right about going home either. I think it is time, if we are going to do an objection every 5 minutes, and if we are going to have holds—if this was a hold on a nominee, it could wait until Monday. But when Senator BUNNING decided to do this, it came at a risk. And the risk it came with was that there were going to be Senators who were going to speak out about it. There were going to be Senators who were going to disagree with him, and they were going to publicly say that this is not the moment.

This $10 billion, with all of this deficit spending that has gone on for the last decade, this is not the moment to have one Senator say: I can stop it. So I felt like I wanted to talk about it. But nobody organized this. Nobody said: JEFF MERKLEY, can you stay? This is just some of us decided we wanted to stay and talk about it.

Here is what I ask. Have there been this many objections and holds traditionally in the Senate?

Mr. DURBIN. No.

Mrs. MCCASKILL. Have we had this many? Have there been this many obstructions to the regular order of the Senate traditionally?

Mr. DURBIN. I have been here 14 years—14 years in the House, 14 years in the Senate. This Senate has changed so dramatically in the 14 years I have been here. We actually had debates on the floor of the Senate. We had Members offering amendments back and forth. I mean good debates. I thought it really was a joy to be part of a deliberative body that engaged in that.

But now we are in this era of cloture and filibuster and holds and objections, and it grinds to a halt. You think to yourself: No wonder there is frustration among the membership, and no wonder so many people on the outside look at us and say: Why are they not doing things?

How can we explain to people in Missouri, Illinois, or Tennessee or Kentucky that we are here tonight because we are going to cut off unemployment benefits? You know, the Senator is right, the Senator from Vermont is right. The day will come when those unemployment benefits will go through. It may take us a week. We may have to eat up a whole week of the Senate Calendar to get that done.

You think to yourself: Senator, is there not something you should be doing that is more important? And we know there is. We should be working on a jobs program. We should be working on health care. You are working on financial regulations. I know, Senator CORKER, you may be upset with me at this moment. But I respect you so much. It shows extraordinary courage on your part to step up and try and tackle this tough issue.

I am glad you are doing it. It does harken back to a better era in the Senate when people did work on a bipartisan basis. So I would say to the Senator from Missouri, we have been here for a while, and I know there are staff people here who did not plan to be here this late. In deference to them, I am going to allow the Senator from Missouri to ask a question. I am going to then make a unanimous consent request again. Then at that point, I will not make it after that point.

Mrs. MCCASKILL. Well, I guess what I am trying to ask the Senator is—I do not think most Americans think the Senate is working very well right now. I think most Americans think we are behaving sometimes like children. I think most Americans are not sure what the rules are and what the difference is between a cloture, a filibuster, a motion to proceed, and a motion to recommit; what is the difference between a reconciliation and a conciliation or all of the other terms we throw around here.

But there is one thing I think we all need to come to grips with; that is, if we are going to try to stop the place, we need to be proud to own it. I think that goes on both sides of the aisle. If a Senator wants to hold a nomination, I do not think they should be allowed to keep it secret for 10 seconds. If somebody wants to try to hold a bill or wants to object to something, I think this nonsense that they have had in the Senate forever that it is a secret for a while is the stupidest thing that I can possibly imagine.

If you are big enough to get elected to the Senate, you ought to be big enough to own what you do with your rights when you get here. Senator BUNNING has stood up strong tonight, and he has explained his position. A few of us stuck around and talked about our positions. I think that is about the healthiest thing we can do. I think it is a heck of a lot healthier than running around behind closed doors placing holds that nobody knows are there or why.

I make a pledge tonight that if I am ever going to hold anything, the minute I decide to do it, I am going to say what it is, why it is, and I am going to own it. I think it is time that all of us do that. If somebody is not willing to own it, then I hope someone comes to the floor and does to them what we are doing tonight.

I think the sooner we own what we are doing with our rights in the Senate, the sooner we wear them like a proud coat of bright-colored feathers, the better off we are going to be in terms of getting things done around here. This is not about making the other side fail. That is not what this is supposed to be about. This is supposed to be about us working together like you are trying to do.

My friend, the Senator from Tennessee, you are doing the right thing. You are trying to find common ground and work hard, and there are plenty of us who want to do that. I hope that whatever is motivating you to work as hard as you are working in a bipartisan way, I hope it is contagious because if you can spread it around a little, I think the American people would be so proud that we would quit this nonsense of political holds and political ''gotcha'' amendments.

By the way, I am the first to admit this has gone on on both sides. This is an equal opportunity Senate. But it is time that we try to make this place work better.

I have to tell you honestly, my dear friend, I think tonight helps. I do not think it hurts. I think it is a good thing, and I am proud to have participated in this tonight. I think the Senate would be a healthier place if we did it more often.

I thank the Senator from Illinois for yielding for this time, and I thank him for sticking around as long as he has, so at least we now know what has happened and why.

Mr. DURBIN. If that is a question, I agree. In defense of the question, I agree with what the Senator said.

I yield to the Senator from Rhode Island.

Mr. WHITEHOUSE. I was presiding during the time that my friend, Senator CORKER, was speaking. I did not have the chance to respond. But I want to assure him, through the Chair and through this question, that as the distinguished Senator from Missouri has just said, this was not planned on our side, at least not by me. I came for the votes.

The only surprise tonight was my surprise that a Senator was going to stop our unemployment insurance program. It never crossed my mind, until it just happened tonight, that was within the realm of possibility. I have 75,000 people unemployed in my small State of Rhode Island. We are at 13 percent unemployment.

So when I discovered, as a surprise tonight at these votes, that this was going to happen, like Senator DURBIN, I could not just walk away from this Chamber. No way. No way.

But it was not as part of a planned surprise. The person in my life who was surprised as to what happened tonight was me. Frankly, I am still surprised, and I am surprised this has not resolved itself during the course of this discussion.

I am surprised that the 75,000 people in Rhode Island and over 1 million people in this country, who are going to wake up to the worry and concern and extra anxiety that Senator SANDERS spoke about, are going to have to face that. I think it is unfortunate. But it is not because of a surprise attack by me. It is because I am responding to a surprise to something that I think is very unfortunate and extraordinarily painful for tens of thousands of regular working people who did nothing wrong but cannot find work in this economy in my home State.

I thank the Chair.

Mr. DURBIN. I thank the Senator. I am happy to yield for a question from the Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the Senator from Illinois. I have to say to my friend from Missouri that I agree that the discussion has been very good. I received an e-mail from my staff regarding what was happening. I got in my car and drove down here. I have to say that as I look across the other side of the aisle and on this side, I have a lot of friends, a lot of goodwill.

I say to the Senator from Illinois, I don't think I have ever, in my short time here, 3 years 2 months, I don't think I have offered a message amendment. I don't think I have ever offered anything that was meant to obstruct unnecessarily. As a matter of fact, I offer very few amendments. I try to do my work with other Senators and bring things to the floor that are hopefully ready to pass.

At the end of the day, the Senator from Vermont is the best I know in this body at talking about compassion for people that I know he believes; I think we all believe. I always listen to him with great awe, candidly, at his ability to express what all of us feel about people who are unemployed or have large heating bills or whatever may exist. I don't really think that is what this debate is about. It isn't. This debate is about the fact we are spending money that we don't have. Yet we have passed a $787 billion stimulus bill that won't be spent until way beyond 2012.

I cosponsored an amendment, a piece of legislation with the Senator from Colorado, Mr. BENNET, to use some of that unspent money past 2012 to pay down the deficit. He is in a tough race. He wanted me to cosponsor something that was sensible, and I did.

This is really not about the fact that all of us want to see people who are unemployed have these benefits. We don't want to see physicians take a 21 percent cut. It is about paying for it. I wonder if the Senator from Illinois would agree to me offering unanimous consent that we pass this measure that is before us, and we do it tonight. And we pay for it with unspent funds from the stimulus bill that won't be utilized or are not planned to be utilized until beyond 2012. That is what this debate is about. All of us want to see people get unemployment benefits. We want that. We want to see them have all the things that are in this bill. It is not about that. You know that if this bill were offset, it would have been voice voted out of here.

I ask unanimous consent that we pass this measure out, that we offset it with unspent stimulus moneys that are going to be utilized past the year 2012, and then we work together, just like we are tonight, to figure out a way to make up that difference. I know this is something that is very important to the administration.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask for the regular order. I yielded for the purpose of a question.

The PRESIDING OFFICER. The Senator from Illinois yielded for a question.

Mr. DURBIN. I would say to the Senator from Tennessee, here is the difficulty we face. Of the stimulus funds currently sitting there, they have been obligated. They will be spent. There won't be a surplus, we are told, of any funds. This would have come out during the course of the debate, if Senator BUNNING had accepted our offer of the amendment. To agree to this now is to basically agree to what he has been asking for, just say we will pay for it with the stimulus. I don't think it should be, and I don't think it can be. It should be the subject of a good floor debate. That is what the Senate is for.

I understand you can't make a unanimous consent request when I have yielded only for a question. But that would be my response to you based on that.

Mr. CORKER. I would like a ruling from the Chair.

The PRESIDING OFFICER. The Senator from Illinois is correct.

Mr. CORKER. I thank the Senator for yielding for a question, and I thank him for this discussion. I understand my request is out of order. I actually thank each of you for your heartfelt comments. All of us know that we all want to see these benefits extended.

Mr. DURBIN. Mr. President, I am going to ask this unanimous consent request one last time this evening. I will not be making another unanimous consent request until tomorrow morning. There will be an opportunity, I believe, with the Senate coming into session, pursuant to the adjournment script, at about 9:30 in the morning. I will make one request. I will make the same unanimous consent request in the morning. That is the only time I will make it. But at this point that is my plan.

I thank the members of the staff, all of them, who were not notified that this was going to happen this evening and had to make changes in their own personal and family plans as a result.

As we have said, there will be thousands and thousands of people across America impacted by this decision in just a few days. That is why many of us thought it was worth the wait and the effort. I still believe it was.

I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 4691, a 30-day extension of provisions which expire on Sunday, February 28—unemployment insurance, COBRA, flood insurance, Satellite Home Viewer Act, highway funding, SBA business loans and small business provisions of the American Recovery Act, SGR, and on poverty guidelines—received from the House and at the desk, that the bill be read three times, passed, and the motion to reconsider be made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. It is my understanding we will now move to closing the session. I thank my colleagues on both sides of the aisle, particularly on the Democratic side, for sticking with me through the course of the evening. None of us had planned for this, and it came as a surprise that this issue came before us. I think there were heartfelt sentiments stated here, and I thank them very much for staying with me.

REMEMBERING VERNON HUNTER

Mr. KAUFMAN. Mr. President, I rise once again to recognize one of America's great Federal employees. I have spoken before about the values that bind our Nation's public servants together. One of the most fundamental of these is sacrifice.

We see this quality each day in the men and women who serve in uniform, both in the military and in law enforcement. They put themselves in harm's way to keep us all safe and protect our freedoms and way of life.

Those who work in civilian roles also routinely take risks to their safety when performing their jobs, including the many Federal employees posted overseas and at our borders.

This week, sadly, our Nation mourns the loss of a truly outstanding public servant who was killed last Thursday in the tragic attack against an office building in Austin, TX.

Vernon Hunter was a 27-year veteran of the Internal Revenue Service and before that served for two decades in the U.S. Army.

Earlier this month, I honored an IRS employee who made it possible for tens of millions to file their taxes electronically. At that time I spoke about how our IRS employees continually work hard to make it easier and less stressful for Americans to pay their taxes.

Vernon was one of the great IRS managers who helped process tax filings and resolve issues for taxpayers. He had a reputation for being kind and full of life. He always wanted to help people solve their problems. His biography reads like a lesson in service and sacrifice.

A native of Orangeburg, SC, Vernon enlisted in the U.S. Army after graduating from high school. He served two combat tours in Vietnam, at the same time facing discrimination at home when he was turned away from an all-White boarding house despite wearing the uniform. Vernon remained in the Army for 20 years, after which he worked for a short time in the private sector. However, as do many of our great Federal employees, he believed he had always been called to serve his Nation, and he returned to Federal employment nearly three decades ago when he began working for the IRS.

Last week, Vernon lost his life when a small plane appeared out of the clear morning sky and struck his office

building. The pilot also died in an act of apparent suicide, leaving behind a lengthy manifesto condemning corporations, the government, and singling out the IRS. Although 13 people were injured, Vernon was the only person killed in the violent explosion that ensued.

Loyal, dedicated public servants such as Vernon bravely put themselves at risk each and every day through the mere act of doing their jobs. The attack in Austin was, of course, presaged by the Oklahoma City bombing and the anthrax attacks of 2001.

Civilian Federal employees know there is always a risk. Many pass through metal detectors each morning coming to their offices. Mail is screened and emergency drills rehearsed. A Federal office building is a place of both dedicated work and unwitting risk in the name of service to country. Vernon, tragically, epitomized both.

Vernon was 68 years old and is survived by his wife Valerie who also works for the IRS in the same office building, along with six children and stepchildren, seven grandchildren, and a great-grandchild. According to his son, Vernon was planning to retire from the IRS and go back to school. He wanted to teach children with special learning needs. Vernon was also an active member of the Greater Mountain Zion Baptist Church in Austin where he ushered and where his funeral will be held tomorrow.

I hope my colleagues will join me in honoring Vernon Hunter and expressing our condolences to his family, friends, and those who worked with him at the IRS. He made the ultimate sacrifice in service of our Nation.

BLACK HISTORY MONTH

Mr. BROWNBACK. Mr. President, I rise today during Black History Month to honor the history and legacy of the First Kansas Colored Infantry, a regiment of former slaves, which was the first group of Black men to fight in the American Civil War.

This regiment of escaped Black slaves was the first organized into service for the U.S. Government. They were commanded by COL James M. Williams. For the first time during the Civil War, Black troops were fighting alongside White troops in the name of freedom and equality.

In June 1862, Kansas Senator James H. Lane started recruiting troops from among free Blacks, especially the increasing numbers of fugitive slaves in Kansas, men who had fled their masters in Missouri and Arkansas. The progressive nature of Kansas made it appealing to slaves fleeing Missouri and Arkansas as soon as the Civil War fighting began. By August 1862, Colonel Williams assembled 500 men in a camp outside Leavenworth. These men fought bravely in July of 1863, at Cabin Creek, when the First Kansas Colored Infantry along with other Union forces worked to drive the Confederates out of nearly all of Arkansas.

President Lincoln also took note of the bravery of the First Kansas Colored Infantry when he noted to a group of visitors from South Carolina who came to complain about the arming of Blacks: ''You say you will not fight to free Negroes. Some of them seem to be willing enough to fight for you.'' These men of the First Kansas Colored Infantry continued to fight until the end of the Civil War, being credited with seeing action at Sherwood, MO; Honey Springs; Indian Territory; and Lawrence, KS; Poison Springs, AR. They saw more regular combat than any other black regiment of the war. In October 1865, the men of the First Kansas Colored Infantry were discharged at Fort Leavenworth.

Frederick Douglass once stated, ''In a composite nation like ours, as before the law, there should be no rich, no poor, no high, no low, no white, no black, but common country, common citizenship, equal rights and a common destiny.'' These men were willing to give their lives in the hopes for a better future, an equal future, for their children. It is a struggle that continues today, and we look to our history as we continue to engage in it.

Mr. President, the men of the First Kansas Colored Infantry helped shape this nation into a society of freedom and a beacon of hope around the world. I ask that we all thank them and honor their legacy of service.

USA PATRIOT ACT EXTENSION

Mr. FEINGOLD. Mr. President, this is not where I hoped we would be, 8½ years after the USA PATRIOT Act became law. Congress should not have passed that law in such haste in 2001 and ought to have enacted meaningful reforms to it years ago. That is why I voted against the PATRIOT Act in the first place, and it is why, Congress after Congress, year after year, I have sponsored and cosponsored bills and amendments to enact changes that would protect the rights of innocent Americans while also ensuring that the government has the authorities it needs to protect national security.

So needless to say, it is far from ideal that the three expiring provisions are being extended for 1 year. But my hope is that Congress will take the opportunity presented by the 1-year extension to finally enact the meaningful changes to the PATRIOT Act that I have been advocating for years. It is well past time to place appropriate checks and balances on authorities like national security letters, whose abuse the inspector general has documented repeatedly; ''sneak and peek'' searches, which allow government agents to search Americans' homes without telling them until well after the fact; and section 215 orders, which authorize the government to secretly obtain records about Americans without connections to terrorists or spies.

I will continue to fight for these reforms, just as I did a few months ago in the Senate Judiciary Committee. Our committee took up the USA PATRIOT Act Sunset Extension Act in October 2009, and Senator DURBIN and I pushed for improvements on a variety of issues. Some of those amendments were successful, such as the amendment shortening the presumptive time period for delayed notice of a ''sneak and peek'' search warrant from 30 days to 7 days and the amendment requiring that the Attorney General issue procedures governing the acquisition, retention, and dissemination of records obtained via national security letters, NSLs. There are other provisions in that bill that I strongly support, as well, including new inspector general audits, a sunset for the first time on the NSL authorities, and changes to the NSL and section 215 gag orders to help bring them in line with the first amendment.

But in key ways, that bill fell short, and as a result I voted against it in committee. Most importantly, it did not contain critically important protections for the government's use of section 215 orders and NSLs. Senator DURBIN offered amendments that would have required that the government be able to demonstrate some connection—however tenuous—to terrorism before obtaining an individual's sensitive business records using these authorities. But those amendments were rejected.

This was in some respects mystifying. The Senate Judiciary Committee passed this same standard for section 215 orders unanimously in 2005, and the Senate adopted it by unanimous consent that year, although it was not in the conference report that ultimately became law. The arguments that led the Senate to pass this standard in 2005 still apply. The ''relevance'' standard in current law is still dangerously overbroad and the burden of proof should be on its proponents to explain why a more focused standard, unanimously supported by the Senate in 2005, cannot serve as an effective counterterrorism and national security tool.

I recall during the debate in 2005 that proponents of section 215 argued that these authorities had never been misused. They cannot make that case now. Section 215 has been misused. I cannot elaborate, but I believe that the public deserves some information about this. I and others have also pressed the administration to declassify some basic information about the use of section 215, and it has declined. I hope that the administration will reconsider and that more information will be declassified before this reauthorization process is completed. I do appreciate that the administration has offered to provide information about this to Members of the Senate beyond those of us who serve on the Intelligence and Judiciary Committees. But that is just a start. We must find a way to have an open and

honest debate about the nature of these government powers, while still protecting national security secrets, and under current conditions that simply isn't possible.

Congress and the American people do, however, have a great deal of information about how the national security letter authorities have been abused by the FBI. In a series of incredibly detailed audits—audits that the Judiciary Committee chairman worked so hard to require in the 2006 PATRIOT Act reauthorization legislation—the Department of Justice Office of Inspector General has documented years of misuse. In his first report, in 2007, the inspector general found—as he put it—''widespread and serious misuse of the FBI's national security letter authorities.'' His most recent report documents even more instances of the FBI inappropriately obtaining telephone records, through the use of so-called ''exigent letters'' and other informal requests for telephone billing records that violated the requirements of the Electronic Communications Privacy Act, ECPA.

So I will continue to press for improvements to the PATRIOT Act. Indeed, last year I and nine other Senators introduced the JUSTICE Act, which takes a comprehensive approach to fixing our surveillance laws. It permits the government to conduct necessary surveillance but within a framework of accountability and oversight. It ensures both that our government has the tools to keep us safe and that the privacy and civil liberties of innocent Americans will be protected. These are not mutually exclusive goals. We can and must do both.

Since the PATRIOT Act was first passed in 2001, we have learned some important lessons. Perhaps the most important is that Congress cannot grant the government overly broad authorities and just keep its fingers crossed that they won't be misused or interpreted by aggressive executive branch lawyers in as broad a way as possible. It is no longer possible for proponents of the PATRIOT Act to argue that it has never been abused. It has. Congress cannot and must not ignore its responsibility to put appropriate limits on government authorities—limits that allow agents to actively pursue criminals, terrorists and spies but that also protect the privacy of innocent Americans.

We also now know that lawyers in the Office of Legal Counsel looked for every possible loophole in statutory language to justify what I believe were clearly illegal wiretapping and interrogation programs. That should also teach us that we must be extraordinarily careful in how we draft these laws: We must say exactly what we mean and leave no room for reinterpretation.

I hope that this extension will allow Congress an opportunity to do just that—to get this right once and for all.

NOMINATION OF JUSTICE BARBARA KEENAN

Mr. WARNER. Mr. President, in the summer of 2009, Senator WEBB and I had the honor of interviewing several potential candidates to serve on the U.S. Court of Appeals for the Fourth Circuit. We were enormously impressed by the quality of all the candidates being considered. But one candidate rose to the top of the list for her extensive experience, judicial temperament, and commitment to the law. This candidate was Justice Barbara Keenan.

President Obama nominated Justice Keenan on September 14, 2009. The Senate Judiciary Committee held a hearing on the nomination where members of the committee were given the opportunity to engage Justice Keenan in a question-and-answer session. On October 29, 2009, the members of the committee reported the nomination by unanimous consent.

Justice Keenan's nomination has been on the Senate Calendar for 4 months now. I believe it is time for this Chamber to consider the nomination and give Justice Keenan an up-or-down vote.

Justice Keenan has strong academic credentials. She graduated from Cornell University in 1971 and received her law degree from the George Washington University Law School in 1974. She also earned a master of laws degree from the University of Virginia School of Law in 1992.

Justice Keenan has served with distinction at every level of State court in Virginia. She has served as a justice on the Virginia Supreme Court since 1991. She also served on the Fairfax County General District Court, the Circuit Court of Fairfax County, and the Court of Appeals of Virginia. Earlier in her career, Justice Keenan worked as an assistant prosecutor in Fairfax and briefly worked as an attorney in private practice.

The Virginia State Bar Judicial Nominations Committee ranked Justice Keenan as ''highly qualified.'' She was one of the few candidates to receive a unanimous vote.

The committee noted in the summary of her evaluation that ''. . . it would be a shame to lose Justice Keenan's skills on the Supreme Court of Virginia, but Senators WEBB and WARNER could do no better than her appointment to the Fourth Circuit . . .'' The committee also found that Justice Keenan has exhibited excellent judicial temperament, has the highest integrity, and concluded that she has superior intellect and legal skills for the position.

In addition to the Virginia State Bar, Justice Keenan was considered ''highly recommended'' or ''highly qualified'' by the Virginia Women Attorney's Association, the Old Dominion Bar Association, the Virginia Trial Lawyers Association, and the Asian Pacific American Bar Association.

I must also mention that Justice Keenan is the first woman appointed to the bench in Virginia and one of the initial 10 appointees to the Virginia Court of Appeals following its creation in 1985.

Six weeks ago Justice Keenan was the first woman to administer the oath of office to a Virginia Governor, Gov. Bob McDonnell.

In May, Virginia Lawyers Weekly named Justice Keenan as the ''influential woman of the year'' for ''a litany of first and years of service.''

I look forward to casting my vote in support of Justice Barbara Keenan's nomination and encourage my colleagues on both sides of the aisle to do the same.

ADDITIONAL STATEMENTS

TRIBUTE TO TONY BELL

• Mr. BROWNBACK. Mr. President, today I wish to recognize Tony Bell of Harveyville, KS. Tony has been selected as a 2009 Great Comebacks Recipient for the Central Region. This very important program annually honors a group of individuals who are living with intestinal diseases or recovering from ostomy surgery.

The Great Comeback Award celebrates the lives of people with painful and debilitating diseases like Crohn's disease, ulcerative colitis, colorectal cancer and other diseases that can lead to ostomy surgery. Tony is one of over 700,000 Americans, from young children to senior citizens, who have an ostomy, a surgical procedure that reconstructs bowel and bladder function through the use of a specially fitted medical prosthesis. Ostomy surgery is a life-altering and sometimes life-saving procedure which both addresses a medical issue and improves a patient's quality of life.

Hundreds of thousands of those suffering from Crohn's or ulcerative colitis rely on a certain type of ostomy to function on a daily basis. Just like a prosthesis, ostomies help restore patients' ability to participate in the normal activity of daily life. Recipients are patients who live full and productive lives with their ostomies.

Born with a defect of his colon, Tony Bell received an ostomy immediately after birth. A few years later, the ostomy was reversed, but after years of struggling with incontinence, 9-year-old Tony received a permanent colostomy. All of a sudden, this inactive, withdrawn boy who was scared to leave his home was ready to saddle up and grab life by the horns.

In control of his body—and his life—at last, an empowered Tony embraced a bright future—one he hoped would include a career as a professional bull rider. He wasted no time, mounting his first bull at the age of 10. As Tony trained for rodeo events, he also pursued his love of music. In fact, as a high school senior, he was chosen to join the elite Kansas Ambassadors choir on a European tour.

While attending college on a singing scholarship, Tony went pro on the rodeo circuit and competed professionally for 2 years, even riding in the Cheyenne Frontier Days Rodeo, known as ''The Daddy of Them All.'' Having achieved this childhood dream, Tony has set his sights on a new goal, following in his parents' footsteps to become a teacher.

Through it all, Tony says he drew tremendous strength from his parents, who taught him to be resilient and to bounce back from whatever life threw his way. He also credits his ''second family,'' Youth Rally, a summer camp for adolescents with an ostomy, for helping him through some rough patches in his life. He now returns each summer as a counselor and enjoys ''paying it forward'' by providing support and encouragement to campers.

Today, Tony, 28, lives in Harveyville, KS, with his wife Pam and 6-year-old stepdaughter Haiden. He works on the family farm and is only a few credits shy of his special education teaching degree. Although Tony didn't end up a country music star, he channels his passion and performs in a barbershop quartet with his dad. An outdoor enthusiast, he enjoys skydiving and noodling—fishing for catfish with your bare hands. ''I want to share with the world my story of success so that others with life-changing conditions know that they are not alone,'' said Tony. ''No matter what comes your way, always reach for the stars and grasp your dreams—they are only a bull ride away.''

I urge my colleagues to take the time to meet with Tony and some of the other Great Comebacks Regional Award Recipients. Their personal stories are inspirational and will raise your awareness about some of the Great Comebacks being made by people living with intestinal diseases or recovering from ostomy surgery.●

REMEMBERING BILL GRESHAM

● Mr. COCHRAN. Mr. President, my State of Mississippi has lost one of its finest citizens, Bill Gresham of Indianola, who passed away on Tuesday, February 23. His family and friends will gather today to honor his memory at funeral services in his hometown. I extend my sincerest sympathies to Bill's wife Ann, his daughters Gayle and Susan, his sons Walton and Tom, his sons and daughters-in-law, his grandchildren, and all members of his extended family.

Bill Gresham graduated from Indianola High School and the University of Mississippi. He served in the U.S. Navy during World War II and the Korean war. After his Navy service Bill returned to Mississippi and became a very respected and successful leader in our State. Bill was president of Gresham Petroleum Company and Gresham Service Stations and a board member of Double Quick, Inc. and Delta Terminal, Inc.

Bill was president of Delta Council, the Mississippi Petroleum Marketers Association, the Mississippi Propane Gas Association, the Mississippi Economic Council, and the Mississippi Gaming Commission. He was also a board member of Mississippi College, the Mississippi Ethics Commission, and the National Propane Gas Association.

Bill was inducted in the Hall of Fame of the University of Mississippi Alumni Association, which he served as President. He was also a member of the University of Mississippi Foundation. Bill was an Eagle Scout and a leader in the Chickasaw Council of the Boy Scouts of America. His dedication to community service was also reflected in his leadership of the Indianola Rotary Club and as a major general in the Mississippi Army National Guard.

Bill Gresham was a proud citizen of the United States of America and a real patriot.

In Mississippi, Bill Gresham's name will be associated with the highest standards of leadership and values. Our State is a better place to live because of the life of Bill Gresham, and I am glad that I was able to call him a friend.●

MESSAGES FROM THE HOUSE

At 10:21 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4626. An act to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

At 5:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4691. An act to provide a temporary extension of certain programs, and for other purposes.

At 7:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 3691) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3695. An act to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with amendments:

S. 2961. A bill to provide debt relief to Haiti, and for other purposes (Rept. No. 111–128).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

William Joseph Hochul, Jr., of New York, to be United States Attorney for the Western District of New York for the term of four years.

Sally Quillian Yates, of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself, Mr. CRAPO, Mr. RISCH, Mr. BARRASSO, and Mr. VITTER):

S. 3038. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available; to the Committee on Environment and Public Works.

By Mr. UDALL of New Mexico (for himself and Mr. CORKER):

S. 3039. A bill to prevent drunk driving injuries and fatalities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself, Mr. LEAHY, Mr. CASEY, and Mr. COCHRAN):

S. 3040. A bill to amend the Richard B. Russell National School Lunch Act to provide children from rural areas with better access to meals served through the summer food service program for children and certain child care programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENSIGN:

S. 3041. A bill to prohibit the further extension or establishment of national monuments in Nevada except by express authorization of Congress; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. KAUFMAN):

S. 3042. A bill to provide for a study by the National Academy of Sciences on the technical policy decisions and technical personnel at the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND (for herself, Mr. KAUFMAN, Ms. SNOWE, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY):

S. 3043. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K—12 instruction and curriculum and to provide evaluation grants to measure efficacy of K—12 engineering education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAYH:

S. 3044. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified motor vehicle taxes for motor homes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3045. A bill to direct the Secretary of Commerce to study the Gulf of Mexico red snapper fishery and to limit the authority of the Secretary to promulgate any interim rules for the fishery and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida:

S. 3046. A bill to direct the Secretary of Commerce to study the South Atlantic red snapper fishery and to limit the authority of the Secretary to promulgate any interim rules for the fishery and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ISAKSON (for himself, Mr. CHAMBLISS, Mr. GRAHAM, Mr. BROWNBACK, Mrs. HUTCHISON, and Mr. CRAPO):

S. 3047. A bill to terminate the Internal Revenue Code of 1986, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. KERRY):

S. Res. 422. A resolution recognizing the important progress made by the people of Ukraine in the establishment of democratic institutions following the presidential runoff election on February 7, 2010; to the Committee on Foreign Relations.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. Res. 423. A resolution commending the New Orleans Saints for winning Super Bowl XLIV and the entire ''Who Dat Nation'' for their support; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 424. A resolution congratulating the BMW ORACLE Racing team for winning the thirty-third America's Cup; to the Committee on the Judiciary.

By Mr. ROCKEFELLER (for himself and Mr. COCHRAN):

S. Res. 425. A resolution celebrating Volunteers in Service to America on its 45th anniversary and recognizing its contribution to the fight against poverty; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. BURRIS, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Con. Res. 50. A concurrent resolution recognizing the historic founding of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. REID, Mr. LEVIN, Ms. MIKULSKI, Mr. SCHUMER, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. BURRIS, Mr. LAUTENBERG, Mr. HARKIN, Ms. LANDRIEU, Mr. CARDIN, Mrs. HAGAN, Mr. WHITEHOUSE, and Mr. BINGAMAN):

S. Con. Res. 51. A concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 101st anniversary; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 456

At the request of Mr. DODD, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 593, a bill to ban the use of bisphenol A in food containers, and for other purposes.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1345

At the request of Mr. REED, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2734

At the request of Mr. FRANKEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2734, a bill to amend the Public Health Service Act with respect to the prevention of diabetes, and for other purposes.

S. 2758

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2758, a bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish a national food safety training, education, extension, outreach, and technical assistance program for agricultural producers, and for other purposes.

S. 2760

At the request of Mr. UDALL of New Mexico, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2858

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2858, a bill to amend the Public Health Service Act to establish an Office of Mitochondrial Disease at the National Institutes of Health, and for other purposes.

S. 2871

At the request of Mr. INOUYE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2871, a bill to make technical corrections to the Western and Central Pacific Fisheries Convention Implementation Act, and for other purposes.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 2946

At the request of Ms. STABENOW, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2946, a bill to direct the Secretary of the Army to take action

with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes.

S. 3008

At the request of Mr. CORNYN, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from Louisiana (Mr. VITTER), the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. COBURN), the Senator from Nebraska (Mr. JOHANNS), the Senator from Alabama (Mr. SESSIONS), the Senator from North Carolina (Mr. BURR), the Senator from Wyoming (Mr. BARRASSO), the Senator from Oklahoma (Mr. INHOFE), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. LEMIEUX), the Senator from Massachusetts (Mr. BROWN), the Senator from Mississippi (Mr. WICKER), the Senator from Georgia (Mr. ISAKSON), the Senator from Ohio (Mr. VOINOVICH), the Senator from Kansas (Mr. ROBERTS) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 3008, a bill to establish a program to support a transition to a freely elected, open democracy in Iran.

S. 3036

At the request of Mr. BAYH, the names of the Senator from Montana (Mr. TESTER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mr. CRAPO, Mr. RISCH, Mr. BARRASSO, and Mr. VITTER):

S. 3038. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce The Small System Drinking Water Act of 2009. This is the third Congress that I have introduced this bill which would assist water systems throughout the country comply with the ever growing number of federal drinking water standards. I am pleased to be joined by Senators MIKE CRAPO, JAMES RISCH, JOHN BARRASSO and DAVID VITTER as cosponsors of this legislation. My bill will require the Federal Government to live up to its obligations and require the EPA to use the tools it was given in the 1996 Safe Drinking Water Act amendments, SDWA.

My goal here is to ensure that small towns across the country have safe, affordable drinking water and that the laws are fair to small and rural communities. Currently EPA assumes that families can afford water rates of 2.5 percent of their annual median household income, or $1,000 per household. For some families, paying $83 a month for water may not be a hardship but for so many more, it is nearly impossible. There must be some flexibility inserted into the calculation that factors in the ability of the truly disadvantaged to pay these costs. Forcing systems to raise rates beyond what their ratepayers can afford only causes more damage than good.

EPA needs to look more closely at how it determines affordability. My bill directs EPA to take additional factors into consideration when making this determination. These include ensuring that the affordability criteria are not more costly on a per-capita basis to a small water system than to a large water system.

In EPA's most recent drinking water needs survey, Oklahoma identified a total of over $4.1 billion in drinking water needs over the next 20 years. $2.4 billion of that need is for community water systems that serve fewer than 10,000 people. The $4.1 billion does not include the total costs imposed on Oklahoma communities to meet federal clean water requirements, the new Groundwater rule, the DBP II rule or the Long Term 2 Enhanced Surface Water Treatment Rule. Oklahoma continues to have municipalities struggling with the 2002 arsenic rule. Many of our small systems are having difficulty with the Disinfection Byproducts, DBP, Stage I rule, and small systems who purchase water from other systems and did not have to test, treat or monitor their water must now comply with DBP II. EPA estimates that over the next 20 years, the entire country will need $52.0 billion to come into compliance with existing, proposed or recently promulgated regulations.

My bill proposes a few simple steps to help systems comply with all these rules. First, it reauthorizes the technical assistance program in the Safe Drinking Water Act. The DBP rules are very complex and involve a lot of monitoring and testing. If we are going to impose complicated requirements on systems, we need to provide them with help to implement those requirements.

The bill creates a pilot program to demonstrate new technologies and approaches for systems of all sizes to comply with these complicated rules. It requires the EPA to convene a working group to examine the science behind the rules in order to compare new developments since each rule's publication.

Section 1412(b)(4)(E) of the SDWA Amendments of 1996 authorizes the use of point of entry treatment, point of use treatment and package plants to economically meet the requirements of the Act. However, to date, these approaches are not widely used by small water systems. My legislation directs the EPA to convene a working group to identify barriers to the use of these approaches. The EPA will then use the recommendations of the working group to draft a model guidance document that states can use to create their own programs.

Most importantly this bill requires the federal government to pay for these unfunded mandates created by laws and regulations. In 1995, Congress passed the Unfunded Mandates Reform Act to ensure that the Federal Government pays the costs incurred by State and local governments in complying with Federal laws. My bill is designed to ensure that EPA cannot take an enforcement action against a system serving less than 10,000 people, without first ensuring that it has sufficient funds to meet the requirements of the regulation.

Since the 108th Congress, I have coauthored and cosponsored legislation to provide additional resources to communities through the State Revolving Loan Funds. Unfortunately, not much has changed. We still have too many regulations and not enough money to pay for them. Funding legislation is important but until that money becomes available, it is unreasonable to penalize and fine local communities because they cannot afford to pay for regulations we imposed on them. I thank my colleagues and look forward to their support of this commonsense proposal.

By Mr. UDALL, of New Mexico (for himself and Mr. CORKER):

S. 3039. A bill to prevent drunk driving injuries and fatalities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, I rise to introduce the ROADS SAFE Act of 2010. I am pleased to be joined in introducing this legislation by my colleague, the Senator from Tennessee, Mr. BOB CORKER.

This legislation will encourage the development of new tools to fight drunk driving and has the potential to save 8,000 lives every year.

Tragic drunk driving crashes often prompt communities to do more to prevent drunk driving. This was the case in my home State of New Mexico back in 1992, when a drunk driver killed a mother and her three girls on Christmas Eve. He was speeding down the highway 90 miles an hour, going the wrong way down an interstate highway. This crash helped change attitudes in my State. But it should not take a tragedy for us to do more to prevent drunk driving.

In 2008, drunk driving killed about 12,000 Americans, including 143 people in New Mexico. That is an average of 32 people killed every day by drunk driving. This unacceptable death toll is all the more shocking when you consider that each one of those deaths was preventable.

The United States has already made significant progress. Compared to 20 years ago, our roads are much safer today. Yet even as the overall number of people killed on our highways has

declined, drunk driving still accounts for about one-third of all traffic fatalities.

It is even more worrisome that a drunk driver has just a 2-percent chance of being caught. In fact, one study found that a first-time drunk driving offender has, on average, driven drunk 87 times before being arrested. Imagine, 87 times. This is unacceptable. Something must be done to prevent these drivers from getting on the road in the first place.

The good news is, there are potential technologies out there that could do that. That is why Senator CORKER and I are introducing the ROADS SAFE Act today. New safety technology has already transformed the automobile and saved countless lives. For example, airbags and antilock brakes are now standard features in many vehicles. These safety devices are built into the car and are unobtrusive to the driver. Such technologies are an important reason we have fewer traffic fatalities today.

Imagine a future with vehicles that could detect whether a driver is drunk when he or she gets behind the wheel—before he or she even starts their vehicle. That would be no drunk driving crashes if it were impossible for drunk drivers to drive. If such technology were widely deployed in cars, an estimated 8,000 lives could be saved every year.

I realize many may think this is a farfetched idea. Yet consider that vehicles today can already give driving directions, thanks to GPS satellite navigation devices. Some cars can even parallel park themselves. New Mexico and other States require convicted drunk drivers to use an ignition interlock, a breathalyzer device they blow into before their vehicle's engine will start. The success of ignition interlocks for preventing repeat drunk driving offenses suggests a better technology could be used to prevent all drunk driving.

In 2006, Mothers Against Drunk Driving convened an international technology symposium in Albuquerque, NM. The goal of the meeting was to review efforts to develop advanced ignition interlocks technology.

In 2008, the National Highway Traffic Safety Administration partnered with leading automakers to explore the feasibility of in-vehicle technologies to prevent drunk driving. The recent progress of this cooperative effort fuels optimism that such technology could be deployed within 5 to 10 years.

Clearly, such advanced technologies must win widespread public acceptance in order to be effective. They must be moderately priced, absolutely reliable, and unobtrusive to sober drivers.

The aim is to stop drunk driving, not discourage responsible social drinking. A recent Insurance Institute for Highway Safety poll found that 64 percent of Americans believe advanced alcohol detection technology is a good idea and that it is reliable.

What would the ROADS SAFE Act do? This legislation would authorize $12 million in annual funding for 5 years for the Driver Alcohol Detection System for Safety Program, also known as DADSS.

DADSS is a public-private partnership between NHTSA and the Automobile Coalition for Traffic Safety. The goal is to explore the feasibility, potential benefits, and public policy challenges associated with using in-vehicle technology to prevent drunk driving.

This increased Federal funding to combat drunk driving is a smart investment in public safety. Drunk driving has direct and indirect economic costs in terms of damaged property, medical bills, and lost productivity. In economic terms, drunk driving costs $129 billion per year. Of course, such monetary costs cannot be compared to the value of saving 8,000 lives every year.

Several organizations dedicated to fighting drunk driving already support this bipartisan proposal. Mothers Against Drunk Driving, the Century Council, and the Distilled Spirits Council all support the ROADS SAFE Act.

I urge my Senate colleagues to join me, Senator CORKER, and these important organizations in the fight against drunk driving by supporting the ROADS SAFE Act. We have made much progress in our efforts to prevent drunk driving, but there is so much more to be done.

By Ms. SNOWE (for herself and Mr. KAUFMAN):

S. 3042. A bill to provide for a study by the National Academy of Sciences on the technical policy decisions and technical personnel at the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator KAUFMAN, to introduce legislation that puts a greater focus on efforts to improve the technical resources and decision-making process at the Federal Communications Commission. The bill proposes a study by the National Academy of Sciences on the technical policy decision-making process and the availability of technical personnel at FCC.

Over the past several years, there have been concerns voiced by the technical community and even Commissioners themselves about the lack of technical resources and expertise at the Federal Communications Commission, FCC. It is for good reason: in 1948, the FCC had 720 engineers on staff; today, it has fewer than 300—an astonishing 62 percent reduction—even though the FCC now must face technical issues concerning the Internet, advanced wireless communications, and broadband. Also, FCC officials have recently acknowledged a shortage of network engineers and that a large number of experienced engineers are eligible to retire within the next few years.

Yet, communications technologies are becoming increasingly complex—evolving from the traditional circuit-switched phone networks to packet-based dynamic-routing high-bandwidth data networks. The need to thoroughly address these issues challenges staff and leads to delays or even inaction in technical rulemakings since the Commission doesn't have the appropriate resources for timely technical evaluation and decisionmaking.

Technical proceedings, including those to authorize new technologies, have been dismally slow—typically taking 2–5 years for approval—creating a bottleneck for innovation and competition.

A December 2009 report by the Government Accountability Office, GAO–10–10–79, reaffirms these concerns and provides additional evidence of the need for such a study. The GAO concluded that ''weaknesses in FCC's processes for collecting and using information also raise concerns regarding the transparency and informed nature of FCC's decisionmaking process.'' Furthermore, the report found the ''FCC faces challenges in ensuring it has the expertise needed to adapt to a changing marketplace.''

With the rapid advancement of technologies and innovation within the telecommunications industry, the FCC must be better equipped and more agile to address the ever-changing technical landscape from a regulatory perspective. If it isn't, our Nation's technical leadership in this area will continue to erode and it will be even more difficult to lay the proper policy foundation necessary to meet future telecommunications needs.

To better examine these significant issues and make tangible recommendations toward a comprehensive solution, this legislation proposes a study by the National Academy of Sciences on the technical policy decisionmaking process and the availability of technical personnel at FCC. Specifically, the study would include an examination of the FCC's technical policy decisionmaking, current technical personnel staffing levels, and agency recruiting and hiring processes of technical staff and engineers, and recommendations to improve these areas. The study would provide tangible and specific proposals to streamline processes and rulemakings as well as how the FCC can be more competitive in hiring the required technical personnel to make it more effective. The bill authorizes $1 million over a 2-year period to conduct this comprehensive technical study.

This bill takes a step towards ensuring the Commission has the adequate resources and proper technical decisionmaking processes in place to be a more effective agency. This is absolutely critical given how rapidly technologies are changing and the implications that regulation could have on the underlying technical catalysts of innovation. It is also critical to overall reform at the Commission because in

order to properly regulate communications, the FCC must be deeply knowledgeable of both the legal and technical aspects of the issues before it. That is why I sincerely hope that my colleagues join Senator KAUFMAN and me in supporting this important legislation.

Mr. KAUFMAN. Mr. President, I am proud to cosponsor a bill Senator SNOWE introduced today to conduct a study on the technical policy decisionmaking process and the availability of technical personnel at the Federal Communications Commission, or FCC.

Professionals in the STEM fields of science, technology, engineering, and mathematics have always been our Nation's problem solvers. They help us solve great challenges in energy, health, security, and transportation. Their innovation creates jobs, jobs that will continue to lead us on the path to economic recovery.

Still, the number of STEM professionals in some of our government's most critical agencies has been declining. In 1948, the FCC had 720 engineers on staff. Today, while communications technologies have become increasingly complex, it has fewer than 300 engineers. Over the years, there has been a shift in the FCC from hiring engineers to hiring professional staff, resulting in a shortage of network engineers. What is more, a high proportion of these experienced engineers are eligible to retire within the next few years. That means that, as communications technology continues to change the way we engage our world, the FCC may face a critical shortage.

This legislation proposes a study by the National Academy of Sciences to address these issues. Specifically, the study will examine the FCC's technical policy decisionmaking, including if the FCC has the adequate resources, processes, and personnel in place to evaluate properly and to account for the technical aspects of the Commission's rulemaking process. It will also examine the current technical personnel staffing levels and FCC recruiting and hiring processes of technical staff and engineers. Finally, the study will provide recommendations to improve each of these areas.

It is critical that we include engineers in our Nation's technical policy and decision making, at the FCC and across the government. I am pleased that this study will explore the implications and offer recommendations for the decline of engineers in this important agency and I urge my colleagues to join me in supporting Senator SNOWE's efforts.

By Mrs. GILLIBRAND (for herself, Mr. KAUFMAN, Ms. SNOWE, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY):

S. 3043. A bill to award planning grants and implementation grants to State educational agencies to enable the State educational agencies to complete comprehensive planning to carry out activities designed to integrate engineering education into K–12 instruction and curriculum and to provide evaluation grants to measure efficacy of K–12 engineering education; to the Committee on Health, Education, Labor, and Pensions.

Mrs. GILLIBRAND. Mr. President, I am pleased to lead a bipartisan group of Senators today to introduce the Engineering Education for Innovation Act, also called the E^2 for Innovation Act. Joining me in leading this are Senator KAUFMAN, Senator SNOWE, Senator MURRAY, Senator CANTWELL, and Senator KLOBUCHAR. The intent of this legislation is to competitively award planning and implementation grants for State educational agencies to integrate engineering education into K–12 curriculum and instruction to spark student interest in engineering through comprehensive K–12 engineering education including hands-on design and engineering components.

The bill increases the availability of K–12 engineering education curriculum and teacher professional development programs, encourages broader participation of girls and underrepresented minorities in K–12 engineering education, invests in afterschool engineering education programs, and the legislation also funds the research and evaluation of such efforts.

Our Nation today faces pressing technological challenges in renewable energy, biotechnology, health care technology, material science, and information technology. According to the National Science Board's 2010 Science and Engineering Indicators, only 5 percent of college graduates in the United States major in engineering, compared with 12 percent of European students, 20 percent of those in Asia and one-third in China. In addition, while women earn 58 percent of all bachelor's degrees, they constitute only 18.5 percent of bachelor's degrees awarded in engineering. African Americans hold only 4.6 percent and Hispanics hold only 7.2 percent of bachelor's degrees awarded in engineering.

As a woman, I am a strong proponent of programs that support girls and underrepresented minorities. Many K–12 students, especially girls and students from underrepresented groups or who are economically disadvantaged, and their teachers have little knowledge about the engineering design process or the many career possibilities in engineering. Today, we continue to have an untapped pool of potential technical workers, and we must leverage the diversity of these individuals to fuel the innovation necessary for our future global competitiveness.

I am committed to initiatives that enhance student participation in STEM, diversify the STEM pipeline and promote competence and confidence to teach engineering for preparing the next generation of our Nation's high tech workforce for a sustainable and competitive economy. Long term investments in STEM education will pay rich dividends to our future economy by building capacity to innovate.

The introduction of engineering education has the potential to improve student learning and achievement in science and mathematics, increase awareness about what engineers do and of engineering as a potential career, and boost students' technological literacy. I want to thank all my colleagues for joining together to address the critical needs of our Nation in a bipartisan manner. I look forward to working together to move this legislation through this Congress.

Mr. KAUFMAN. Mr. President, I rise today to support the Engineering Education for Innovation Act, or E-squared for Innovation Act. I am proud to cosponsor this bill with Senator GILLIBRAND, introduced today, along with Senators SNOWE, CANTWELL, KLOBUCHAR, and MURRAY. This bill will help us meet the engineering education challenges I have often spoken about on the Senate floor by awarding, planning, and implementation grants to States to integrate engineering education into their K–12 curriculum and instruction. It also funds the research and evaluation of all such efforts.

I believe we are at a crucial moment for science, technology, engineering, and math, or STEM education. Today's engineers have a central role to play in developing the innovative technologies that will help our economy recover and promote real job growth. In turn, we must promote policies and programs that help to generate greater interest in STEM and actually lead to the production of a greater number of engineers.

Last year, the National Academy of Engineering and National Research Council released their seminal report on engineering in K–12 education. According to their report, K–12 engineering education can improve student learning and performance in science and math and increases students' technological literacy. It can also increase awareness of the engineering profession and boost student interest in pursuing a career in the field.

The report stressed the need for greater coordination among key stakeholders to develop common definitions and grade level appropriate goals for engineering education. It also emphasized the need for more research on the impacts of engineering education and potential models for implementation. The E-squared for Innovation Act seeks to address these recommendations in three ways.

First, the legislation awards planning grants to State educational agencies to review any existing engineering education resources in the State and to develop implementation plans to integrate K–12 engineering education into curriculum and instruction. Grantees must coordinate these activities with a number of partners, including the Governor's office, institutions of higher education, teachers and administrators

at public elementary and secondary schools, and other relevant players in the State.

Second, the E-squared for Innovation Act provides implementation grants to State educational agencies to carry out a number of activities, including developing academic standards, curricula, and assessments that include engineering; recruiting and training qualified teachers to deliver engineering education; and investing in afterschool engineering education programs. Priority will be given to applicants who serve a significant percentage of student populations underrepresented in engineering.

Third, the bill charges the Institute of Education Sciences with conducting research and evaluation on the grants awarded. These studies will determine the effectiveness of the programs and activities at improving student achievement in STEM education and assess how successful programs can be replicated.

The E-squared for Innovation Act is supported by a diverse list of 77 organizations. To name a few, supporters include the National Center for Technological Literacy, the American Society for Engineering Education, the Delaware Foundation for Science and Mathematics Education, IBM, Intel, the University of California, the National Society of Black Engineers, and the American Society of Mechanical Engineers—just to name a few. I am truly amazed but genuinely pleased at the wide-reaching support for this bill.

Norm Augustine, former CEO of Lockheed Martin, expressed strong support for the E-squared for Innovation Act, adding:

> One of the many reasons our nation does not seem to attract young people into engineering is that many seem to have no idea what an engineer does. Although we attempt to teach math and science in K–12, seldom do we expose students to engineering.

Many in my home State recognize this problem and, consequently, support for STEM programs is growing in Delaware. Governor Jack Markell recently launched a STEM education council in Delaware to bring together teachers, business leaders, curriculum specialists, higher education representatives, and others to focus on innovative STEM programs and curricula that engage young people in Delaware in STEM education. The council will assist in Federal grant applications for STEM-related programs and support effective professional development programs in STEM areas.

In STEM-focused schools across Delaware, students are learning how to extract DNA from fruit, build robots that can throw balls, perform forensic investigations, make ''slime'' and lip balm, and more. It is through these types of comprehensive, hands-on activities that we will get young people interested in tackling and learning STEM subjects and eventually pursuing engineering jobs. The E-squared for Innovation Act is just the kind of program we need to bolster these activities in Delaware and ensure more students nationwide have access to these exciting engineering opportunities.

I cannot stress enough how much I believe this Nation is at a crossroads in STEM education and that this is our opportunity to push forward and create an environment that will cultivate and encourage our next generation of engineers. They will foster the research and innovation that will help us solve challenges such as clean drinking water, lifesaving cures for cancer and disease, renewable energy, affordable health care, and environmental sustainability.

Our country is counting on these future engineers, and the E-squared for Innovation Act is a step in the right direction to support and encourage them.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 422—RECOGNIZING THE IMPORTANT PROGRESS MADE BY THE PEOPLE OF UKRAINE IN THE ESTABLISHMENT OF DEMOCRATIC INSTITUTIONS FOLLOWING THE PRESIDENTIAL RUN-OFF ELECTION ON FEBRUARY 7, 2010

Mr. LUGAR (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 422

Whereas adherence by Ukraine to democratic, transparent, and fair election standards has been necessary for full integration into the democratic community;

Whereas steps undertaken by Ukraine in recent years, including reform of election laws and regulations, the development of a pluralistic and independent press, and the establishment of public institutions that respect human rights and the rule of law, have enhanced Ukraine's progress toward democracy and prosperity;

Whereas the Organization for Security and Cooperation in Europe (OSCE) concluded that ''most OSCE and Council of Europe commitments were met'' with regard to the conduct of the run-off presidential election on February 7, 2010;

Whereas international monitoring groups concluded that prior elections in Ukraine on January 17, 2010, and in 2007, 2006, and 2004, were also generally in accordance with international election norms;

Whereas the United States has closely supported the people of Ukraine in their efforts to pursue a free and democratic future since the declaration of their independence in 1991;

Whereas the NATO Freedom Consolidation Act of 2007 (Public Law 110–17; 22 U.S.C. 1928 note), signed into law by President George W. Bush on April 9, 2007, recognized the progress made by Ukraine toward meeting the responsibilities and obligations for membership in the North Atlantic Treaty Organization (NATO) and designated Ukraine as eligible to receive assistance under the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note);

Whereas Ukraine has made steps toward integration within European institutions through a joint European Union–Ukraine Action Plan, as part of the European Neighbourhood Policy; and

Whereas the United States–Ukraine Strategic Partnership Commission was inaugurated by Secretary of State Hillary Clinton and Ukrainian Foreign Minister Petro Poroshenko on December 9, 2009: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the important progress made by the people of Ukraine in establishing democratic institutions and carrying out peaceful elections on January 17 and February 7, 2010;

(2) supports ongoing progress by Ukraine in addressing remaining challenges in the electoral processes as identified by the Organization for Security and Cooperation in Europe and other international election monitoring entities;

(3) encourages all parties to respect the independence and territorial sovereignty of Ukraine, as well as the full integration of Ukraine into the international democratic community;

(4) pledges further support for the development of a fully free and open democratic system, as well as a transparent free market economy, in Ukraine; and

(5) reaffirms its commitment to engage the Government of Ukraine in further development of bilateral cooperation through the United States–Ukraine Strategic Partnership Commission.

Mr. LUGAR. Mr. President, I rise to recognize the important progress made by the people of Ukraine in the establishment of democratic institutions following the presidential runoff election on February 7, 2010. Voters recently elected Viktor Yanukovych as President of Ukraine in a process that international monitors declared to have generally comported with international election standards. This represents important progress towards the consolidation of democratic institutions that the U.S. has worked diligently to foster. Serving as President George W. Bush's envoy to the 2004 runoff election that resulted in what is now widely known as the ''Orange revolution,'' I had the opportunity to witness firsthand the great aspirations of the Ukrainian people for a government that responds to their needs. Given Ukraine's location on the periphery of NATO and the Russian Federation, as well as its role as the primary energy conduit to Europe, Ukraine's political development and external orientation greatly impact European security and U.S. policies in the region. A continuing partnership with the people of Ukraine and U.S. technical assistance programs on a range of issues, including nuclear security, non-proliferation, energy security, institution-building, and others, will serve to advance our vital national security interests. This U.S. engagement should also support ongoing progress by Ukraine in addressing the remaining challenges in the electoral processes as identified by international election monitoring entities. In recognition of the profound successes of U.S.-Ukrainian partnership, I am pleased to submit this resolution concerning the important progress made by the people of Ukraine in the establishment of democratic institutions.

SENATE RESOLUTION 423—COMMENDING THE NEW ORLEANS SAINTS FOR WINNING SUPER BOWL XLIV AND THE ENTIRE ''WHO DAT NATION'' FOR THEIR SUPPORT

Mr. VITTER (for himself and Ms. LANDRIEU) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 423

Whereas on February 7, 2010, at Sun Life Stadium in Miami, Florida, the New Orleans Saints won Super Bowl XLIV, defeating the Indianapolis Colts by a score of 31–17;

Whereas on January 24, 2010, at the Louisiana Superdome in New Orleans, Louisiana, the New Orleans Saints won the National Football Conference Championship, defeating the Minnesota Vikings by a score of 31–28;

Whereas the New Orleans Saints won a franchise-record 13 games during the 2009 National Football League regular season;

Whereas the New Orleans Saints led the National Football League during the 2009 regular season in total offense, with 403.8 yards per game, total scoring, with 31.9 points per game, and defensive touchdowns, with 8 turnovers that were returned for touchdowns;

Whereas New Orleans Saints quarterback Drew Brees led the National Football League during the 2009 regular season in passer rating, with a rating of 109.6, completion percentage, with 70.6 percent of passes completed, and passing touchdowns, with 34 touchdowns thrown, and was also named the Most Valuable Player of Super Bowl XLIV;

Whereas quarterback Drew Brees, offensive tackle Jonathan Stinchcomb, offensive guard Jahri Evans, center Jonathan Goodwin, linebacker Jonathan Vilma, strong safety Roman Harper, and free safety Darren Sharper were named to the 2010 National Football Conference Pro Bowl team;

Whereas during his tenure with the New Orleans Saints, head coach Sean Payton has led the franchise to 38 regular season wins, 4 playoff wins, 2 National Football Conference championship games, and the first Super Bowl and National Football League Championship victories in the history of the team; and

Whereas the New Orleans Saints are the first professional sports franchise to bring a championship to the City of New Orleans: Now, therefore, be it

Resolved, That the Senate—

(1) commends the New Orleans Saints for winning Super Bowl XLIV and the entire ''Who Dat Nation'' for their support;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in the success of the New Orleans Saints during the 2009 football season; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the New Orleans Saints.

SENATE RESOLUTION 424—CONGRATULATING THE BMW ORACLE RACING TEAM FOR WINNING THE THIRTY-THIRD AMERICA'S CUP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 424

Whereas the America's Cup is the oldest active trophy in international sports;

Whereas the United States was represented in the thirty-third America's Cup by BMW ORACLE Racing;

Whereas the team was led by the owner, founder, and chief executive officer of Oracle Corporation, Larry Ellison, the chief executive officer of the team, Russell Coutts, and the skipper of the team, James Spithill;

Whereas BMW ORACLE Racing represents the Golden Gate Yacht Club located in San Francisco, California;

Whereas the boat of the BMW ORACLE Racing team, USA, is the largest and most technologically advanced boat to ever race for the America's Cup;

Whereas USA was sourced and built entirely in the United States;

Whereas, on February 12, 2010, the BMW ORACLE Racing team won the first of the America's Cup races with a 15 minutes, 28 seconds lead over the Swiss Defender, Alinghi;

Whereas, on February 14, 2010, the BMW ORACLE Racing team captured the thirty-third America's Cup with a 5 minute, 26 second victory over the Swiss Defender, Alinghi, clinching the best of the series with a second victory; and

Whereas BMW ORACLE Racing has represented the United States with high standards, technological prowess, and great skill: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the entire BMW ORACLE Racing team for winning the thirty-third America's Cup; and

(2) recognizes the BMW ORACLE Racing team, and specifically the founder and owner Larry Ellison, for the technological accomplishments of the team in the international sport of sailing.

SENATE RESOLUTION 425—CELEBRATING VOLUNTEERS IN SERVICE TO AMERICA ON ITS 45TH ANNIVERSARY AND RECOGNIZING ITS CONTRIBUTION TO THE FIGHT AGAINST POVERTY

Mr. ROCKEFELLER (for himself and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 425

Whereas Volunteers in Service to America (VISTA) has made an extraordinary contribution to alleviating poverty and improving American society since the program began in 1965;

Whereas more than 175,000 individuals of all ages and from different walks of life have answered VISTA's call to devote a year of full-time service living and working in low-income communities to help eradicate poverty;

Whereas VISTA members have helped create many successful and sustainable community initiatives, including Head Start centers, credit unions, and neighborhood watch groups, with VISTA alumni going on to serve in leadership positions in government, private, and nonprofit sectors throughout the United States;

Whereas VISTA, which became part of AmeriCorps in 1993 and is administered by the Corporation for National and Community Service, annually engages more than 7,000 members in helping more than 1,000 local organizations build sustainable anti-poverty programs;

Whereas AmeriCorps VISTA members improve the lives of the most vulnerable citizens in our Nation by fighting illiteracy, improving health services, reducing unemployment, increasing housing opportunities, reducing crime and recidivism, and expanding access to technology;

Whereas AmeriCorps VISTA members develop programs, recruit community volunteers, generate resources, manage projects, and enhance the ability of nonprofit organizations to become and remain sustainable, thereby strengthening the nonprofit sector in low-income communities across the United States;

Whereas AmeriCorps VISTA members generate more than $100,000,000 in cash and in-kind resources annually for organizations throughout the Nation, as well as recruit and manage more than 1,000,000 volunteers who provide 10,000,000 hours of community service for local organizations; and

Whereas AmeriCorps VISTA acted swiftly to help implement the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), engaging more than 3,700 members in distressed communities to provide foreclosure prevention and financial counseling, expand college access, and support health care and independent living services: Now, therefore, be it

Resolved, That the Senate—

(1) commends the more than 175,000 men and women who have served in VISTA for their dedication and commitment to the fight against poverty;

(2) recognizes VISTA members for leveraging human, financial, and material resources to increase the ability of thousands of low-income areas across the country to address challenges and improve their communities; and

(3) encourages the continued commitment of VISTA members to creating and expanding programs designed to bring individuals and communities out of poverty.

Mr. ROCKEFELLER. Mr. President, I rise today, to celebrate a remarkable anniversary. This month, Volunteers in Service to America, better known as VISTA, celebrates the 45th anniversary of its founding. I am delighted to have Senator THAD COCHRAN of Mississippi as my cosponsor. Public service is a bipartisan issue.

Forty-five years of bringing people together, lifting communities up, fighting poverty, making America stronger.

Forty-five years of fighting illiteracy, improving health services, reducing unemployment, increasing housing opportunities, reducing crime and recidivism, and expanding access to technology.

Forty-five years of leveraging resources and building capacity while providing thousands of Americans the opportunity to devote a year of full-time service living and working in low-income communities to help eradicate poverty.

VISTA did not invent these ideas; America has a long and rich history of public service. But when John F. Kennedy became president, these enduring values found new life. The person in his new administration who truly pursued that vision with all his might was President Kennedy's brother-in-law, Sargent Shriver. I will always know him as a hero and a friend.

He created a legacy of programs that promote social equality and human dignity—such as Legal Services, Job

Corps, and yes, VISTA. He was also the driving force behind the creation of the Peace Corps, which is how I originally came to know him.

When we first met in the early 1960s, I was still studying Chinese and interested in Southeast Asia affairs, but my life was quickly transformed after meeting Sargent Shriver.

He understood that one way to improve the world was to start with our own communities—and that if we unite together with a common mission of making our communities stronger, we can make the world a better place.

That was when I became a VISTA volunteer, shortly after the program began. I was lucky enough to come to West Virginia—and that was when my life changed forever. I often say that while I was technically born in New York, I was really born in West Virginia that year.

I truly believe that people are liberated when they get outside of themselves to help others.

When I first came to West Virginia, over 40 years ago, much of my work was with children who didn't have great opportunities in life. I was a VISTA member in Emmons, West Virginia, a small, coal mining community on the Boone-Kanawha County line.

It took me 6 months to finally be accepted by the community. I used to sit on the railroad tracks with the kids, throwing rocks and just talking with them. One day, one of the kids invited me into their home; then the others soon followed.

I had found what I wanted by working with this community—what my gut was telling me was important. I found out a few other things as well. There was not any organization in the community or a general effort to better the living conditions of the area.

Many of the children didn't even go to school because it was several miles to a paved road and the school board wouldn't send a bus to Emmons.

So, we fought for a school bus. We built a small library. We built a park. We started a baseball team. We didn't win a single game, but that wasn't what was important. It was opening up new possibilities for those kids.

My experience was just one of thousands. Since 1965, more than 175,000 Americans of all ages and walks of life have answered VISTA's call. I am proud to count myself as a member of that very special group.

So VISTA's anniversary is also my own. When I look back on VISTA beginnings, I see my own roots—the foundation on which I have built the rest of my life.

I got into politics shortly thereafter. I knew I could not be a VISTA forever, so I ran for the House of Delegates, knowing that was the way I could continue to make change.

I knew there were a thousand Emmons all across Appalachia. But everything that I have done in my career in public office has been grounded in the VISTA experience and in those kids and families who taught me so much about life.

Today, VISTA, which became part of AmeriCorps in 1993, continues to engage more than 7,000 members in helping more than 1,000 local organizations build sustainable anti-poverty programs every year.

So to them—to VISTA's members, past and present—to its numerous devoted host organizations and communities which give as much to the program as they receive—to my friend and mentor Sargent Shriver—to everyone who carries on VISTA's noble work every day—congratulations and thank you.

Now, watch out. We have only just begun: In these times of enormous economic uncertainty and challenge, our nation needs VISTA's, courage, commitment and service more than ever. Your impact is real. I know without a doubt, from the bottom my heart that for years to come, VISTA members will continue to transform our communities and our nation—for the better.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished Senator from West Virginia, Mr. ROCKEFELLER, in submitting a resolution to celebrate the 45th anniversary of the Volunteers in Service to America, or VISTA, program.

President Kennedy suggested in 1963 a program of national service that would provide assistance to those in need in urban and rural areas. Less than 2 years later, President Johnson launched the ''War on Poverty,'' and included the VISTA program created by the Economic Opportunity Act of 1964.

Incorporated into the AmeriCorps network of programs in 1993, VISTA has been hard at work in the fight against poverty for 45 years. Today, the VISTA program is stronger than ever, placing 6,500 full-time volunteers at 1,200 nonprofit organizations and public agencies each year. These volunteers are committed to serving the needs of the poorest Americans at numerous program sites, and they are to be commended for their unselfish contributions to helping others.

I am proud to say that there are 87 VISTA volunteers at 21 program sites in my home State of Mississippi. I understand the sacrifices that are being made by these young men and women and the important impact that these volunteers have made in our communities.

I am pleased to congratulate VISTA on 45 years of distinguished service to our country.

SENATE CONCURRENT RESOLUTION 50—RECOGNIZING THE HISTORIC FOUNDING OF THE BLACK STUNTMEN'S ASSOCIATION AND THE COALITION OF BLACK STUNTMEN AND WOMEN

Mr. REID (for himself, Mr. BURRIS, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 50

Whereas a group of African-American stuntmen, athletes, and extras founded the Black Stuntmen's Association in Los Angeles, California, in 1967 to combat racial discrimination and create equal opportunities for all people of color in the motion picture and television stunt industry;

Whereas the Coalition of Black Stuntmen and Women was formed in 1973 to continue the fight against racial bias in the industry;

Whereas motion picture and television productions at the time commonly featured White stuntmen and women as stunt doubles for African-American actors and those of other races, using makeup to darken their complexion in a process known as a ''paint-down'';

Whereas African-Americans were routinely denied job opportunities and formal training in the stunt industry due to lingering racism;

Whereas the increased use of African-American actors in motion pictures and television in the 1960s brought more attention to the common industry practice of using only White stuntmen and women;

Whereas the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women pursued legal action to bring additional diversity to the motion picture and television industry and continued to monitor compliance with the resulting agreements;

Whereas the original members of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women paved the way for greater racial equality in the motion picture and television industry in the ensuing years, but in many cases were unable to benefit from their hard-won victory;

Whereas the efforts of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women also helped tear down discriminatory barriers and prejudices in other parts of the motion picture and television industry, both in front of and behind the camera; and

Whereas members of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women have made a significant and lasting contribution to the quality of motion picture and television productions in the United States: Now, therefore, be it

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

(1) recognizes the historic founding of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women, and

(2) honors the contributions of these organizations and their members in the fight for racial equality and justice in the motion picture and television industry.

Mr. REID. Mr. President, I rise today to acknowledge a group that has created opportunities for countless African American men and women in the film and television industry. I rise to submit this Senate Concurrent Resolution honoring the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women for their efforts to not only integrate, but enhance the television and film industry. This is a companion resolution identical to H. Con. Res. 190 submitted by my good friend, Congresswoman SHELLEY BERKLEY.

I take great pride in submitting this resolution not only because these individuals knocked down the walls of racial discrimination, but also because many of these pioneers now reside in my home State of Nevada.

In the 1950s and 1960s few African Americans had roles in television or film and rarely were given the opportunity to work as stuntmen and women. Most often, the few opportunities available to individuals willing to engage the dangerous work as stuntmen were taken by whites, who donned dark make-up to look like the black actors they were portraying.

To overcome the barrier of racism and many other obstacles to the entertainment industry, in 1967 a group of courageous men and women formed the Black Stuntmen's Association. Even though many had to work other jobs, they took it upon themselves to train each other, often meeting three to four nights a week for several hours. They trained in parks, on beaches and just about anywhere they could set up equipment to practice tumbles and flips. They eventually progressed to disciplined training in automotives and driving techniques for cars and motorcycles.

These individuals are pioneers and would later work with the Coalition of Black Stuntmen and Women to fight racism in the entertainment industry. Their collective efforts have created opportunities for many that once never existed.

Eddie Smith; Earnie Robinson; Alex Brown; S.J. McGee; Harold Jones; Calvin Brown; Doug Lawrence; Cliff Strong; Alonzo Brown; Willie Harris; Joe Tilque; Henry Kingi; Marvin Walters; Richard Washington; Jolly Brown; Greg Elam; William Upton; Wayne King, Sr.; Len Glascow; Evelyn Cuffee; Jade David; Sharon Schaffer; Kym Washington; Louise Johnson; Toni Vaz; Dewitt Fonder; John Mitchell; Henry Graddy; Darell Giddens; Tony Brubaker; Bob Minor; Jophery Brown; Bennie Moore; Allen Oliney; John Sherrod.

While erasing the stains for racism is a never-ending task, I commend the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women for their work on behalf of the entertainment industry and our nation.

I hope my colleagues will join me and honoring them and cosponsor this resolution.

SENATE CONCURRENT RESOLUTION 51—HONORING AND PRAISING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 101ST ANNIVERSARY

Mr. DODD (for himself, Mr. REID, Mr. LEVIN, Ms. MIKULSKI, Mr. SCHUMER, Mrs. BOXER, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mr. BURRIS, Mr. LAUTENBERG, Mr. HARKIN, Ms. LANDRIEU, Mr. CARDIN, Mrs. HAGAN, Mr. WHITEHOUSE, and Mr. BINGAMAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 51

Whereas the National Association for the Advancement of Colored People (referred to in this resolution as the ''NAACP''), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's decision in Brown v. Board of Education, 347 U.S. 483 (1954);

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws that ensured Government protection for legal victories achieved;

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, whose resolved clause expresses that: (1) the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal; (2) this conduct should be investigated thoroughly by Federal authorities; and (3) any criminal violations should be vigorously prosecuted;

Whereas in 2008 the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007, a law that puts additional Federal resources into solving the heinous crimes that occurred in the early days of the civil rights struggle that remain unsolved and bringing those who perpetrated such crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the organization's youngest President and Chief Executive Officer, Benjamin Todd Jealous, and by outlining a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and environment; and

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of Bold Dreams, Big Victories with a historic address from the first African-American president of the United States, Barack Obama: Now, therefore, be it

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

(1) recognizes the 101st anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3333. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. WICKER, and Mr. SHELBY) submitted an amendment intended to be proposed by her to 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, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes; which was ordered to lie on the table.

SA 3334. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3326 proposed by Mr. REID to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3333. Ms. LANDRIEU (for herself, Mr. VITTER, Mr. WICKER, and Mr. SHELBY) submitted an amendment intended to be proposed by her to 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, to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, and for other purposes; which was ordered to lie on the table; as follows:

After section 185, insert the following:

SEC. 186. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

SA 3334. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 3326 proposed by Mr. REID to the bill H.R. 1299, to make

technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN CERTAIN AREAS.

(a) IN GENERAL.—Notwithstanding the Act of June 8, 1906 (commonly known as the ''Antiquities Act of 1906'') (16 U.S.C. 431 et seq.), or any other provision of law, no further extension or establishment of national monuments in areas described in subsection (b) may be undertaken.

(b) APPLICABLE AREAS.—Subsection (a) shall apply to—

(1) the Northwest Sonoran Desert, Arizona;

(2) the Berryessa Snow Mountains, California;

(3) the Bodie Hills, California;

(4) the expansion of the Cascade-Siskiyou National Monument, California;

(5) the Modoc Plateau, California;

(6) the Vermillion Basin, Colorado;

(7) the Northern Montana Prairie, Montana;

(8) the Heart of the Great Basin, Nevada;

(9) the Lesser Prairie Chicken Preserve, New Mexico;

(10) the Otero Mesa, New Mexico;

(11) the Owyhee Desert, Oregon and Nevada;

(12) the Cedar Mesa region, Utah;

(13) the San Rafael Swell, Utah; and

(14) the San Juan Islands, Washington.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 4, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to examine the Department of Energy's implementation of programs authorized and funded under the American Recovery and Reinvestment Act of 2009.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Abigail __Campbell@energy.senate.gov.

For further information, please contact Mike Carr at (202) 224–8164 or Abigail Campbell at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 25, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 25, 2010, at 9 a.m., to conduct a hearing entitled ''The Semiannual Monetary Policy Report to Congress.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on February 25, 2010, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 25, 2010, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on February 25, 2010, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 25, 2010, at 2:30 p.m. to conduct a hearing entitled ''Interagency Contracts (Part I): Overview and Recommendations for Reform.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 25, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on February 25, 2010, at 9:30 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on February 25, 2010, at 10:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Wednesday, February 24, 2010, the Senate passed H.R. 2847, as amended, as follows:

H.R. 2847

Resolved, That the Senate agrees to the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 2847) entitled ''An Act making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.'', with the following Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Hiring Incentives to Restore Employment Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—INCENTIVES FOR HIRING AND RETAINING UNEMPLOYED WORKERS

Sec. 101. Payroll tax forgiveness for hiring unemployed workers.

Sec. 102. Business credit for retention of certain newly hired individuals in 2010.

TITLE II—EXPENSING

Sec. 201. Increase in expensing of certain depreciable business assets.

TITLE III—QUALIFIED TAX CREDIT BONDS

Sec. 301. Issuer allowed refundable credit for certain qualified tax credit bonds.

TITLE IV—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

Sec. 401. Short title.

Subtitle A—Federal-aid Highways

Sec. 411. In general.

Sec. 412. Administrative expenses.

Sec. 413. Rescission of unobligated balances.

Sec. 414. Reconciliation of funds.

Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs

Sec. 421. Extension of National Highway Traffic Safety Administration Highway Safety Programs.

Sec. 422. Extension of Federal Motor Carrier Safety Administration Programs.

Sec. 423. Additional programs.

Subtitle C—Public Transportation Programs
Sec. 431. Allocation of funds for planning programs.
Sec. 432. Special rule for urbanized area formula grants.
Sec. 433. Allocating amounts for capital investment grants.
Sec. 434. Apportionment of formula grants for other than urbanized areas.
Sec. 435. Apportionment based on fixed guideway factors.
Sec. 436. Authorizations for public transportation.
Sec. 437. Amendments to SAFETEA–LU.
Subtitle D—Revenue Provisions
Sec. 441. Repeal of provision prohibiting the crediting of interest to the Highway Trust Fund.
Sec. 442. Restoration of certain foregone interest to Highway Trust Fund.
Sec. 443. Treatment of certain amounts appropriated to Highway Trust Fund.
Sec. 444. Termination of transfers from highway trust fund for certain repayments and credits.
Sec. 445. Extension of authority for expenditures.
Sec. 446. Level of obligation limitations.
TITLE V—OFFSET PROVISIONS
Subtitle A—Foreign Account Tax Compliance
PART I—INCREASED DISCLOSURE OF BENEFICIAL OWNERS
Sec. 501. Reporting on certain foreign accounts.
Sec. 502. Repeal of certain foreign exceptions to registered bond requirements.
PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS
Sec. 511. Disclosure of information with respect to foreign financial assets.
Sec. 512. Penalties for underpayments attributable to undisclosed foreign financial assets.
Sec. 513. Modification of statute of limitations for significant omission of income in connection with foreign assets.
PART III—OTHER DISCLOSURE PROVISIONS
Sec. 521. Reporting of activities with respect to passive foreign investment companies.
Sec. 522. Secretary permitted to require financial institutions to file certain returns related to withholding on foreign transfers electronically.
PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS
Sec. 531. Clarifications with respect to foreign trusts which are treated as having a United States beneficiary.
Sec. 532. Presumption that foreign trust has United States beneficiary.
Sec. 533. Uncompensated use of trust property.
Sec. 534. Reporting requirement of United States owners of foreign trusts.
Sec. 535. Minimum penalty with respect to failure to report on certain foreign trusts.
PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS
Sec. 541. Substitute dividends and dividend equivalent payments received by foreign persons treated as dividends.
Subtitle B—Delay in Application of Worldwide Allocation of Interest
Sec. 551. Delay in application of worldwide allocation of interest.

TITLE I—INCENTIVES FOR HIRING AND RETAINING UNEMPLOYED WORKERS

SEC. 101. PAYROLL TAX FORGIVENESS FOR HIRING UNEMPLOYED WORKERS.

(a) IN GENERAL.—Section 3111 is amended by adding at the end the following new subsection:

''(d) SPECIAL EXEMPTION FOR CERTAIN INDIVIDUALS HIRED IN 2010.—

''(1) IN GENERAL.—Subsection (a) shall not apply to wages paid by a qualified employer with respect to employment during the period beginning on the day after the date of the enactment of this subsection and ending on December 31, 2010, of any qualified individual for services performed—

''(A) in a trade or business of such qualified employer, or

''(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

''(2) QUALIFIED EMPLOYER.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified employer' means any employer other than the United States, any State, or any political subdivision thereof, or any instrumentality of the foregoing.

''(B) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding subparagraph (A), the term 'qualified employer' includes any employer which is a public institution of higher education (as defined in section 101(b) of the Higher Education Act of 1965).

''(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term 'qualified individual' means any individual who—

''(A) begins employment with a qualified employer after February 3, 2010, and before January 1, 2011,

''(B) certifies by signed affidavit, under penalties of perjury, that such individual has not been employed for more than 40 hours during the 60-day period ending on the date such individual begins such employment,

''(C) is not employed by the qualified employer to replace another employee of such employer unless such other employee separated from employment voluntarily or for cause, and

''(D) is not an individual described in section 51(i)(1) (applied by substituting 'qualified employer' for 'taxpayer' each place it appears).

''(4) ELECTION.—A qualified employer may elect to have this subsection not apply. Such election shall be made in such manner as the Secretary may require.''.

(b) COORDINATION WITH WORK OPPORTUNITY CREDIT.—Section 51(c) is amended by adding at the end the following new paragraph:

''(5) COORDINATION WITH PAYROLL TAX FORGIVENESS.—The term 'wages' shall not include any amount paid or incurred to a qualified individual (as defined in section 3111(d)(3)) during the 1-year period beginning on the hiring date of such individual by a qualified employer (as defined in section 3111(d)) unless such qualified employer makes an election not to have section 3111(d) apply.''.

(c) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after the date of the enactment of this Act.

SEC. 102. BUSINESS CREDIT FOR RETENTION OF CERTAIN NEWLY HIRED INDIVIDUALS IN 2010.

(a) IN GENERAL.—In the case of any taxable year ending after the date of the enactment of this Act, the current year business credit determined under section 38(b) of the Internal Revenue Code of 1986 for such taxable year shall be increased by an amount equal to the product of—

(1) $1,000, and

(2) the number of retained workers with respect to which subsection (b)(2) is first satisfied during such taxable year.

(b) RETAINED WORKER.—For purposes of this section, the term ''retained worker'' means any qualified individual (as defined in section 3111(d)(3) of the Internal Revenue Code of 1986)—

(1) who was employed by the taxpayer on any date during the taxable year,

(2) who was so employed by the taxpayer for a period of not less than 52 consecutive weeks, and

(3) whose wages for such employment during the last 26 weeks of such period equaled at least 80 percent of such wages for the first 26 weeks of such period.

(c) LIMITATION ON CARRYBACKS.—No portion of the unused business credit under section 38 of the Internal Revenue Code of 1986 for any taxable year which is attributable to the increase in the current year business credit under this section may be carried to a taxable year beginning before the date of the enactment of this section.

TITLE II—EXPENSING

SEC. 201. INCREASE IN EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 is amended—

(1) by striking ''($125,000 in the case of taxable years beginning after 2006 and before 2011)'' in paragraph (1) and inserting ''($250,000 in the case of taxable years beginning after 2007 and before 2011)'',

(2) by striking ''($500,000 in the case of taxable years beginning after 2006 and before 2011)'' in paragraph (2) and inserting ''($800,000 in the case of taxable years beginning after 2007 and before 2011)'',

(3) by striking paragraphs (5) and (7), and

(4) by redesignating paragraph (6) as paragraph (5).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE III—QUALIFIED TAX CREDIT BONDS

SEC. 301. ISSUER ALLOWED REFUNDABLE CREDIT FOR CERTAIN QUALIFIED TAX CREDIT BONDS.

(a) CREDIT ALLOWED.—Section 6431 is amended by adding at the end the following new subsection:

''(f) APPLICATION OF SECTION TO CERTAIN QUALIFIED TAX CREDIT BONDS.—

''(1) IN GENERAL.—In the case of any specified tax credit bond—

''(A) such bond shall be treated as a qualified bond for purposes of this section,

''(B) subsection (a) shall be applied without regard to the requirement that the qualified bond be issued before January 1, 2011,

''(C) the amount of the payment determined under subsection (b) with respect to any interest payment date under such bond shall be—

''(i) in the case of a bond issued by a qualified small issuer, 65 percent of the amount of interest payable on such bond by such issuer with respect to such date, and

''(ii) in the case of a bond issued by any other person, 45 percent of the amount of interest payable on such bond by such issuer with respect to such date,

''(D) interest on any such bond shall be includible in gross income for purposes of this title,

''(E) no credit shall be allowed under section 54A with respect to such bond,

''(F) any payment made under subsection (b) shall not be includible as income for purposes of this title, and

''(G) the deduction otherwise allowed under this title to the issuer of such bond with respect to interest paid under such bond shall be reduced by the amount of the payment made under this section with respect to such interest.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) SPECIFIED TAX CREDIT BOND.—The term 'specified tax credit bond' means any qualified tax credit bond (as defined in section 54A(d)) if—

''(i) such bond is—

''(I) a new clean renewable energy bond (as defined in section 54C),

''(II) a qualified energy conservation bond (as defined in section 54D),

''(III) a qualified zone academy bond (as defined in section 54E), or

''(IV) a qualified school construction bond (as defined in section 54F), and

''(ii) the issuer of such bond makes an irrevocable election to have this subsection apply,

''(B) QUALIFIED SMALL ISSUER.—The term 'qualified small issuer' means, with respect to any calendar year, any issuer who is not reasonably expected to issue tax-exempt bonds (other than private activity bonds) and specified tax credit bonds (determined without regard to whether an election is made under this subsection) during such calendar year in an aggregate face amount exceeding $30,000,000.''.

(b) TECHNICAL CORRECTIONS RELATING TO QUALIFIED SCHOOL CONSTRUCTION BONDS.—

(1) The second sentence of section 54F(d)(1) is amended by striking ''by the State'' and inserting ''by the State education agency (or such other agency as is authorized under State law to make such allocation)''.

(2) The second sentence of section 54F(e) is amended by striking ''subsection (d)(4)'' and inserting ''paragraphs (2) and (4) of subsection (d)''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (b) shall take effect as if included in section 1521 of the American Recovery and Reinvestment Tax Act of 2009.

TITLE IV—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Surface Transportation Extension Act of 2010''.

Subtitle A—Federal-aid Highways

SEC. 411. IN GENERAL.

(a) IN GENERAL.—Except as provided in this Act, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I, V, and VI of the SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title), which would otherwise expire on or cease to apply after September 30, 2009, or the date specified in section 106(3) of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), are incorporated by reference and shall continue in effect until December 31, 2010.

(b) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in section 412, there are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) for fiscal year 2010, a sum equal to the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA–LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title); and

(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, a sum equal to ¼ of the total amount authorized to be appropriated out of the Highway Trust Fund for programs, projects, and activities for fiscal year 2009 under titles I, V, and VI of the SAFETEA–LU (119 Stat. 1144), and title 23, United States Code (excluding chapter 4 of that title).

(c) USE OF FUNDS.—

(1) FISCAL YEAR 2010.—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(1) for fiscal year 2010 shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(2) FISCAL YEAR 2011.—Except as otherwise expressly provided in this Act, funds authorized to be appropriated under subsection (b)(2) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be distributed, administered, limited, and made available for obligation in the same manner and at the same level as ¼ of the total amount of funds authorized to be appropriated out of the Highway Trust Fund for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the SAFETEA–LU (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I and VI of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1914), titles I and V of the Transportation Equity Act for the 21st Century (112 Stat. 107), and title 23, United States Code (excluding chapter 4 of that title).

(3) CALCULATION.—The amounts authorized to be appropriated under subsection (b) shall be calculated without regard to any rescission or cancellation of funds or contract authority for fiscal year 2009 under the SAFETEA–LU (119 Stat. 1144) or any other law.

(4) CONTRACT AUTHORITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds authorized to be appropriated under this section shall be available for obligation and shall be administered in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, and—

(i) for fiscal year 2010, shall be subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of that fiscal year; and

(ii) for the period beginning on October 1, 2010, and ending on December 31, 2010, shall be subject to a limitation on obligations included in an Act making appropriations for fiscal year 2011 or a portion of that fiscal year, except that during such period obligations subject to such limitation shall not exceed ¼ of the limitation on obligations included in an Act making appropriations for fiscal year 2011.

(B) EXCEPTIONS.—A limitation on obligations described in clause (i) or (ii) of subparagraph (A) shall not apply to any obligation under—

(i) section 125 of title 23, United States Code; or

(ii) section 105 of title 23, United States Code—

(I) for fiscal year 2010, only in an amount equal to $639,000,000; and

(II) for the period beginning on October 1, 2010, and ending on December 31, 2010, only in an amount equal to $159,750,000.

(5) CALCULATIONS FOR DISTRIBUTION OF OBLIGATION LIMITATION.—Upon enactment of an Act making appropriations for the Department of Transportation for fiscal year 2011 (other than an Act or resolution making continuing appropriations), the Secretary shall—

(A) as necessary for purposes of making the calculations for the distribution of any obligation limitation under such Act, annualize the amount of contract authority provided under this Act for Federal-aid highways and highway safety construction programs; and

(B) multiply the resulting distribution of any obligation limitation under such Act by ¼.

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—

(1) FISCAL YEAR 2010.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a State under subsection (b)(1) determined by the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA–LU (119 Stat. 1198, 1204, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA–LU (119 Stat. 1217; 122 Stat. 1577).

(2) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a State under subsection (b)(2) determined by ¼ of the amount that the State received or was authorized to receive for fiscal year 2009 to carry out sections 1301, 1302, 1307, 1702, and 1934 of the SAFETEA–LU (119 Stat. 1198, 1204, 1217, 1256, and 1485) and section 144(f)(1) of title 23, United States Code, shall be—

(A) made available to the State for programs apportioned under sections 104(b) and 144 of title 23, United States Code, and in the same proportion for each such program that—

(i) the amount apportioned to the State for that program for fiscal year 2009; bears to

(ii) the amount apportioned to the State for fiscal year 2009 for all programs apportioned under such sections of such Code; and

(B) administered in the same manner and with the same period of availability as such funding is administered under programs identified in subparagraph (A), except that no funds may be used to carry out the project described in section 1307(d)(1) of the SAFETEA–LU (119 Stat. 1217; 122 Stat. 1577).

(3) TERRITORIES AND PUERTO RICO.—

(A) FISCAL YEAR 2010.—Notwithstanding any other provision of law, for fiscal year 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(1) determined by the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA–LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(B) FISCAL YEAR 2011.—Notwithstanding any other provision of law, for the period beginning on October 1, 2010, and ending on December 31, 2010, the portion of the share of funds of a territory or Puerto Rico under paragraph (b)(2) determined by ¼ of the amount that the territory or Puerto Rico received or was authorized to receive for fiscal year 2009 to carry out section 1934 of SAFETEA–LU (119 Stat. 1485), shall be—

(i) for a territory, made available and administered in the same manner as funding is made

available and administered under section 215 of title 23, United States Code; and

(ii) for Puerto Rico, made available and administered in the same manner as funding is made available and administered under section 165 of title 23, United States Code.

(C) TERRITORY DEFINED.—In this paragraph, the term ''territory'' means any of the following territories of the United States: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or the United States Virgin Islands.

(4) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under subsection (c), or paragraph (1) or (2) of this subsection, that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) RESERVATION AND REDISTRIBUTION OF FUNDS.—Funds made available in accordance with paragraph (1) or (2) of subsection (c) or paragraph (1) or (2) of this subsection for a project or activity described in subparagraph (A) shall be—

(i) reserved by the Secretary of Transportation; and

(ii) distributed to each State in accordance with paragraph (1) or (2) of subsection (c), or paragraph (1) or (2) of this subsection, as appropriate, for use in carrying out other highway projects and activities extended by subsection (c) or this subsection, in the proportion that—

(I) the total amount of funds made available for fiscal year 2009 for projects and activities described in subparagraph (A) in the State; bears to

(II) the total amount of funds made available for fiscal year 2009 for those projects and activities in all States.

(e) EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA–LU.—

(1) IN GENERAL.—The programs authorized under paragraphs (1) through (5) of section 5101(a) of the SAFETEA–LU (119 Stat. 1779) shall be continued—

(A) for fiscal year 2010, at the funding levels authorized for those programs for fiscal year 2009; and

(B) for the period beginning on October 1, 2010, and ending on December 31, 2010, at ¼ the funding levels authorized for those programs for fiscal year 2009.

(2) DISTRIBUTION OF FUNDS.—Funds for programs continued under paragraph (1) shall be distributed to major program areas under those programs in the same proportions as funds were allocated for those program areas for fiscal year 2009, except that designations for specific activities shall not be required to be continued for—

(A) fiscal year 2010; or

(B) the period beginning on October 1, 2010, and ending on December 31, 2010.

(3) ADDITIONAL FUNDS.—

(A) IN GENERAL.—No additional funds shall be provided for any project or activity under this subsection that the Secretary of Transportation determines was sufficiently funded before or during fiscal year 2009 to achieve the authorized purpose of the project or activity.

(B) DISTRIBUTION.—Funds that would have been made available under paragraph (1) for a project or activity but for the prohibition under subparagraph (A) shall be distributed in accordance with paragraph (2).

SEC. 412. ADMINISTRATIVE EXPENSES.

(a) AUTHORIZATION OF CONTRACT AUTHORITY.—Notwithstanding any other provision of this Act or any other law, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account), from amounts provided under section 411, for administrative expenses of the Federal-aid highway program—

(1) $422,425,000 for fiscal year 2010; and

(2) $105,606,250 for the period beginning on October 1, 2010, and ending on December 31, 2010.

(b) CONTRACT AUTHORITY.—Funds authorized to be appropriated by this section shall be—

(1) available for obligation, and shall be administered, in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; and

(2) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs, except that such funds shall remain available until expended.

SEC. 413. RESCISSION OF UNOBLIGATED BALANCES.

(a) IN GENERAL.—The Secretary of Transportation shall restore funds rescinded pursuant to section 10212 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1937) to the States and to the programs from which the funds were rescinded.

(b) ADMINISTRATION OF FUNDS.—The restored amounts shall be administered in the same manner as the funds originally rescinded, except those funds may only be used with an obligation limitation provided in an Act making appropriations for Federal-aid highways and highway safety construction programs enacted after implementation of the rescission under section 10212 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1937).

(c) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for fiscal year 2010 to carry out this section an amount equal to the amount of funds rescinded under section 10212 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1937).

(2) AVAILABILITY FOR OBLIGATION.—Funds authorized to be appropriated by this section shall be—

(A) made available under this section and available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the funds shall retain the characteristics of the funds originally rescinded; and

(B) subject to a limitation on obligations for Federal-aid highways and highway safety construction programs included in an Act making appropriations for fiscal year 2010 or a portion of the fiscal year.

(d) LIMITATION.—No funds authorized to be restored under this section shall be restored after the end of fiscal year 2010.

SEC. 414. RECONCILIATION OF FUNDS.

The Secretary shall reduce the amount apportioned or allocated for a program, project, or activity under this title by amounts apportioned or allocated pursuant to the Continuing Appropriations Resolution, 2010 (Public Law 111–68).

Subtitle B—National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs

SEC. 421. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $235,000,000 for fiscal year 2010, and $58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $107,329,000 for fiscal year 2010, and $27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 405(a) of title 23, United States Code, is amended—

(A) in paragraph (3), by striking ''6'' and inserting ''8''; and

(B) in paragraph (4)(C), by striking ''fifth and sixth'' and inserting ''fifth through eighth''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(3) of the SAFETEA–LU (119 Stat. 1519) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $25,000,000 for fiscal year 2010, and $6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $124,500,000 for fiscal year 2010, and $31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of the SAFETEA–LU (119 Stat. 1519) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $34,500,000 for fiscal year 2010, and $8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 410 of title 23, United States Code, is amended—

(A) in subsection (a)(3)(C), by striking ''fifth, sixth, seventh, and eighth'' and inserting ''fifth through tenth''; and

(B) in subsection (b)(2)(C), by striking ''2008 and 2009'' and inserting ''2008, 2009, 2010, and 2011''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(6) of the SAFETEA–LU (119 Stat. 1519) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $139,000,000 for fiscal year 2010, and $34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of the SAFETEA–LU (119 Stat. 1520) is amended—

(1) by striking ''and''; and

(2) by striking ''2009.'' and inserting ''2009, $4,078,000 for fiscal year 2010, and $1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 2009(a) of the SAFETEA–LU (23 U.S.C. 402 note) is amended by striking ''2009'' and inserting ''2011''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(8) of the SAFETEA–LU (119 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $29,000,000 for fiscal year 2010, and $7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(i) MOTORCYCLIST SAFETY.—

(1) EXTENSION OF PROGRAM.—Section 2010(d)(1)(B) of the SAFETEA–LU (23 U.S.C. 402 note) is amended by striking ''and fourth'' and inserting ''fourth, fifth, and sixth''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(9) of the SAFETEA–LU (119 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $7,000,000 for fiscal year 2010, and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—

(1) EXTENSION OF PROGRAM.—Section 2011(c)(2) of the SAFETEA–LU (23 U.S.C. 405 note) is amended by striking ''fourth fiscal year'' and inserting ''fourth, fifth, and sixth fiscal years''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2001(a)(10) of the SAFETEA–LU (119 Stat. 1520) is amended—

(A) by striking ''and''; and

(B) by striking ''2009.'' and inserting ''2009, $7,000,000 for fiscal year 2010, and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of the SAFETEA–LU (119 Stat. 1520) is amended—

(1) by striking ''and'' the last place it appears; and

(2) by striking ''2009.'' and inserting ''2009, $25,047,000 for fiscal year 2010, and $6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(l) APPLICABILITY OF TITLE 23.—Section 2001(c) of the SAFETEA–LU (119 Stat. 1520) is amended by striking ''2009'' and inserting ''2011''.

(m) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Section 2013(f) of the SAFETEA–LU (23 U.S.C. 403 note) is amended by striking ''2009'' and inserting ''2011''.

(n) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of the SAFETEA–LU is amended—

(1) in subsection (a)(1) (119 Stat. 1541), by striking ''2009'' and inserting ''2011''; and

(2) in subsection (b)(2) (23 U.S.C. 402 note), by striking ''2009'' and inserting ''2011''.

SEC. 422. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) $209,000,000 for fiscal year 2010; and

''(7) $52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1) of title 49, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'';

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) ''(F) $239,828,000 for fiscal year 2010; and

''(G) ''(G) $61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(c) GRANT PROGRAMS.—Section 4101(c) of the SAFETEA–LU (119 Stat. 1715) is amended—

(1) in paragraph (1), by striking ''2009.'' and inserting ''2009, and $25,000,000 for fiscal year 2010, and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'';

(2) in paragraph (2), by striking ''2009.'' and inserting ''2009, $32,000,000 for fiscal year 2010, and $8,066,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'';

(3) in paragraph (3), by striking ''2009.'' and inserting ''2009, $5,000,000 for fiscal year 2010, and $1,260,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'';

(4) in paragraph (4), by striking ''2009.'' and inserting ''2009, $25,000,000 for fiscal year 2010, and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''; and

(5) in paragraph (5), by striking ''2009.'' and inserting ''2009, $3,000,000 for fiscal year 2010, and $756,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k) of title 49, United States Code, is amended by striking ''2009'' in paragraph (2) and inserting ''2009, $15,000,000 for fiscal year 2010, and $3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by inserting ''(and up to $7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)'' after ''fiscal year''.

(f) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.—Section 4123(d) of the SAFETEA–LU (119 Stat. 1736) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) $8,000,000 for fiscal year 2010; and

''(6) $2,016,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.''.

(g) OUTREACH AND EDUCATION.—Section 4127(e) of the SAFETEA–LU (119 Stat. 1741) is amended by striking ''and 2009'' and inserting ''2009, and 2010, and $252,000 to the Federal Motor Carrier Safety Administration, and $756,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2010, and ending on December 31, 2010,''.

(h) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of the SAFETEA–LU (119 Stat. 1744) is amended by striking ''2009'' and inserting ''2009, 2010, and $252,000 for the period beginning on October 1, 2010, and ending on December 31, 2010,''.

(i) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of the SAFETEA–LU (1119 Stat. 1748) is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(j) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of the SAFETEA–LU (49 U.S.C. 14710 note) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2010''.

SEC. 423. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of the SAFETEA–LU (119 Stat. 1910) is amended by striking ''through 2009'' and inserting ''through 2010, and $315,000 for the period beginning on October 1, 2010, and ending on December 31, 2010,''.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''2009,'' and inserting ''2010 and for the period beginning on October 1, 2010, and ending on December 31, 2010,''; and

(2) in subsection (b)(1)(A), by striking ''2010,'' and inserting ''and for the period beginning on October 1, 2010, and ending on December 31, 2010,''.

Subtitle C—Public Transportation Programs

SEC. 431. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,''.

SEC. 432. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking ''2009'' and inserting ''2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010'';

(2) in subparagraph (A), by striking ''2009,'' and inserting ''2010, and the period beginning October 1, 2010, and ending December 31, 2010,''; and

(3) in subparagraph (E)—

(A) in the subparagraph heading, by striking ''AND 2009'' and inserting ''THROUGH 2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010''; and

(B) in the matter preceding clause (i), by striking ''and 2009'' and inserting ''through 2010, and during the period beginning October 1, 2010, and ending December 31, 2010,''.

SEC. 433. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in the heading, by striking ''2009'' and inserting ''2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010'';

(B) in the matter preceding subparagraph (A), by striking ''2009'' and inserting ''2010, and during the period beginning October 1, 2010, and ending December 31, 2010,''; and

(C) in subparagraph (A)(i), by striking ''2009'' and inserting ''2010, and $50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(2) in paragraph (6)—

(A) in subparagraph (B), by striking ''2009'' and inserting ''2010, and $3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,''; and

(B) in subparagraph (C), by striking ''2009'' and inserting ''2010, and $1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010,''; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) by redesignating clauses (i) through (viii) as subclauses (I) through (VIII), respectively;

(ii) in the matter preceding subclause (I), as so redesignated, by striking ''$10,000,000'' and all that follows through ''2009'' and inserting the following:

''(i) FISCAL YEARS 2006 THROUGH 2010.—$10,000,000 shall be available in each of fiscal years 2006 through 2010''; and

(iii) by inserting after subclause (VIII), as so redesignated, the following:

''(ii) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.—$2,500,000 shall be available in the period beginning October 1, 2010, and ending December 31, 2010, for ferry boats or ferry terminal facilities. The Secretary shall set aside a portion of such amount in accordance with clause (i), except that the Secretary shall set aside 25 percent of each dollar amount specified in subclauses (I) through (VIII).'';''.

(B) in subparagraph (B), by inserting after ''2009.'' the following:

''(v) $13,500,000 for fiscal year 2010.

''(vi) $3,375,000 for the period beginning October 1, 2010, and ending December 31, 2010.'';

(C) in subparagraph (C), by inserting '', and during the period beginning October 1, 2010, and ending December 31, 2010,'' after ''fiscal year'';

(D) in subparagraph (D), by inserting '', and not less than $8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,'' after ''year''; and

(E) in subparagraph (E), by inserting '', and $750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,'' after ''year''.

SEC. 434. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1) of title 49, United States Code, is amended by adding at the end the following:

''(E) $15,000,000 for fiscal year 2010.

''(F) $3,750,000 for the period beginning October 1, 2010, and ending December 31, 2010.''.

SEC. 435. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''2009'' and inserting ''2010''; and

(2) by adding at the end the following:

''(g) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010.—The Secretary shall apportion amounts made available for fixed guideway modernization under section

5309 for the period beginning October 1, 2010, and ending December 31, 2010, in accordance with subsection (a), except that the Secretary shall apportion 25 percent of each dollar amount specified in subsection (a).''.

SEC. 436. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(E) $8,360,565,000 for fiscal year 2010; and

''(F) $2,090,141,250 for the period beginning October 1, 2010, and ending December 31, 2010.''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''and $113,500,000 for fiscal year 2009'' and inserting ''$113,500,000 for each of fiscal years 2009 and 2010, and $28,375,000 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(B) in subparagraph (B), by striking ''and $4,160,365,000 for fiscal year 2009'' and inserting ''$4,160,365,000 for each of fiscal years 2009 and 2010, and $1,040,091,250 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(C) in subparagraph (C), by striking ''and $51,500,000 for fiscal year 2009'' and inserting ''$51,500,000 for each of fiscal years 2009 and 2010, and $12,875,000 for the period beginning October 1, 2010, and ending December 31, 2010,'';

(D) in subparagraph (D), by striking ''and $1,666,500,000 for fiscal year 2009'' and inserting ''$1,666,500,000 for each of fiscal years 2009 and 2010, and $416,625,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(E) in subparagraph (E), by striking ''and $984,000,000 for fiscal year 2009'' and inserting ''$984,000,000 for each of fiscal years 2009 and 2010, and $246,000,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(F) in subparagraph (F), by striking ''and $133,500,000 for fiscal year 2009'' and inserting ''$133,500,000 for each of fiscal years 2009 and 2010, and $33,375,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(G) in subparagraph (G), by striking ''and $465,000,000 for fiscal year 2009'' and inserting ''$465,000,000 for each of fiscal years 2009 and 2010, and $116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(H) in subparagraph (H), by striking ''and $164,500,000 for fiscal year 2009'' and inserting ''$164,500,000 for each of fiscal years 2009 and 2010, and $41,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(I) in subparagraph (I), by striking ''and $92,500,000 for fiscal year 2009'' and inserting ''$92,500,000 for each of fiscal years 2009 and 2010, and $23,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(J) in subparagraph (J), by striking ''and $26,900,000 for fiscal year 2009'' and inserting ''$26,900,000 for each of fiscal years 2009 and 2010, and $6,725,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(K) in subparagraph (K), by striking ''and $3,500,000 for fiscal year 2009'' and inserting ''$3,500,000 for each of fiscal years 2009 and 2010, and $875,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(L) in subparagraph (L), by striking ''and $25,000,000 for fiscal year 2009'' and inserting ''$25,000,000 for each of fiscal years 2009 and 2010, and $6,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(M) in subparagraph (M), by striking ''and $465,000,000 for fiscal year 2009'' and inserting ''$465,000,000 for each of fiscal years 2009 and 2010, and $116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'';

(N) in subparagraph (N), by striking ''and $8,800,000 for fiscal year 2009'' and inserting ''$8,800,000 for each of fiscal years 2009 and 2010, and $2,200,000 for the period beginning October 1, 2010 and ending December 31, 2010,''.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) $2,000,000,000 for fiscal year 2010; and

''(6) $500,000,000 for the period of October 1, 2010 through December 31, 2010.''.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''and $69,750,000 for fiscal year 2009'' and inserting ''$69,750,000 for each of fiscal years 2009 and 2010, and $17,437,500 for the period beginning October 1, 2010, and ending December 31, 2010''; and

(2) by adding at the end the following:

''(3) ADDITIONAL AUTHORIZATIONS.—

''(A) IN GENERAL.—

''(i) FISCAL YEAR 2010.—Of amounts authorized to be appropriated for fiscal year 2010 under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to the amount allocated for fiscal year 2009 under each such subparagraph.

''(ii) OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.—Of amounts authorized to be appropriated for the period beginning October 1, 2010, through December 31, 2010, under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

''(B) UNIVERSITY CENTERS PROGRAM.—

''(i) FISCAL YEAR 2010.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for fiscal year 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to the amount allocated for fiscal year 2009 under each such clause.

''(ii) OCTOBER 1, 2010 THROUGH DECEMBER 31, 2010.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning October 1, 2010, and ending December 31, 2010, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 25 percent of the amount allocated for fiscal year 2009 under each such clause.

''(iii) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) or (ii) for the project or activity for fiscal year 2010, or any subsequent fiscal year.''.

(d) ADMINISTRATION.—Section 5338(e) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) $98,911,000 for fiscal year 2010; and

''(6) $24,727,750 for the period beginning October 1, 2010, and ending December 31, 2010.''.

SEC. 437. AMENDMENTS TO SAFETEA–LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1572) is amended by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010''.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of the SAFETEA–LU (49 U.S.C. 5309 note) is amended—

(1) in subsection (c)(5), by striking ''2009'' and inserting ''2010 and the period beginning October 1, 2010, and ending December 31, 2010''; and

(2) in subsection (d), by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010''.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of the SAFETEA–LU (49 U.S.C. 5310 note) is amended by striking ''September 30, 2009'' and inserting ''December 31, 2010''.

(d) OBLIGATION CEILING.—Section 3040 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1639) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) $10,507,752,000 for fiscal year 2010, of which not more than $8,360,565,000 shall be from the Mass Transit Account; and

''(7) $2,626,938,000 for the period beginning October 1, 2010, and ending December 31, 2010, of which not more than $2,090,141,250 shall be from the Mass Transit Account.''.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,''; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''2009'' and inserting ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,''.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046 of the SAFETEA–LU (49 U.S.C. 5338 note) is amended—

(1) in subsection (b), by inserting ''or period'' after ''fiscal year''; and

(2) by adding at the end the following:

''(c) ADDITIONAL APPROPRIATIONS.—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title—

''(1) for fiscal year 2010, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a); and

''(2) for the period beginning October 1, 2010, and ending December 31, 2010, in amounts equal to 25 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).

''(d) FUNDING.—If the Secretary determines that a project or activity described in subsection (a) received sufficient funds in fiscal year 2009, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under subsection (c) for the project or activity for fiscal year 2010, or any subsequent fiscal year.''.

Subtitle D—Revenue Provisions

SEC. 441. REPEAL OF PROVISION PROHIBITING THE CREDITING OF INTEREST TO THE HIGHWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (1) of section 9503(f) is amended by striking subparagraph (B).

(b) CONFORMING AMENDMENTS.—Such paragraph, as amended by paragraph (1), is further amended—

(1) by striking '', and'' at the end of subparagraph (A) and inserting a period; and

(2) by striking ''1998'' in the matter preceding subparagraph (A) and all that follows through ''the opening balance'' and inserting ''1998, the opening balance''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this title.

SEC. 442. RESTORATION OF CERTAIN FOREGONE INTEREST TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (2) of section 9503(f) is amended to read as follows:

''(2) RESTORATION OF FOREGONE INTEREST.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated—

''(A) $14,700,000,000 to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund; and

''(B) $4,800,000,000 to the Mass Transit Account in the Highway Trust Fund.''.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 9503(e) is amended by striking ''this subsection'' and inserting ''this section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 443. TREATMENT OF CERTAIN AMOUNTS APPROPRIATED TO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(f), as amended by this Act, is amended by adding at the end the following new paragraph:

''(4) TREATMENT OF APPROPRIATED AMOUNTS.—Any amount appropriated under this subsection to the Highway Trust Fund shall remain available without fiscal year limitation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 444. TERMINATION OF TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDITS.

(a) IN GENERAL.—Section 9503(c) is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 9502(a) is amended by striking ''section 9503(c)(7)'' and inserting ''section 9503(c)(5)''.

(2) Section 9503(b)(4)(D) is amended by striking ''paragraph (4)(D) or (5)(B)'' and inserting ''paragraph (3)(D) or (4)(B)''.

(3) Paragraph (2) of section 9503(c), as redesignated by subsection (a), is amended by adding at the end the following new sentence: ''The amounts payable from the Highway Trust Fund under the preceding sentence shall be determined by taking into account only the portion of the taxes which are deposited into the Highway Trust Fund.''.

(4) Section 9503(e)(5)(A) is amended by striking ''(2), (3), and (4)'' and inserting ''(2) and (3)''.

(5) Section 9504(a) is amended by striking ''section 9503(c)(4), section 9503(c)(5)'' and inserting ''section 9503(c)(3), section 9503(c)(4)''.

(6) Section 9504(b)(2) is amended by striking ''section 9503(c)(5)'' and inserting ''section 9503(c)(4)''.

(7) Section 9504(e) is amended by striking ''section 9503(c)(4)'' and inserting section ''9503(c)(3)''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to transfers relating to amounts paid and credits allowed after the date of the enactment of this Act.

SEC. 445. EXTENSION OF AUTHORITY FOR EXPENDITURES.

(a) HIGHWAYS TRUST FUND.—

(1) HIGHWAY ACCOUNT.—Paragraph (1) of section 9503(c) is amended—

(A) by striking ''September 30, 2009 (October 1, 2009'' and inserting ''December 31, 2010 (January 1, 2011''; and

(B) by striking ''under'' and all that follows and inserting ''under the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).''.

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) is amended—

(A) by striking ''October 1, 2009'' and inserting ''January 1, 2011''; and

(B) by striking ''in accordance with'' and all that follows and inserting ''in accordance with the Surface Transportation Extension Act of 2010 or any other provision of law which was referred to in this paragraph before the date of the enactment of such Act (as such Act and provisions of law are in effect on the date of the enactment of such Act).''.

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) is amended by striking ''September 30, 2009 (October 1, 2009'' and inserting ''December 31, 2010 (January 1, 2011''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—

(1) IN GENERAL.—Paragraph (2) of section 9504(b) is amended—

(A) by striking ''(as in effect'' in subparagraph (A) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010),'',

(B) by striking ''(as in effect'' in subparagraph (B) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010), and'', and

(C) by striking ''(as in effect'' in subparagraph (C) and all that follows in such subparagraph and inserting ''(as in effect on the date of the enactment of the Surface Transportation Extension Act of 2010).''.

(2) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) is amended by striking ''October 1, 2009'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2009.

SEC. 446. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—Section 8003(a) of the SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for the period beginning on October 1, 2009, and ending on September 30, 2010, $42,469,970,178.

''(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, $10,617,492,545.''.

(b) MASS TRANSIT CATEGORY.—Section 8003(b) of the SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for the period beginning on October 1, 2009, and ending on December 31, 2010, $10,338,065,000.

''(7) for the period beginning on October 1, 2010, and ending on December 31, 2010, $2,584,516,250.''.

(c) TREATMENT OF FUNDS.—No adjustment pursuant to section 110 of title 23, United States Code, shall be made for fiscal year 2010 or fiscal year 2011.

TITLE V—OFFSET PROVISIONS

Subtitle A—Foreign Account Tax Compliance

PART I—INCREASED DISCLOSURE OF BENEFICIAL OWNERS

SEC. 501. REPORTING ON CERTAIN FOREIGN ACCOUNTS.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by inserting after chapter 3 the following new chapter:

''CHAPTER 4—TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS

''Sec. 1471. Withholdable payments to foreign financial institutions.
''Sec. 1472. Withholdable payments to other foreign entities.
''Sec. 1473. Definitions.
''Sec. 1474. Special rules.

''SEC. 1471. WITHHOLDABLE PAYMENTS TO FOREIGN FINANCIAL INSTITUTIONS.

''(a) IN GENERAL.—In the case of any withholdable payment to a foreign financial institution which does not meet the requirements of subsection (b), the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

''(b) REPORTING REQUIREMENTS, ETC.—

''(1) IN GENERAL.—The requirements of this subsection are met with respect to any foreign financial institution if an agreement is in effect between such institution and the Secretary under which such institution agrees—

''(A) to obtain such information regarding each holder of each account maintained by such institution as is necessary to determine which (if any) of such accounts are United States accounts,

''(B) to comply with such verification and due diligence procedures as the Secretary may require with respect to the identification of United States accounts,

''(C) in the case of any United States account maintained by such institution, to report on an annual basis the information described in subsection (c) with respect to such account,

''(D) to deduct and withhold a tax equal to 30 percent of—

''(i) any passthru payment which is made by such institution to a recalcitrant account holder or another foreign financial institution which does not meet the requirements of this subsection, and

''(ii) in the case of any passthru payment which is made by such institution to a foreign financial institution which has in effect an election under paragraph (3) with respect to such payment, so much of such payment as is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection,

''(E) to comply with requests by the Secretary for additional information with respect to any United States account maintained by such institution, and

''(F) in any case in which any foreign law would (but for a waiver described in clause (i)) prevent the reporting of any information referred to in this subsection or subsection (c) with respect to any United States account maintained by such institution—

''(i) to attempt to obtain a valid and effective waiver of such law from each holder of such account, and

''(ii) if a waiver described in clause (i) is not obtained from each such holder within a reasonable period of time, to close such account.

Any agreement entered into under this subsection may be terminated by the Secretary upon a determination by the Secretary that the foreign financial institution is out of compliance with such agreement.

''(2) FINANCIAL INSTITUTIONS DEEMED TO MEET REQUIREMENTS IN CERTAIN CASES.—A foreign financial institution may be treated by the Secretary as meeting the requirements of this subsection if—

''(A) such institution—

''(i) complies with such procedures as the Secretary may prescribe to ensure that such institution does not maintain United States accounts, and

''(ii) meets such other requirements as the Secretary may prescribe with respect to accounts of other foreign financial institutions maintained by such institution, or

''(B) such institution is a member of a class of institutions with respect to which the Secretary has determined that the application of this section is not necessary to carry out the purposes of this section.

''(3) ELECTION TO BE WITHHELD UPON RATHER THAN WITHHOLD ON PAYMENTS TO RECALCITRANT ACCOUNT HOLDERS AND NONPARTICIPATING FOREIGN FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which meets the requirements of this subsection and such other requirements as the Secretary may provide and which elects the application of this paragraph—

''(A) the requirements of paragraph (1)(D) shall not apply,

''(B) the withholding tax imposed under subsection (a) shall apply with respect to any withholdable payment to such institution to the extent such payment is allocable to accounts held by recalcitrant account holders or foreign financial institutions which do not meet the requirements of this subsection, and

''(C) the agreement described in paragraph (1) shall—

''(i) require such institution to notify the withholding agent with respect to each such payment of the institution's election under this paragraph and such other information as may be necessary for the withholding agent to determine the appropriate amount to deduct and withhold from such payment, and

''(ii) include a waiver of any right under any treaty of the United States with respect to any amount deducted and withheld pursuant to an election under this paragraph.

To the extent provided by the Secretary, the election under this paragraph may be made with respect to certain classes or types of accounts of the foreign financial institution.

''(c) INFORMATION REQUIRED TO BE REPORTED ON UNITED STATES ACCOUNTS.—

''(1) IN GENERAL.—The agreement described in subsection (b) shall require the foreign financial institution to report the following with respect to each United States account maintained by such institution:

''(A) The name, address, and TIN of each account holder which is a specified United States person and, in the case of any account holder which is a United States owned foreign entity, the name, address, and TIN of each substantial United States owner of such entity.

''(B) The account number.

''(C) The account balance or value (determined at such time and in such manner as the Secretary may provide).

''(D) Except to the extent provided by the Secretary, the gross receipts and gross withdrawals or payments from the account (determined for such period and in such manner as the Secretary may provide).

''(2) ELECTION TO BE SUBJECT TO SAME REPORTING AS UNITED STATES FINANCIAL INSTITUTIONS.—In the case of a foreign financial institution which elects the application of this paragraph—

''(A) subparagraphs (C) and (D) of paragraph (1) shall not apply, and

''(B) the agreement described in subsection (b) shall require such foreign financial institution to report such information with respect to each United States account maintained by such institution as such institution would be required to report under sections 6041, 6042, 6045, and 6049 if—

''(i) such institution were a United States person, and

''(ii) each holder of such account which is a specified United States person or United States owned foreign entity were a natural person and citizen of the United States.

An election under this paragraph shall be made at such time, in such manner, and subject to such conditions as the Secretary may provide.

''(3) SEPARATE REQUIREMENTS FOR QUALIFIED INTERMEDIARIES.—In the case of a foreign financial institution which is treated as a qualified intermediary by the Secretary for purposes of section 1441 and the regulations issued thereunder, the requirements of this section shall be in addition to any reporting or other requirements imposed by the Secretary for purposes of such treatment.

''(d) DEFINITIONS.—For purposes of this section—

''(1) UNITED STATES ACCOUNT.—

''(A) IN GENERAL.—The term 'United States account' means any financial account which is held by one or more specified United States persons or United States owned foreign entities.

''(B) EXCEPTION FOR CERTAIN ACCOUNTS HELD BY INDIVIDUALS.—Unless the foreign financial institution elects to not have this subparagraph apply, such term shall not include any depository account maintained by such financial institution if—

''(i) each holder of such account is a natural person, and

''(ii) with respect to each holder of such account, the aggregate value of all depository accounts held (in whole or in part) by such holder and maintained by the same financial institution which maintains such account does not exceed $50,000.

To the extent provided by the Secretary, financial institutions which are members of the same expanded affiliated group shall be treated for purposes of clause (ii) as a single financial institution.

''(C) ELIMINATION OF DUPLICATIVE REPORTING REQUIREMENTS.—Such term shall not include any financial account in a foreign financial institution if—

''(i) such account is held by another financial institution which meets the requirements of subsection (b), or

''(ii) the holder of such account is otherwise subject to information reporting requirements which the Secretary determines would make the reporting required by this section with respect to United States accounts duplicative.

''(2) FINANCIAL ACCOUNT.—Except as otherwise provided by the Secretary, the term 'financial account' means, with respect to any financial institution—

''(A) any depository account maintained by such financial institution,

''(B) any custodial account maintained by such financial institution, and

''(C) any equity or debt interest in such financial institution (other than interests which are regularly traded on an established securities market).

Any equity or debt interest which constitutes a financial account under subparagraph (C) with respect to any financial institution shall be treated for purposes of this section as maintained by such financial institution.

''(3) UNITED STATES OWNED FOREIGN ENTITY.—The term 'United States owned foreign entity' means any foreign entity which has one or more substantial United States owners.

''(4) FOREIGN FINANCIAL INSTITUTION.—The term 'foreign financial institution' means any financial institution which is a foreign entity. Except as otherwise provided by the Secretary, such term shall not include a financial institution which is organized under the laws of any possession of the United States.

''(5) FINANCIAL INSTITUTION.—Except as otherwise provided by the Secretary, the term 'financial institution' means any entity that—

''(A) accepts deposits in the ordinary course of a banking or similar business,

''(B) as a substantial portion of its business, holds financial assets for the account of others, or

''(C) is engaged (or holding itself out as being engaged) primarily in the business of investing, reinvesting, or trading in securities (as defined in section 475(c)(2) without regard to the last sentence thereof), partnership interests, commodities (as defined in section 475(e)(2)), or any interest (including a futures or forward contract or option) in such securities, partnership interests, or commodities.

''(6) RECALCITRANT ACCOUNT HOLDER.—The term 'recalcitrant account holder' means any account holder which—

''(A) fails to comply with reasonable requests for the information referred to in subsection (b)(1)(A) or (c)(1)(A), or

''(B) fails to provide a waiver described in subsection (b)(1)(F) upon request.

''(7) PASSTHRU PAYMENT.—The term 'passthru payment' means any withholdable payment or other payment to the extent attributable to a withholdable payment.

''(e) AFFILIATED GROUPS.—

''(1) IN GENERAL.—The requirements of subsections (b) and (c)(1) shall apply—

''(A) with respect to United States accounts maintained by the foreign financial institution, and

''(B) except as otherwise provided by the Secretary, with respect to United States accounts maintained by each other foreign financial institution (other than any foreign financial institution which meets the requirements of subsection (b)) which is a member of the same expanded affiliated group as such foreign financial institution.

''(2) EXPANDED AFFILIATED GROUP.—For purposes of this section, the term 'expanded affiliated group' means an affiliated group as defined in section 1504(a), determined—

''(A) by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears, and

''(B) without regard to paragraphs (2) and (3) of section 1504(b).

A partnership or any other entity (other than a corporation) shall be treated as a member of an expanded affiliated group if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(f) EXCEPTION FOR CERTAIN PAYMENTS.—Subsection (a) shall not apply to any payment to the extent that the beneficial owner of such payment is—

''(1) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

''(2) any international organization or any wholly owned agency or instrumentality thereof,

''(3) any foreign central bank of issue, or

''(4) any other class of persons identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

"SEC. 1472. WITHHOLDABLE PAYMENTS TO OTHER FOREIGN ENTITIES.

''(a) IN GENERAL.—In the case of any withholdable payment to a non-financial foreign entity, if—

''(1) the beneficial owner of such payment is such entity or any other non-financial foreign entity, and

''(2) the requirements of subsection (b) are not met with respect to such beneficial owner,

then the withholding agent with respect to such payment shall deduct and withhold from such payment a tax equal to 30 percent of the amount of such payment.

''(b) REQUIREMENTS FOR WAIVER OF WITHHOLDING.—The requirements of this subsection are met with respect to the beneficial owner of a payment if—

''(1) such beneficial owner or the payee provides the withholding agent with either—

''(A) a certification that such beneficial owner does not have any substantial United States owners, or

''(B) the name, address, and TIN of each substantial United States owner of such beneficial owner,

''(2) the withholding agent does not know, or have reason to know, that any information provided under paragraph (1) is incorrect, and

''(3) the withholding agent reports the information provided under paragraph (1)(B) to the Secretary in such manner as the Secretary may provide.

''(c) EXCEPTIONS.—Subsection (a) shall not apply to—

''(1) except as otherwise provided by the Secretary, any payment beneficially owned by—

''(A) any corporation the stock of which is regularly traded on an established securities market,

''(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation described in subparagraph (A),

''(C) any entity which is organized under the laws of a possession of the United States and which is wholly owned by one or more bona fide residents (as defined in section 937(a)) of such possession,

''(D) any foreign government, any political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

''(E) any international organization or any wholly owned agency or instrumentality thereof,

''(F) any foreign central bank of issue, or

''(G) any other class of persons identified by the Secretary for purposes of this subsection, and

''(2) any class of payments identified by the Secretary for purposes of this subsection as posing a low risk of tax evasion.

''(d) NON-FINANCIAL FOREIGN ENTITY.—For purposes of this section, the term 'non-financial foreign entity' means any foreign entity which is not a financial institution (as defined in section 1471(d)(5)).

''SEC. 1473. DEFINITIONS.

''For purposes of this chapter—

''(1) WITHHOLDABLE PAYMENT.—Except as otherwise provided by the Secretary—

''(A) IN GENERAL.—The term 'withholdable payment' means—

''(i) any payment of interest (including any original issue discount), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, and other fixed or determinable annual or periodical gains, profits, and income, if such payment is from sources within the United States, and

''(ii) any gross proceeds from the sale or other disposition of any property of a type which can produce interest or dividends from sources within the United States.

''(B) EXCEPTION FOR INCOME CONNECTED WITH UNITED STATES BUSINESS.—Such term shall not include any item of income which is taken into account under section 871(b)(1) or 882(a)(1) for the taxable year.

''(C) SPECIAL RULE FOR SOURCING INTEREST PAID BY FOREIGN BRANCHES OF DOMESTIC FINANCIAL INSTITUTIONS.—Subparagraph (B) of section 861(a)(1) shall not apply.

''(2) SUBSTANTIAL UNITED STATES OWNER.—

''(A) IN GENERAL.—The term 'substantial United States owner' means—

''(i) with respect to any corporation, any specified United States person which owns, directly or indirectly, more than 10 percent of the stock of such corporation (by vote or value),

''(ii) with respect to any partnership, any specified United States person which owns, directly or indirectly, more than 10 percent of the profits interests or capital interests in such partnership, and

''(iii) in the case of a trust—

''(I) any specified United States person treated as an owner of any portion of such trust under subpart E of part I of subchapter J of chapter 1, and

''(II) to the extent provided by the Secretary in regulations or other guidance, any specified United States person which holds, directly or indirectly, more than 10 percent of the beneficial interests of such trust.

''(B) SPECIAL RULE FOR INVESTMENT VEHICLES.—In the case of any financial institution described in section 1471(d)(5)(C), clauses (i), (ii), and (iii) of subparagraph (A) shall be applied by substituting '0 percent' for '10 percent'.

''(3) SPECIFIED UNITED STATES PERSON.—Except as otherwise provided by the Secretary, the term 'specified United States person' means any United States person other than—

''(A) any corporation the stock of which is regularly traded on an established securities market,

''(B) any corporation which is a member of the same expanded affiliated group (as defined in section 1471(e)(2) without regard to the last sentence thereof) as a corporation the stock of which is regularly traded on an established securities market,

''(C) any organization exempt from taxation under section 501(a) or an individual retirement plan,

''(D) the United States or any wholly owned agency or instrumentality thereof,

''(E) any State, the District of Columbia, any possession of the United States, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing,

''(F) any bank (as defined in section 581),

''(G) any real estate investment trust (as defined in section 856),

''(H) any regulated investment company (as defined in section 851),

''(I) any common trust fund (as defined in section 584(a)), and

''(J) any trust which—

''(i) is exempt from tax under section 664(c), or

''(ii) is described in section 4947(a)(1).

''(4) WITHHOLDING AGENT.—The term 'withholding agent' means all persons, in whatever capacity acting, having the control, receipt, custody, disposal, or payment of any withholdable payment.

''(5) FOREIGN ENTITY.—The term 'foreign entity' means any entity which is not a United States person.

''SEC. 1474. SPECIAL RULES.

''(a) LIABILITY FOR WITHHELD TAX.—Every person required to deduct and withhold any tax under this chapter is hereby made liable for such tax and is hereby indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this chapter.

''(b) CREDITS AND REFUNDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the determination of whether any tax deducted and withheld under this chapter results in an overpayment by the beneficial owner of the payment to which such tax is attributable shall be made as if such tax had been deducted and withheld under subchapter A of chapter 3.

''(2) SPECIAL RULE WHERE FOREIGN FINANCIAL INSTITUTION IS BENEFICIAL OWNER OF PAYMENT.—

''(A) IN GENERAL.—In the case of any tax properly deducted and withheld under section 1471 from a specified financial institution payment—

''(i) if the foreign financial institution referred to in subparagraph (B) with respect to such payment is entitled to a reduced rate of tax with respect to such payment by reason of any treaty obligation of the United States—

''(I) the amount of any credit or refund with respect to such tax shall not exceed the amount of credit or refund attributable to such reduction in rate, and

''(II) no interest shall be allowed or paid with respect to such credit or refund, and

''(ii) if such foreign financial institution is not so entitled, no credit or refund shall be allowed or paid with respect to such tax.

''(B) SPECIFIED FINANCIAL INSTITUTION PAYMENT.—The term 'specified financial institution payment' means any payment if the beneficial owner of such payment is a foreign financial institution.

''(3) REQUIREMENT TO IDENTIFY SUBSTANTIAL UNITED STATES OWNERS.—No credit or refund shall be allowed or paid with respect to any tax properly deducted and withheld under this chapter unless the beneficial owner of the payment provides the Secretary such information as the Secretary may require to determine whether such beneficial owner is a United States owned foreign entity (as defined in section 1471(d)(3)) and the identity of any substantial United States owners of such entity.

''(c) CONFIDENTIALITY OF INFORMATION.—

''(1) IN GENERAL.—For purposes of this chapter, rules similar to the rules of section 3406(f) shall apply.

''(2) DISCLOSURE OF LIST OF PARTICIPATING FOREIGN FINANCIAL INSTITUTIONS PERMITTED.—The identity of a foreign financial institution which meets the requirements of section 1471(b) shall not be treated as return information for purposes of section 6103.

''(d) COORDINATION WITH OTHER WITHHOLDING PROVISIONS.—The Secretary shall provide for the coordination of this chapter with other withholding provisions under this title, including providing for the proper crediting of amounts deducted and withheld under this chapter against amounts required to be deducted and withheld under such other provisions.

''(e) TREATMENT OF WITHHOLDING UNDER AGREEMENTS.—Any tax deducted and withheld pursuant to an agreement described in section 1471(b) shall be treated for purposes of this title as a tax deducted and withheld by a withholding agent under section 1471(a).

''(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of, and prevent the avoidance of, this chapter.''.

(b) SPECIAL RULE FOR INTEREST ON OVERPAYMENTS.—Subsection (e) of section 6611 is amended by adding at the end the following new paragraph:

''(4) CERTAIN WITHHOLDING TAXES.—In the case of any overpayment resulting from tax deducted and withheld under chapter 3 or 4, paragraphs (1), (2), and (3) shall be applied by substituting '180 days' for '45 days' each place it appears.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 6414 is amended by inserting ''or 4'' after ''chapter 3''.

(2) Paragraph (1) of section 6501(b) is amended by inserting ''4,'' after ''chapter 3,''.

(3) Paragraph (2) of section 6501(b) is amended—

(A) by inserting ''4,'' after ''chapter 3,'' in the text thereof, and

(B) by striking ''TAXES AND TAX IMPOSED BY CHAPTER 3'' in the heading thereof and inserting ''AND WITHHOLDING TAXES''.

(4) Paragraph (3) of section 6513(b) is amended—

(A) by inserting ''or 4'' after ''chapter 3'', and

(B) by inserting ''or 1474(b)'' after ''section 1462''.

(5) Subsection (c) of section 6513 is amended by inserting ''4,'' after ''chapter 3,''.

(6) Paragraph (1) of section 6724(d) is amended by inserting ''under chapter 4 or'' after ''filed with the Secretary'' in the last sentence thereof.

(7) Paragraph (2) of section 6724(d) is amended by inserting ''or 4'' after ''chapter 3''.

(8) The table of chapters of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 4. TAXES TO ENFORCE REPORTING ON CERTAIN FOREIGN ACCOUNTS.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to payments made after December 31, 2012.

(2) GRANDFATHERED TREATMENT OF OUTSTANDING OBLIGATIONS.—The amendments made

by this section shall not require any amount to be deducted or withheld from any payment under any obligation outstanding on the date which is 2 years after the date of the enactment of this Act or from the gross proceeds from any disposition of such an obligation.

(3) INTEREST ON OVERPAYMENTS.—The amendment made by subsection (b) shall apply—

(A) in the case of such amendment's application to paragraph (1) of section 6611(e) of the Internal Revenue Code of 1986, to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act,

(B) in the case of such amendment's application to paragraph (2) of such section, to claims for credit or refund of any overpayment filed after the date of the enactment of this Act (regardless of the taxable period to which such refund relates), and

(C) in the case of such amendment's application to paragraph (3) of such section, to refunds paid after the date of the enactment of this Act (regardless of the taxable period to which such refund relates).

SEC. 502. REPEAL OF CERTAIN FOREIGN EXCEPTIONS TO REGISTERED BOND REQUIREMENTS.

(a) REPEAL OF EXCEPTION TO DENIAL OF DEDUCTION FOR INTEREST ON NON-REGISTERED BONDS.—

(1) IN GENERAL.—Paragraph (2) of section 163(f) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (2) of section 149(a) is amended by inserting ''or'' at the end of subparagraph (A), by striking '', or'' at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(B) Subparagraph (A) of section 163(f)(2) is amended by inserting ''or'' at the end of clause (ii), by striking '', or'' at the end of clause (iii) and inserting a period, and by striking clause (iv).

(C) Subparagraph (B) of section 163(f)(2), as redesignated by paragraph (1), is amended—

(i) by striking '', and subparagraph (B),'' in the matter preceding clause (i), and

(ii) by amending clause (i) to read as follows:

''(i) such obligation is of a type which the Secretary has determined by regulations to be used frequently in avoiding Federal taxes, and''.

(D) Sections 165(j)(2)(A) and 1287(b)(1) are each amended by striking ''except that clause (iv) of subparagraph (A), and subparagraph (B), of such section shall not apply''.

(b) REPEAL OF TREATMENT AS PORTFOLIO DEBT.—

(1) IN GENERAL.—Paragraph (2) of section 871(h) is amended to read as follows:

''(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term 'portfolio interest' means any interest (including original issue discount) which—

''(A) would be subject to tax under subsection (a) but for this subsection, and

''(B) is paid on an obligation—

''(i) which is in registered form, and

''(ii) with respect to which—

''(I) the United States person who would otherwise be required to deduct and withhold tax from such interest under section 1441(a) receives a statement (which meets the requirements of paragraph (5)) that the beneficial owner of the obligation is not a United States person, or

''(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 871(h)(3)(A) is amended by striking ''subparagraph (A) or (B) of''.

(B) Paragraph (2) of section 881(c) is amended to read as follows:

''(2) PORTFOLIO INTEREST.—For purposes of this subsection, the term 'portfolio interest' means any interest (including original issue discount) which—

''(A) would be subject to tax under subsection (a) but for this subsection, and

''(B) is paid on an obligation—

''(i) which is in registered form, and

''(ii) with respect to which—

''(I) the person who would otherwise be required to deduct and withhold tax from such interest under section 1442(a) receives a statement which meets the requirements of section 871(h)(5) that the beneficial owner of the obligation is not a United States person, or

''(II) the Secretary has determined that such a statement is not required in order to carry out the purposes of this subsection.''.

(c) DEMATERIALIZED BOOK ENTRY SYSTEMS TREATED AS REGISTERED FORM.—Paragraph (3) of section 163(f) is amended by inserting '', except that a dematerialized book entry system or other book entry system specified by the Secretary shall be treated as a book entry system described in such section'' before the period at the end.

(d) REPEAL OF EXCEPTION TO REQUIREMENT THAT TREASURY OBLIGATIONS BE IN REGISTERED FORM.—

(1) IN GENERAL.—Subsection (g) of section 3121 of title 31, United States Code, is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Paragraph (1) of section 3121(g) of such title is amended—

(A) by adding ''or'' at the end of subparagraph (A),

(B) by striking ''; or'' at the end of subparagraph (B) and inserting a period, and

(C) by striking subparagraph (C).

(e) PRESERVATION OF EXCEPTION FOR EXCISE TAX PURPOSES.—Paragraph (1) of section 4701(b) is amended to read as follows:

''(1) REGISTRATION-REQUIRED OBLIGATION.—

''(A) IN GENERAL.—The term 'registration-required obligation' has the same meaning as when used in section 163(f), except that such term shall not include any obligation which—

''(i) is required to be registered under section 149(a), or

''(ii) is described in subparagraph (B).

''(B) CERTAIN OBLIGATIONS NOT INCLUDED.—An obligation is described in this subparagraph if—

''(i) there are arrangements reasonably designed to ensure that such obligation will be sold (or resold in connection with the original issue) only to a person who is not a United States person,

''(ii) interest on such obligation is payable only outside the United States and its possessions, and

''(iii) on the face of such obligation there is a statement that any United States person who holds such obligation will be subject to limitations under the United States income tax laws.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date which is 2 years after the date of the enactment of this Act.

PART II—UNDER REPORTING WITH RESPECT TO FOREIGN ASSETS

SEC. 511. DISCLOSURE OF INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6038C the following new section:

''SEC. 6038D. INFORMATION WITH RESPECT TO FOREIGN FINANCIAL ASSETS.

''(a) IN GENERAL.—Any individual who, during any taxable year, holds any interest in a specified foreign financial asset shall attach to such person's return of tax imposed by subtitle A for such taxable year the information described in subsection (c) with respect to each such asset if the aggregate value of all such assets exceeds $50,000 (or such higher dollar amount as the Secretary may prescribe).

''(b) SPECIFIED FOREIGN FINANCIAL ASSETS.—For purposes of this section, the term 'specified foreign financial asset' means—

''(1) any financial account (as defined in section 1471(d)(2)) maintained by a foreign financial institution (as defined in section 1471(d)(4)), and

''(2) any of the following assets which are not held in an account maintained by a financial institution (as defined in section 1471(d)(5))—

''(A) any stock or security issued by a person other than a United States person,

''(B) any financial instrument or contract held for investment that has an issuer or counterparty which is other than a United States person, and

''(C) any interest in a foreign entity (as defined in section 1473).

''(c) REQUIRED INFORMATION.—The information described in this subsection with respect to any asset is:

''(1) In the case of any account, the name and address of the financial institution in which such account is maintained and the number of such account.

''(2) In the case of any stock or security, the name and address of the issuer and such information as is necessary to identify the class or issue of which such stock or security is a part.

''(3) In the case of any other instrument, contract, or interest—

''(A) such information as is necessary to identify such instrument, contract, or interest, and

''(B) the names and addresses of all issuers and counterparties with respect to such instrument, contract, or interest.

''(4) The maximum value of the asset during the taxable year.

''(d) PENALTY FOR FAILURE TO DISCLOSE.—

''(1) IN GENERAL.—If any individual fails to furnish the information described in subsection (c) with respect to any taxable year at the time and in the manner described in subsection (a), such person shall pay a penalty of $10,000.

''(2) INCREASE IN PENALTY WHERE FAILURE CONTINUES AFTER NOTIFICATION.—If any failure described in paragraph (1) continues for more than 90 days after the day on which the Secretary mails notice of such failure to the individual, such individual shall pay a penalty (in addition to the penalties under paragraph (1)) of $10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period. The penalty imposed under this paragraph with respect to any failure shall not exceed $50,000.

''(e) PRESUMPTION THAT VALUE OF SPECIFIED FOREIGN FINANCIAL ASSETS EXCEEDS DOLLAR THRESHOLD.—If—

''(1) the Secretary determines that an individual has an interest in one or more specified foreign financial assets, and

''(2) such individual does not provide sufficient information to demonstrate the aggregate value of such assets,

then the aggregate value of such assets shall be treated as being in excess of $50,000 (or such higher dollar amount as the Secretary prescribes for purposes of subsection (a)) for purposes of assessing the penalties imposed under this section.

''(f) APPLICATION TO CERTAIN ENTITIES.—To the extent provided by the Secretary in regulations or other guidance, the provisions of this section shall apply to any domestic entity which is formed or availed of for purposes of holding, directly or indirectly, specified foreign financial assets, in the same manner as if such entity were an individual.

''(g) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by this section on any failure which is shown to be due to reasonable cause and not due to willful neglect. The fact that a foreign jurisdiction would impose a civil or criminal penalty on the taxpayer (or any other person) for disclosing the required information is not reasonable cause.

''(h) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provide appropriate exceptions from the application of this section in the case of—

''(1) classes of assets identified by the Secretary, including any assets with respect to which the Secretary determines that disclosure under this section would be duplicative of other disclosures,

''(2) nonresident aliens, and

''(3) bona fide residents of any possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6038C the following new item:

''Sec. 6038D. Information with respect to foreign financial assets.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 512. PENALTIES FOR UNDERPAYMENTS ATTRIBUTABLE TO UNDISCLOSED FOREIGN FINANCIAL ASSETS.

(a) IN GENERAL.—Section 6662, as amended by this Act, is amended—

(1) in subsection (b), by inserting after paragraph (6) the following new paragraph:

''(7) Any undisclosed foreign financial asset understatement.'', and

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

''(j) UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENT.—

''(1) IN GENERAL.—For purposes of this section, the term 'undisclosed foreign financial asset understatement' means, for any taxable year, the portion of the understatement for such taxable year which is attributable to any transaction involving an undisclosed foreign financial asset.

''(2) UNDISCLOSED FOREIGN FINANCIAL ASSET.—For purposes of this subsection, the term 'undisclosed foreign financial asset' means, with respect to any taxable year, any asset with respect to which information was required to be provided under section 6038, 6038B, 6038D, 6046A, or 6048 for such taxable year but was not provided by the taxpayer as required under the provisions of those sections.

''(3) INCREASE IN PENALTY FOR UNDISCLOSED FOREIGN FINANCIAL ASSET UNDERSTATEMENTS.—In the case of any portion of an underpayment which is attributable to any undisclosed foreign financial asset understatement, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 513. MODIFICATION OF STATUTE OF LIMITATIONS FOR SIGNIFICANT OMISSION OF INCOME IN CONNECTION WITH FOREIGN ASSETS.

(a) EXTENSION OF STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 6501(e) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) GENERAL RULE.—If the taxpayer omits from gross income an amount properly includible therein and—

''(i) such amount is in excess of 25 percent of the amount of gross income stated in the return, or

''(ii) such amount—

''(I) is attributable to one or more assets with respect to which information is required to be reported under section 6038D (or would be so required if such section were applied without regard to the dollar threshold specified in subsection (a) thereof and without regard to any exceptions provided pursuant to subsection (h)(1) thereof), and

''(II) is in excess of $5,000,

the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 6501(e)(1), as redesignated by paragraph (1), is amended by striking all that precedes clause (i) and inserting the following:

''(B) DETERMINATION OF GROSS INCOME.—For purposes of subparagraph (A)—''.

(B) Paragraph (2) of section 6229(c) is amended by striking ''which is in excess of 25 percent of the amount of gross income stated in its return'' and inserting ''and such amount is described in clause (i) or (ii) of section 6501(e)(1)(A)''.

(b) ADDITIONAL REPORTS SUBJECT TO EXTENDED PERIOD.—Paragraph (8) of section 6501(c) is amended—

(1) by inserting ''pursuant to an election under section 1295(b) or'' before ''under section 6038'',

(2) by inserting ''1298(f),'' before ''6038'', and

(3) by inserting ''6038D,'' after ''6038B,''.

(c) CLARIFICATIONS RELATED TO FAILURE TO DISCLOSE FOREIGN TRANSFERS.—Paragraph (8) of section 6501(c) is amended by striking ''event'' and inserting ''tax return, event,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) returns filed after the date of the enactment of this Act; and

(2) returns filed on or before such date if the period specified in section 6501 of the Internal Revenue Code of 1986 (determined without regard to such amendments) for assessment of such taxes has not expired as of such date.

PART III—OTHER DISCLOSURE PROVISIONS

SEC. 521. REPORTING OF ACTIVITIES WITH RESPECT TO PASSIVE FOREIGN INVESTMENT COMPANIES.

(a) IN GENERAL.—Section 1298 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) REPORTING REQUIREMENT.—Except as otherwise provided by the Secretary, each United States person who is a shareholder of a passive foreign investment company shall file an annual report containing such information as the Secretary may require.''.

(b) CONFORMING AMENDMENT.—Subsection (e) of section 1291 is amended by striking '', (d), and (f)'' and inserting ''and (d)''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

SEC. 522. SECRETARY PERMITTED TO REQUIRE FINANCIAL INSTITUTIONS TO FILE CERTAIN RETURNS RELATED TO WITHHOLDING ON FOREIGN TRANSFERS ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6011 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR RETURNS FILED BY FINANCIAL INSTITUTIONS WITH RESPECT TO WITHHOLDING ON FOREIGN TRANSFERS.—The numerical limitation under paragraph (2)(A) shall not apply to any return filed by a financial institution (as defined in section 1471(d)(5)) with respect to tax for which such institution is made liable under section 1461 or 1474(a).''.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 6724 is amended by inserting ''or with respect to a return described in section 6011(e)(4)'' before the end period.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for which (determined without regard to extensions) is after the date of the enactment of this Act.

PART IV—PROVISIONS RELATED TO FOREIGN TRUSTS

SEC. 531. CLARIFICATIONS WITH RESPECT TO FOREIGN TRUSTS WHICH ARE TREATED AS HAVING A UNITED STATES BENEFICIARY.

(a) IN GENERAL.—Paragraph (1) of section 679(c) is amended by adding at the end the following:

''For purposes of subparagraph (A), an amount shall be treated as accumulated for the benefit of a United States person even if the United States person's interest in the trust is contingent on a future event.''.

(b) CLARIFICATION REGARDING DISCRETION TO IDENTIFY BENEFICIARIES.—Subsection (c) of section 679 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE IN CASE OF DISCRETION TO IDENTIFY BENEFICIARIES.—For purposes of paragraph (1)(A), if any person has the discretion (by authority given in the trust agreement, by power of appointment, or otherwise) of making a distribution from the trust to, or for the benefit of, any person, such trust shall be treated as having a beneficiary who is a United States person unless—

''(A) the terms of the trust specifically identify the class of persons to whom such distributions may be made, and

''(B) none of those persons are United States persons during the taxable year.''.

(c) CLARIFICATION THAT CERTAIN AGREEMENTS AND UNDERSTANDINGS ARE TERMS OF THE TRUST.—Subsection (c) of section 679, as amended by subsection (b), is amended by adding at the end the following new paragraph:

''(5) CERTAIN AGREEMENTS AND UNDERSTANDINGS TREATED AS TERMS OF THE TRUST.—For purposes of paragraph (1)(A), if any United States person who directly or indirectly transfers property to the trust is directly or indirectly involved in any agreement or understanding (whether written, oral, or otherwise) that may result in the income or corpus of the trust being paid or accumulated to or for the benefit of a United States person, such agreement or understanding shall be treated as a term of the trust.''.

SEC. 532. PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.

(a) IN GENERAL.—Section 679 is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

''(d) PRESUMPTION THAT FOREIGN TRUST HAS UNITED STATES BENEFICIARY.—If a United States person directly or indirectly transfers property to a foreign trust (other than a trust described in section 6048(a)(3)(B)(ii)), the Secretary may treat such trust as having a United States beneficiary for purposes of applying this section to such transfer unless such person—

''(1) submits such information to the Secretary as the Secretary may require with respect to such transfer, and

''(2) demonstrates to the satisfaction of the Secretary that such trust satisfies the requirements of subparagraphs (A) and (B) of subsection (c)(1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers of property after the date of the enactment of this Act.

SEC. 533. UNCOMPENSATED USE OF TRUST PROPERTY.

(a) IN GENERAL.—Paragraph (1) of section 643(i) is amended—

(1) by striking ''directly or indirectly to'' and inserting ''(or permits the use of any other trust property) directly or indirectly to or by'', and

(2) by inserting ''(or the fair market value of the use of such property)'' after ''the amount of such loan''.

(b) EXCEPTION FOR COMPENSATED USE.—Paragraph (2) of section 643(i) is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR COMPENSATED USE OF PROPERTY.—In the case of the use of any trust property other than a loan of cash or marketable securities, paragraph (1) shall not apply to the extent that the trust is paid the fair market value of such use within a reasonable period of time of such use.''.

(c) APPLICATION TO GRANTOR TRUSTS.—Subsection (c) of section 679, as amended by this Act, is amended by adding at the end the following new paragraph:

''(6) UNCOMPENSATED USE OF TRUST PROPERTY TREATED AS A PAYMENT.—For purposes of this subsection, a loan of cash or marketable securities (or the use of any other trust property) directly or indirectly to or by any United States person (whether or not a beneficiary under the terms of the trust) shall be treated as paid or accumulated for the benefit of a United States person. The preceding sentence shall not apply to the extent that the United States person repays the loan at a market rate of interest (or pays the fair market value of the use of such property) within a reasonable period of time.''.

(d) CONFORMING AMENDMENTS.—Paragraph (3) of section 643(i) is amended—

(1) by inserting ''(or use of property)'' after ''If any loan'',

(2) by inserting ''or the return of such property'' before ''shall be disregarded'', and

(3) by striking ''REGARDING LOAN PRINCIPAL'' in the heading thereof.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to loans made, and uses of property, after the date of the enactment of this Act.

SEC. 534. REPORTING REQUIREMENT OF UNITED STATES OWNERS OF FOREIGN TRUSTS.

(a) IN GENERAL.—Paragraph (1) of section 6048(b) is amended by inserting ''shall submit such information as the Secretary may prescribe with respect to such trust for such year and'' before ''shall be responsible to ensure''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 535. MINIMUM PENALTY WITH RESPECT TO FAILURE TO REPORT ON CERTAIN FOREIGN TRUSTS.

(a) IN GENERAL.—Subsection (a) of section 6677 is amended—

(1) by inserting ''the greater of $10,000 or'' before ''35 percent'', and

(2) by striking the last sentence and inserting the following: ''At such time as the gross reportable amount with respect to any failure can be determined by the Secretary, any subsequent penalty imposed under this subsection with respect to such failure shall be reduced as necessary to assure that the aggregate amount of such penalties do not exceed the gross reportable amount (and to the extent that such aggregate amount already exceeds the gross reportable amount the Secretary shall refund such excess to the taxpayer).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to notices and returns required to be filed after December 31, 2009.

PART V—SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS

SEC. 541. SUBSTITUTE DIVIDENDS AND DIVIDEND EQUIVALENT PAYMENTS RECEIVED BY FOREIGN PERSONS TREATED AS DIVIDENDS.

(a) IN GENERAL.—Section 871 is amended by redesignating subsection (l) as subsection (m) and by inserting after subsection (k) the following new subsection:

''(l) TREATMENT OF DIVIDEND EQUIVALENT PAYMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a), sections 881 and 4948(a), and chapters 3 and 4, a dividend equivalent shall be treated as a dividend from sources within the United States.

''(2) DIVIDEND EQUIVALENT.—For purposes of this subsection, the term 'dividend equivalent' means—

''(A) any substitute dividend made pursuant to a securities lending or a sale-repurchase transaction that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States,

''(B) any payment made pursuant to a specified notional principal contract that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States, and

''(C) any other payment determined by the Secretary to be substantially similar to a payment described in subparagraph (A) or (B).

''(3) SPECIFIED NOTIONAL PRINCIPAL CONTRACT.—For purposes of this subsection, the term 'specified notional principal contract' means—

''(A) any notional principal contract if—

''(i) in connection with entering into such contract, any long party to the contract transfers the underlying security to any short party to the contract,

''(ii) in connection with the termination of such contract, any short party to the contract transfers the underlying security to any long party to the contract,

''(iii) the underlying security is not readily tradable on an established securities market,

''(iv) in connection with entering into such contract, the underlying security is posted as collateral by any short party to the contract with any long party to the contract, or

''(v) such contract is identified by the Secretary as a specified notional principal contract,

''(B) in the case of payments made after the date which is 2 years after the date of the enactment of this subsection, any notional principal contract unless the Secretary determines that such contract is of a type which does not have the potential for tax avoidance.

''(4) DEFINITIONS.—For purposes of paragraph (3)(A)—

''(A) LONG PARTY.—The term 'long party' means, with respect to any underlying security of any notional principal contract, any party to the contract which is entitled to receive any payment pursuant to such contract which is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States with respect to such underlying security.

''(B) SHORT PARTY.—The term 'short party' means, with respect to any underlying security of any notional principal contract, any party to the contract which is not a long party with respect to such underlying security.

''(C) UNDERLYING SECURITY.—The term 'underlying security' means, with respect to any notional principal contract, the security with respect to which the dividend referred to in paragraph (2)(B) is paid. For purposes of this paragraph, any index or fixed basket of securities shall be treated as a single security.

''(5) PAYMENTS DETERMINED ON GROSS BASIS.—For purposes of this subsection, the term 'payment' includes any gross amount which is used in computing any net amount which is transferred to or from the taxpayer.

''(6) PREVENTION OF OVER-WITHHOLDING.—In the case of any chain of dividend equivalents one or more of which is subject to tax under subsection (a) or section 881, the Secretary may reduce such tax, but only to the extent that the taxpayer can establish that such tax has been paid with respect to another dividend equivalent in such chain, or is not otherwise due, or as the Secretary determines is appropriate to address the role of financial intermediaries in such chain. For purposes of this paragraph, a dividend shall be treated as a dividend equivalent.

''(7) COORDINATION WITH CHAPTERS 3 AND 4.—For purposes of chapters 3 and 4, each person that is a party to any contract or other arrangement that provides for the payment of a dividend equivalent shall be treated as having control of such payment.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made on or after the date that is 180 days after the date of the enactment of this Act.

Subtitle B—Delay in Application of Worldwide Allocation of Interest

SEC. 551. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking ''December 31, 2017'' and inserting ''December 31, 2019''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

ORDERS FOR FRIDAY, FEBRUARY 26, 2010

Mr. DURBIN. I ask unanimous consent that following my remarks, the Senate adjourn until 9:30 a.m., Friday, February 26.

I would like to ask by way of a question, does the Senator from Kentucky seek recognition?

Mr. BUNNING. Yes, I will.

Mr. DURBIN. Would you like to speak after I have made the request so I could make the adjournment subject to your speaking?

Mr. BUNNING. That is acceptable.

Mr. DURBIN. I ask unanimous consent that following my remarks and the remarks of the Senator from Kentucky and the remarks of the Senator from Tennessee for debate only—let me suspend this unanimous consent request.

Mr. President, I will attempt to make this unanimous consent request again. I ask unanimous consent that following my remarks, the remarks of the Senator from Tennessee, Mr. CORKER, who will make a unanimous consent request and then engage in debate only beyond that, and the remarks of the Senator from Kentucky, following those remarks, the Senate adjourn until 9:30 a.m., Friday, February 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each. I didn't make it clear that the Senator from Kentucky would speak in debate only.

Mr. BUNNING. I have a few things I would like to comment on.

Mr. DURBIN. In debate only.

Mr. BUNNING. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. There will be no rollcall votes during Friday's session of the Senate. The next rollcall vote will occur on Tuesday morning. I have

given notice to Senator BUNNING and others that I will be renewing this unanimous consent request tomorrow morning.

ORDER FOR ADJOURNMENT

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn after the statements that have already been noted as part of this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—H.R. 4691

Mr. CORKER. Mr. President, I thank the Senator from Illinois for his nature this evening. I thank all of my colleagues on the other side of the aisle. I think we have had a nice discussion. I think we all know this is not about any of our lack of desire to make sure that these benefits are extended. I think everybody here knows this. It has been nice listening to some of the comments.

Therefore, since it was out of order before, I would like to ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4891, that the amendment at the desk which offers a full offset be agreed to, that the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, and this issue will be dealt with. Every American that is looking for the benefits we have discussed will have those forthcoming.

Mr. President, I ask that that be approved.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I believe the Senator from Tennessee said 4891. I think the bill was 4691.

Mr. CORKER. H.R. 4691.

Mr. DURBIN. If the Senator would not mind repeating his unanimous consent, I didn't quite hear the end of it.

Mr. CORKER. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691 which I understand to be the measure that is before us, that the amendment at the desk, which I understand offers a full offset to pay for this, be agreed to, the bill, as amended, be read for a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kentucky.

OFFSETTING THE UNEMPLOYMENT BENEFIT EXTENSION

Mr. BUNNING. Mr. President, it has been a long night. It is called an ambush. That is what happened. The consent that I was assured of was going to be that the Senator from Illinois offer the same—I am going to get it right—30-day extension without an offset. He was going to offer it, and I was going to have a chance to object. We weren't going to stand around for 3½ hours debating the issue. That is the understanding I had with the leader of the Democrats.

Now, I don't know what I have for tomorrow. I have been assured that the Senator from Illinois will offer the same amendment tomorrow morning, and I will have a chance to object, if I so choose. But I want to assure the people who have watched this thing until a quarter of 12, I have missed the Kentucky-South Carolina game that started at 9 o'clock. It is the only redeeming chance we had to beat South Carolina, since they are the only team that has beat Kentucky this year. All of these things that we have talked about and all the provisions that have been discussed, the unemployment benefits, all these things, if we had taken a longer version of the jobs bill that was mutually agreed on, a bipartisan bill that Senator BAUCUS and Senator GRASSLEY agreed on, that the Senator from Nevada, the leader withdrew his support from and brought his own narrowly scoped bill to the floor, $10 billion was not paid for, $5 billion was—so we have $10 billion immediately after we passed pay-go last week, so we have a $10 billion bill we talked about early on that just passed and now we have an extension—by the way, the Baucus-Grassley bill was totally and completely—it is debatable, according to the Senator from Illinois, but it was paid for—CBO said it was paid for, but at least that is what Joint Tax said, too, because I happen to be on the same committee with those two gentlemen—we would not have spent 3 hours-plus—almost 3½—telling everybody in the United States of America that Senator BUNNING does not give a damn about the people who are on unemployment; the doctors whom I represent that I did not want to extend SGR; all of the other things—COBRA, flood insurance, small business loans, and small business provisions.

I feel sorry for the people in Kentucky who live in east Kentucky who may lose their Satellite Home Viewer Act for a day or two because they will miss all those Senate commercials that are going on. I know how they desperately want to watch those, but if they do not have cable, they will not be able to do it.

But this debate could have been completely changed had not the other side rammed through a bill, a partisan bill, over a bipartisan bill. You cannot preach bipartisanism and practice partisanship. I do not give a darn how good you are at conning people, people see through it. If you think I am kidding, go into your State and ask. The American people understand what is going on up here. That is why the Congress and the Senate have a 30-percent approval rating. Even the President of the United States is higher than that, and his is not good because it is below 50 percent.

But I have served in this body and over in the House—I have not had as long; I have had 2 years shorter than the House service of the Senator from Illinois and 2 years shorter than the Senator's Senate service; so I have spent 12 and 12, 12 years here and 12 in the House—and we are not conning the people in the United States about anything. They know what is going on. That is why they are madder than heck. They are tired of Senators who talk out of both sides of their mouths. They are tired of people who have been appointed to positions who come before the Congressional committees and do not speak the truth. If you think the Tea Party people are crazy, get them involved in your Senate race or get them against you when you are running.

Remember now, this all could have been changed had not the leader of the Senate decided that a bipartisan compromise jobs bill was not as important as his partisan jobs bill that just passed right before all this debate.

I just want to tell the people who have watched—and I doubt if there are many right now—that I am as interested in all those things I have objected to because of no offsets as the people who have spoken on the other side of the aisle or my good friend from Tennessee or my good friend from Alabama.

This body should be and can be better than it has been. In my 24 years of service, I have never seen the Congress of the United States perform as badly as we are performing presently. And it shows up. Bipartisanship means input from both sides—not talking about it, doing it. That is the whole difference in what we have had here tonight. We did not even have to have this debate. Thank you.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands in adjournment until Friday, February 26, 2010, at 9:30 a.m.

Thereupon, the Senate, at 11:52 p.m., adjourned until Friday, February 26, 2010, at 9:30 a.m.

EXTENSIONS OF REMARKS

IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Ms. DELAURO. Madam Speaker, I rise today to pay my respects to a tireless champion for soldiers, veterans, and the middle class, a venerable lion of this body, and a treasured friend, Congressman Jack Murtha.

The first Vietnam veteran ever elected to the House of Representatives, Congressman Murtha dedicated his career to America's fighting men and women, and always worked to put our troops and their safety first. I consistently relied on his wisdom and his insights on matters of defense and national security.

From his position as Chairman of the Defense Appropriations Committee, Jack's extraordinary dedication to the well-being of our troops and their families was evident in his actions every day. He knew that keeping our soldiers out of harm's way meant providing them with state-of-the-art equipment, from submarines to helicopters. And with that in mind, he helped to maintain a defense-industrial base that brought high-paying, high-skilled manufacturing jobs both to his home state of Pennsylvania and my own state of Connecticut. His legacy will live on not only in his service to military men and women, but through the millions of jobs he helped to create in our region.

Jack was also concerned with the well-being of Americans waging another kind of battle, and he always supported critical funding for research on diseases such as cancer, AIDS, and diabetes. In short, he was a great ally to Connecticut, a great Pennsylvanian, and a great American, and he will be deeply missed. This House is smaller after his passing.

HONORING EDWARD BALOIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Edward "Ed" Baloian upon being awarded with the Ag One "2010 Community Salute." Mr. Baloian will be recognized on Saturday, February 27, 2010 at the Ag One event benefiting the Jordan College of Agricultural Science and Technology at California State University, Fresno.

In 1923, Ed Baloian's father, Charles, started a full-service produce business, Charles Baloian Company, Inc. In 1945, upon returning home from serving their country in World War II, Ed and his brother, James, joined their father as partners in the family business.

In 1965, the Baloians formed Pam Pak Distributors, Inc., to package and market fresh vegetables from a large number of local growers. Ed Baloian took on the responsibility of managing the operations at Pam Pak Distributors. Just three years later, in an effort to increase their annual business and to supply the rising local demand for their products, Pam Pak began its own farming operation.

Mr. James Baloian retired from the family business in 1985, and later that year, Mr. Baloian and his son, Tim, started a new branch to the company, Baloian Packing. This new business continued the efforts of Pam Pak, their number one label, and included Marty Boy, Balo and Valley Jewels. With the increased business, Mr. Ed Baloian was elected Chairman of the Board and Mr. Tim Baloian was elected President of the Board of Pam Pak Distributors.

Today, the company continues to be headquartered in Fresno, California. Under Mr. Baloian's leadership the company has grown to include a majority of the San Joaquin Valley, with extensions into Mexico and Chile. The company is a leading California fresh fruit and vegetable grower, shipper and packer. The company specializes in bell peppers, lettuce, eggplant, red onions, melons and squash. The company ships these products to grocery stores, restaurants and food service customers around the United States and Canada.

Outside of the farming and shipping industry, Mr. Baloian is very active in Rotary, is a Paul Harris Fellow and has served on the council at Peoples Church in Fresno, California. Recently, Mr. Baloian accepted the Central California Excellence in Business Award on behalf of his company.

Madam Speaker, I rise today to commend and congratulate Edward Baloian upon being awarded with the Ag One "2010 Community Salute" for his tremendous support of the agriculture community. I invite my colleagues to join me in wishing Mr. Baloian many years of continued success.

CONGRATULATING THE LAPORTE FAMILY YMCA ON ITS 100TH ANNIVERSARY

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. DONNELLY of Indiana. Madam Speaker, today I rise to honor the LaPorte Family YMCA, celebrating its 100th anniversary of serving the people of LaPorte and the surrounding communities.

For 100 years, the LaPorte Family YMCA has offered a variety of resources to its members. Its dedicated administrators, volunteers and community partners work tirelessly to uphold the organization's mission to promote positive values, investment in community, and mental, physical, and spiritual well-being.

Founded on December 9, 1908, it took LaPorte citizens less than 2 weeks to raise the bulk of the $65,000 necessary for the construction of the original YMCA facility. This building was completed in 1911. Since that time, the original YMCA building in LaPorte has undergone numerous renovations and additions. Finally, in 1995, the LaPorte YMCA was expanded to its current size of 11,000 sq. ft., which encompasses a teen center, weight room, pool, and a child care center.

As an evolving organization, the YMCA seeks to adapt to the community's needs while promoting family values. The LaPorte Family YMCA remains committed to the original mission of the organization to respond to the needs of the surrounding community. Today, the LaPorte Family YMCA continues to successfully fulfill this mission by providing quality services stressing literacy, safe child care and healthy lifestyle choices. These programs are not only well managed and effectively run but are also vital to the community at large and the YMCA's effort to make a difference in the community "one child, one senior, one family at a time."

So today, on behalf of the citizens of the Second District, I would like to congratulate the dedicated administrative personnel and community volunteers who make the LaPorte Family YMCA such an upstanding organization and outstanding resource for LaPorte and the surrounding communities.

HONORING PHYLLIS HICKS

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. TERRY. Madam Speaker, it is my pleasure to rise today during Black History Month to remember the important contributions African Americans have made to our nation. I especially honor the extraordinary people who continue to help shape my community of Omaha and our great nation. Among the thousands of successful and talented African Americans in the second congressional district of Nebraska, I would like to pay special tribute to Phyllis Hicks.

Since 1967, Mrs. Hicks has run the Salem Stepping Saints Drill Team in Omaha and continues to be a volunteer and chief fundraiser for this youth group, which not only teaches young people drill skills, but also provides them with mentoring, tutoring and counseling. Through her outreach, she has helped many youths overcome barriers, especially discrimination. Phyllis is active in the NAACP, Black Business Women's Council and Urban League. She currently serves as marketing director for the Omaha Star Newspaper, Nebraska's largest African-American newspaper. Mrs. Hicks remains active, serving on several community boards, and her dedication to improving our community is recognized and appreciated.

Thank you, Phyllis Hicks, for your commitment to making the world a better place. Your

participation in our community has made a difference to thousands of people, especially our youth.

HONORING SABRINA MORALES, PRISCILLA KING, LAKEITHA LYLES, AND DIANA EDOUARD FOR WINNING THE HONORING OUR FUTURE LEADERS COMPETITION

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge four students in my district, Sabrina Morales, Priscilla King, Lakeitha Lyles, and Diana Edouard, from Wyandanch Memorial High School.

These students will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, they wrote their own rendition of the ''I Have a Dream'' speech delivered by Martin Luther King, Jr.

I am proud to honor Sabrina, Priscilla, Lakeitha, and Diana for their academic and personal achievements and congratulate them upon the receipt of this prestigious award.

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mrs. BIGGERT. Madam Speaker, I was absent from votes on Monday, February 22, 2010. The House considered two bills under suspension of the rules. Had I been present, I would have voted ''yea'' for rollcall 49 and ''yea'' for rollcall 50.

COMMEMORATION OF TAIWAN'S ''2–28 MASSACRE''

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to recognize the 63th commemoration of Taiwan's ''2–28 Massacre.'' In the Fall of 1945, 50 years of Japanese occupation of Taiwan ended with World War II. The United Nations gave administrative control of Taiwan to the Chinese Nationalist Party. After more than a year, the Taiwanese people were frustrated by the corruption and economic mismanagement that seemed to plague the party.

On February 28, 1947, an elderly woman was arrested and beaten. A group of Taiwanese confronted the Chinese troops responsible. One of the Taiwanese was shot, riots raged, and Chinese soldiers gunned down thousands of unarmed civilians.

During the following days, government troops arrived from mainland China. The Chinese soldiers began capturing and executing leading Taiwanese lawyers, doctors, students, and other citizens. It is estimated more than 18,000 people lost their lives. During the following four decades, the Chinese Nationalists continued to rule Taiwan with an iron fist under Martial Law that was not lifted until 1987.

The Massacre had far reaching implications. Over the next half-century, these events helped galvanize Taiwan's struggle for independence and for its transformation from a dictatorship to a thriving and pluralistic democracy.

I urge other Members to join me in commemorating this important historical event.

HONORING KELLY WEINSENSEEL FOR WINNING THE HONORING OUR FUTURE LEADERS COMPETITION

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge a student in my district, Kelly Weinsenseel, from West Babylon High School.

Kelly will receive the Honoring Our Future Leaders Award on February 27, 2010. To win this award, she wrote her own rendition of the ''I Have a Dream'' speech delivered by Martin Luther King, Jr.

I am proud to honor Kelly for her academic and personal achievements and congratulate her upon the receipt of this prestigious award.

CORPORAL JACOB HENRY TURBETT

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. MCCOTTER. Madam Speaker, today I rise to honor Corporal Jacob Henry Turbett, a courageous and noble Marine, who died on February 13 at the age of 21. Corporal Turbett lost his life while bravely supporting combat operations in the Helmand Province, Afghanistan.

Corporal Turbett was a member of the Second Combat Engineer Battalion, Second Marine Division, II Marine Expeditionary Force based in Camp Lejeune, North Carolina. He was a 2007 graduate of Canton High School and took part in Civil Air Patrol. He came from a celebrated military family. His grandfather, cousin and two of his uncles were in the Marines. His uncle was in the Navy and his sister, Jaime Turbett, started boot camp in the Navy only ten days before her brother was killed. Corporal Turbett followed in these proud footsteps by completing tours of duty in Bangladesh and Iraq. Additionally, he was stationed in Okinawa, Japan. He was a hard worker, a proud and brave American, and a loving husband to his wife Crystal, whom he married in July 2008. Along with his wife and sister he is survived by his mother, Sheila, his father, Richard and his brother, Joe Marsh, who is a sheriff's deputy in Humboldt County, California.

Corporal Turbett sacrificed everything for his country in Operation Enduring Freedom. To his fellow soldiers, his family and friends, and to everyone who knew and loved him, he was a dedicated member of his community who answered the higher calling to serve his country.

Madam Speaker, during his lifetime, Corporal Turbett enriched the lives of everyone around him by employing energy, leadership, and courage in everything he set out to do. As we bid farewell to this exceptional individual, I ask my colleagues to join me in remembering and honoring his contributions and years of devoted service to his community and our country.

HONORING THE ORGAN PIPE CACTUS NATIONAL MONUMENT FOR BEING RECOGNIZED BY THE INTERMOUNTAIN REGION'S WILDERNESS STEWARDSHIP AWARDS PROGRAM

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. GRIJALVA. Madam Speaker, I rise today honor the employees of Organ Pipe Cactus National Monument. The staff of Organ Pipe Cactus National Monument has been recognized by the Intermountain Region's Wilderness Stewardship Awards Program with the top award for 2009 as true Wilderness Champions.

Organ Pipe Cactus National Monument covers 330,689 acres and, of that acreage, 95 percent is designated wilderness. Founded in 1937, the employees of this National Monument have continuously monitored and evaluated the land use and local environment. President Franklin D. Roosevelt preserved this land for its scenic views but also for its ecological wonders. Having been occupied by American Indians, Mexicans and Europeans the diverse history of this land makes it valuable around the globe. In addition, in 1976 the United Nations bestowed the title of International Biosphere Reserve on Organ Pipe Cactus National Monument further confirming not only its local importance, but its value internationally. Twenty-six species of cactus flourish in the harsh conditions, as well as many species of birds, lizards, bats and rodents. They all delicately coexist in this wonderful ecosystem.

Until the 1970s, this land was used for ranching and mining, making the jobs of the current staff challenging. Catching up with the damage done during these times has proven to be the stimulus for all the wonderful projects taken on by the employees at Organ Pipe. Most notable is the Organ Pipe Cactus National Monument Ecological Monitoring Program. This program has been diligently working since 1997 to monitor and evaluate critical aspects of the region. From reporting changes in the ecosystem, to documenting damage to the land by neighboring developers, this program has proven vital to the stability of the National Monument, as well as to the ecosystem of Southern Arizona.

Organ Pipe Cactus National Monument is also a vital part of the community and offers guided tours, hiking, camping, excellent birding and plenty of beautiful picnic areas. Organ Pipe also offers wonderful educational opportunities through student field trips and its

participation in the VIEWs program through the National Park Service.

The men and women employed at Organ Pipe monitor this delicate ecosystem while still preserving this beautiful area. The staff take bi-annual photos in eight different areas to monitor land use and development along the Mexico border, annually monitor spring and summer lizards and their habits in the Sonoran Desert, and have set up an annual climate monitoring system for which the data are all reported into their ORPI Ecological Monitoring Report. Through the staff's efforts, the stability of this wonderful, natural resource is protected.

The employees of Organ Pipe Cactus National Monument who have been honored with this award truly deserve it. They are vital players in the protection of America's wild lands. As a member of the House Committee on Natural Resources and, having seen our community grow to over a million people during my lifetime, I know the importance of protecting these delicate areas. It gives me great joy to see such wonderful people giving of themselves to preserve and protect this spectacular region of Southern Arizona.

HONORING MS. DEBRA GABEL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the years of service given to the people of Chautauqua County by Ms. Debra Gabel. Ms. Gabel served her constituency faithfully and justly during her tenure as the Cherry Creek tax collector.

Public service is a difficult and fulfilling career. Any person with a dream may enter but only a few are able to reach the end. Ms. Gabel served her term with her head held high and a smile on her face the entire way. I have no doubt that her kind demeanor left a lasting impression on the people of Chautauqua County.

We are truly blessed to have such strong individuals with a desire to make this county the wonderful place that we all know it can be. Ms. Gabel is one of those people and that is why Madam Speaker I rise to pay tribute to her today.

PRISONERS OF CONSCIENCE IN CUBA

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. SIRES. Madam Speaker, I rise today to share my deep sadness over the loss of a Cuban prisoner of conscience, Orlando Zapata Tamayo, held by the Cuban regime.

Orlando Zapata Tamayo was first arrested in March 2003 for participating in a hunger strike to demand the release of Dr. Oscar Biscet and other prisoners of conscience. Since his initial arrest and unwarranted imprisonment, the regime consistently increased Zapata's prison term up to 47 years.

While in prison, Zapata endured frequent beatings and unimaginable living conditions. On December 3, 2009, Mr. Zapata began a hunger strike to protest the human rights violations and the repeated beatings by the Cuban authorities. After an 83-day hunger strike, Orlando Zapata Tamayo passed away on Tuesday, February 23, 2010.

In mourning the death of Orlando Zapata Tamayo, I urge my colleagues to listen to his message of freedom and respect for human life. As the atrocities he fought against remain the reality of Cuba today, we must continue to fight for human rights and the release of all political prisoners.

In light of this tragic death, it is important to recognize the hundreds of activists and prisoners of conscience that continue to risk their freedoms and their lives in Cuba. One such man, Normando Hernandez Gonzalez, was also arrested in the massive crackdown on suspected dissidents in March of 2003. Mr. Hernandez was sentenced to 25 years in prison. While serving this term, his health has deteriorated significantly and he continues to suffer from several life-threatening aliments. I am very concerned for his well-being, and along with the international human rights community, I plead for his immediate release and the release of every wrongly imprisoned Cuban.

IN HONOR OF MAURICE GROSSMAN

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. GRIJALVA. Madam Speaker, it is my pleasure to rise today to honor Maurice Grossman, one of Tucson's true treasures, who passed away January 21st at the age of 82.

Maurice was beloved by many who knew him, not just for his art but for his dedication to human rights and the Democratic Party.

A retired art professor from the University of Arizona, Maurice Grossman spent his life as a ceramic artist, activist and a leader in the Lesbian, Gay, Bisexual and Transgender community.

Maurice served in the Navy during World War II, before attending Wayne State University in Detroit. After attending and teaching at other universities, he traveled to Japan as a Fulbright scholar, then finally to Tucson to teach.

The founder of the University of Arizona's ceramics program in 1955, Maurice received several prestigious awards during his career, including a National Endowment for the Arts grant in 1986 and the UA's Creative Teaching Award. Maurice's commitment to supporting other artists' was unflagging and genuine. He would invariably turn up at openings and contribute his works to galleries, both big and small.

Always the activist, Maurice single-handedly took it upon himself to register people to vote. He felt that it was his duty to make sure that everyone, regardless of background, had a voice. When he retired in 1989, he became more involved in the effort to help fight discrimination against the LGBT community.

Maurice was quoted in a 2004 article as saying, "It's not just about equal rights for us. It's about equal rights for everyone. Do we want to take a step forward or a step back?"

Maurice never stepped back. He was an extraordinary man and a true individual. His role as an activist for equality and human rights will not soon be forgotten.

I was privileged to know Maurice personally. Always enthusiastic, I could count on not only his support but his passion. His dedication to the community was never-ending.

Madam Speaker, I rise to honor Maurice Grossman and thank him for being a role model for so many of us.

RETIREMENT OF MR. LEW STULTS

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. McKEON. Madam Speaker, I rise today to celebrate the retirement of Lew Stults, who graciously served as my District Director for the past 12 years, representing the needs of constituents in the 25th Congressional District of California. A 53-year resident of the Antelope Valley, Lew first began working for me in 1998 and was a direct liaison to residents, schools, businesses, city and county government officials, civic organizations, and the local aerospace industry.

Lew was an integral part of my most senior staff, forging relationships and addressing issues that significantly and positively impacted Southern California. He became such a beloved figure that he was oftentimes referred to as the "Congressman of Palmdale."

Lew arrived in the Antelope Valley at the age of 10 in 1957, when his family relocated from Portland, Maine. He attended elementary and middle schools in the Lancaster School District and graduated from Antelope Valley High School in 1965. He first attended Antelope Valley College in the fall of 1965, but interrupted his education to join the U.S. Navy in 1966. Lew is a Vietnam veteran who served in an airborne photographic reconnaissance squadron. After his 4-year service in the Navy, Lew returned to the Antelope Valley and again attended Antelope Valley College.

He has had a long and distinguished career in sales and marketing, and was elected twice to two 4-year terms on the Board of Trustees for the Lancaster School District. In 1993 Lew became the founding President of the Lancaster Education Foundation, a non-profit corporation raising money for children in the Lancaster School District. He is a long-time member of Lancaster West Rotary Club and is a Past President of the Antelope Valley Board of Trade.

It has been my absolute honor to have Lew Stults as a senior advisor and staff member for more than a decade. He is a tremendous man of warm humor, quick wit, and great integrity.

I congratulate Lew on his retirement and wish him and his wife of 42 years, Karen Stults, prosperity in all future endeavors.

THE KHOJALY TRAGEDY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. SHUSTER. Madam Speaker, one of our greatest strengths as elected officials is the

opportunity to bring to light truths that are little known and command recognition.

Today, as the cochairman of the House Azerbaijan Caucus, I would like to bring to the attention of this body the tragedy that took place in Khojaly, Azerbaijan, a town and townspeople that were destroyed on February 26, 1992.

At the time, the Khojaly tragedy was widely covered by the international media, including the Boston Globe, Washington Post, New York Times, Financial Times, and many other European and Russian news agencies.

Fifteen years later, there is little attention or interest paid to the plight of Khojaly outside of Azerbaijan.

Sadly, Khojaly, a town in the Nagorno-Karabakh region of Azerbaijan, now under the control of Armenian forces, was the site of the largest killing of ethnic Azerbaijani civilians. With a population of approximately 7,000, Khojaly was one of the largest urban settlements of the Nagorno-Karabakh region of Azerbaijan.

According to Human Rights Watch and other international observers the massacre was committed by the ethnic Armenian armed forces, reportedly with the help of the Russian 366th Motor Rifle Regiment. Human Rights Watch described the Khojaly Massacre as ''the largest massacre to date in the conflict'' over Nagorno-Karabakh. In a 1993 report, the watchdog group stated ''there are no exact figures for the number of Azeri civilians killed because Karabakh Armenian forces gained control of the area after the massacre'' and ''while it is widely accepted that 200 Azeris were murdered, as many as 500-1,000 may have died.''

At the time, Newsweek Magazine reported: ''Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijani men, women and children of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on 25–26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped.''

Time Magazine stated ''While the details are argued, this much is plain: something grim and unconscionable happened in the Azerbaijani town of Khojaly two weeks ago. So far, some 200 dead Azerbaijanis, many of them mutilated, have been transported out of the town tucked inside the Armenian-dominated enclave of Nagorno-Karabakh for burial in neighboring Azerbaijan. The total number of deaths—the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children—is unknown.''

Azerbaijan has been a strong strategic partner and friend of the United States. The tragedy of Khojaly was a crime against humanity and I urge my colleagues to join me in standing with Azerbaijanis as they commemorate this tragedy.

A TRIBUTE TO ALAN AND NANCY BRODOVSKY FOR THEIR DEDICATION TO EDUCATION EXCELLENCE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. LEWIS of California. Madam Speaker, I would like to pay tribute today to Alan and Nancy Brodovsky, who are widely known for their community service in Sacramento, California, and especially for their devotion to education excellence.

Madam Speaker, I became aware of and made many friends in the Sacramento Jewish community as a result of a decade in the legislature and through family connections. I have always been impressed by the vibrancy and commitment of the volunteers in our state capital, and have maintained strong ties with my friends there.

Alan Brodovsky is a Sacramento native who has been among the most active in giving his time to the community. He has been particularly involved in supporting the establishment and growth of the Shalom School, the only Jewish Day School in Sacramento. He has spent 25 years in leadership positions on the board of trustees. He was also instrumental in forming an advisory board to establish, build, and manage the investments for Shalom School's endowment program.

Mr. Brodovsky has been a volunteer leader of the greater community in many ways, serving on the board of trustees of Mosaic Law Congregation, three years as president. He is currently a member of its foundation board. He is a trustee and treasurer of Hillel of Davis and Sacramento, vice president of the Trust Fund for Jewish Elderly. He has served on the board of the Jewish Community Foundation of the West, the JCRC, and is the past president of the Sacramento Junior Chamber.

Nancy Brodovsky has been a force in the Sacramento community since she married Alan and moved there in 1985. She has also been president of the board of trustees of Shalom School, and has served as a trustee for the Crocker Art Museum, FamiliesFirst, Mosaic Law Congregation, TDX, the National Breast Cancer Fund, Sacramento Jewish Federation, Sacramento Country Day School and the advisory board of Breakthrough Sacramento.

Perhaps her most high-profile role has been as the chairman of the board of directors of the M.I.N.D. Institute at University of California, Davis. The M.I.N.D. Institute is a collaborative international research center, committed to the awareness, understanding, prevention, care and cure of neurodevelopmental disorders, the most well-known of which is autism. In addition to being intimately involved in setting the course of the institute, Nancy has organized and overseen annual fund-raising events that have raised hundreds of thousands of dollars for the program.

Madam Speaker, Alan and Nancy Brodovsky have raised two fine sons even as they have devoted their time and efforts to their community. In tribute to their years of dedication, the Brodovskys will be honored by the Shalom School in March. I ask you and my colleagues to join me in commending them for their community work and wish them well in their future endeavors.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2009

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 2010

Mr. KUCINICH. Mr. Speaker, I rise today in support of H.R. 2314, the Native Hawaiian Government Reorganization Act, as well as the Abercrombie Amendment, and I thank my good friend Mr. ABERCROMBIE for his diligent work on this bill.

H.R. 2314 is long overdue. Since 1959, when Hawaii was admitted to the Union as our 50th state, Hawaiian home lands—lands to which native Hawaiians are legally entitled—have been administered by the state government of Hawaii in trust with the federal government.

H.R. 2314 simply provides a process for establishing a Native Hawaiian governing entity that would represent the interests of Native Hawaiians in negotiations with the federal and state governments. It would also grant the Native Hawaiian governing entity sovereign immunity—the same authority granted to other native Indian governments.

This bill is about empowerment. Native Hawaiians deserve to be able to advocate for their self-interest in negotiations with the state and federal government.

This bill is about self-determination. Native Hawaiians deserve a say in the welfare and future of their community.

I have visited Hawaii many times, and the people of Hawaii are near and dear to my heart. They have a rich culture and a beautiful heritage that they carry on to this day. They deserve a say in their future, and they deserve an equitable remedy to their past treatment.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. MOORE of Kansas. Madam Speaker, on February 22, 2010, due to weather delays on my flight from Kansas City, I did not cast a recorded vote on H.R. 4425 or H.R. 4238. If I had voted, I would have voted ''yes'' on both.

PAYING TRIBUTE TO THE BUENOS AIRES NATIONAL WILDLIFE REFUGE

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. GRIJALVA. Madam Speaker, I rise today to pay tribute to all the staff at the Buenos Aires National Wildlife Refuge. The Refuge consists of a beautiful 118,000 acres of mountains, riparian zones, and grasslands in the Southern Arizona desert and contains majestic areas such as Brown Canyon, Arivaca Cienega and the Baboquivari Mountains.

The Buenos Aires National Wildlife Refuge is a sanctuary for many different types of wildlife including the Pima pineapple cactus, the

pygmy-owl and the endangered masked bobwhite quail. Additionally, 325 bird species, 53 species of reptiles and amphibians, 58 mammal species, including mule deer, white-tailed deer, pronghorn, javelina, and mountain lions all call the Refuge home. Without the protection of the Refuge, many of these species would disappear and be lost to us forever. The Refuge is also a vital part of the community and offers guided tours, hiking, camping, horseback riding, mountain biking, excellent birding, and plenty of beautiful picnic areas. The Refuge even offers wonderful educational opportunities through volunteer projects and nature workshops.

The men and women employed at the Refuge work tirelessly to preserve this beautiful area. Through their efforts, the Refuge has successfully reintroduced the endangered bobwhite quail and the pronghorn deer into the wild and ensures their continued protection. These people are truly the guardians of an environmental treasure and view their task as a privilege, not just a job.

In addition to the wonderful staff at the Refuge, an exemplary group of volunteers known as the Friends of the Buenos Aires National Refuge dedicate their time to the community education conservation, and preservation of this wonderful land. This non-profit group gives selflessly to promote the goals of the Refuge and with the help of the Refuge staff; they recently held the 1st Annual Grasslands Fair to celebrate this beloved land.

The Buenos Aires National Wildlife Refuge, its staff, and the volunteers who dedicate their time are all truly valued players in the protection of America's wild lands. Being a member of the House Committee on Natural Resources and having seen our community grow to over a million people, during my lifetime, I know the importance of protecting areas like the Buenos Aires National Wildlife Refuge. It gives me great joy to see such wonderful people giving of themselves to preserve and protect this spectacular region of Southern Arizona.

RECOGNITION OF STEFANIE SPIELMAN

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Stefanie Spielman, a dedicated activist who fought to increase funding for breast cancer research and raise awareness about the disease. Stefanie was diagnosed with breast cancer in 1998, survived four bouts of cancer and worked tirelessly to raise awareness about the vital role routine examinations play for women. Stefanie's death in November 2009 was a tragic loss for her family and the Columbus community, but her legacy will live on.

After her diagnosis, it became Stefanie's life mission to raise money for breast cancer awareness and research. Her initial efforts were focused locally. Her neighborhood grocery store asked shoppers to purchase paper footballs, the donations from which would be given to the Arthur G. James Cancer Hospital. The response was overwhelming. Within six months donations totaled $1 million, far exceeding the initial goal of $250,000. Inspired by this outpouring of support, Stefanie established the Stefanie Spielman Fund for Breast Cancer Research and Stefanie's Champions, an annual awards program recognizing those whose love, dedication and strength have had a powerful impact on the lives of cancer survivors. Stefanie's fundraising efforts continued over the next twelve years and at the time of her death, the Stefanie Spielman Fund for Breast Cancer Research had raised over $6.5 million for breast cancer research, education, and patient assistance. Stefanie also helped establish the Stefanie Spielman Patient Assistance Fund, which provides financial support to breast cancer patients and their families who are experiencing financial hardships. Through these efforts, Stefanie has touched the lives of countless individuals and families who have struggled with breast cancer.

The Upper Arlington Historical Society and the city of Upper Arlington have chosen Stefanie Spielman as one of the 2010 inductees to the Upper Arlington Wall of Honor. Each year, the Historical Society and the city select members of the community who have demonstrated outstanding achievement and personal character, or provided valuable service to the community. The induction ceremony will be held on May 23, 2010, in honor of Stefanie, her contributions to Upper Arlington, Columbus, and the search for a cure for breast cancer. I am proud to honor Stefanie Spielman, whose leadership and courage in the fight against breast cancer in the Columbus and greater Ohio area has been and continues to be an inspiration.

EXPRESSING APPRECIATION FOR REPRESENTATIVE DALE KILDEE

SPEECH OF

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 2010

Mr. PETRI. Mr. Speaker, I want to acknowledge one of our most devoted and respected colleagues, Representative DALE KILDEE, and congratulate him on the casting of his historic 20,000th vote in the U.S. House of Representatives. For those of us in this chamber who have been fortunate enough to work with the gentleman from Michigan, such a remarkable achievement comes as no surprise.

As my colleagues have justly pointed out, it is not only the quantity of votes that makes this feat remarkable, but it is the consistency with which he has cast them that proves to be especially noteworthy. Missing only 27 votes since 1977 is a reflection of the pride and seriousness he takes in representing the people of Michigan's Fifth District.

Since entering Congress, I have had the honor of serving with Mr. KILDEE on the Education and Labor Committee. He brings the same work ethic to the committee as he has on the floor of the House.

Representative KILDEE has set a standard here in Congress that most will not replicate, but it will indeed continue to inspire and serve as an example for me and his other colleagues in the House. Once again, I send my congratulations on this historic achievement and thank Representative KILDEE for his service to his district in Michigan and to this institution.

TRIBUTE TO LIEUTENANT GENERAL LARRY DODGEN

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. ADERHOLT. Madam Speaker, I would like to offer my condolences to the family of LTG Larry Dodgen, former head of the Army's Aviation and Missile Command at Redstone Arsenal.

On February 20, 2010, I along with many others across the State and Nation were saddened to hear of the passing of Retired LTG Larry Dodgen.

Dodgen served in the U.S. Army from 1972 to 2006. He was awarded the Defense Distinguished Service Medal, the Legion of Merit with two oak leaf clusters, the Meritorious Service Medal with four oak leaf clusters, the Army Commendation Medal and the Army Achievement Medal.

Lieutenant General Dodgen served as the Commanding General of the U.S. Army Aviation and Missile Command, near Huntsville, Alabama, from September 10, 2001, to December 16, 2003.

After retiring from the Army in 2006, Lieutenant General Dodgen worked as sector vice president and deputy general manager of the Missile Defense Division within Northrop Grumman's Mission Systems sector.

Lieutenant General Dodgen will be remembered for his outstanding leadership, effective communication, and for making safety and security the top priority for both his troops and their families. It was an honor to work with him, and I know he was well-liked and respected throughout Congress.

Our thoughts and prayers are with his wife Leslie and her family and friends.

RECOGNIZING AND THANKING AMERICAN ENTREPRENEURS

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. SMITH of Nebraska. Madam Speaker, I rise today to honor the men and women who are striving to realize the American dream and who will be integral in our economy's recovery. This week we are recognizing and thanking American small businesses and the entrepreneurs behind them.

Entrepreneurs are a key component to our Nation's economy now more than ever. They are responsible for the creation of two-thirds of all new jobs each year, and their small businesses comprise more than 97 percent of all employers in the United States—nearly 30 million businesses in all.

Entrepreneurs are important for the entire nation, but in Nebraska they are vital. In the most recent report from the Small Business Administration, Nebraska has an estimated 163,077 small businesses which employed more than 50 percent of the non-farm private labor force, bringing in $6.7 billion in income. Quite simply, we need small businesses and entrepreneurs. They deserve our support and recognition as they work to rebuild our economy.

All too often there is a tendency to rely on the government to create wealth and prosperity when, in reality, these are created in the private sector by risk-taking entrepreneurial Americans with ideas, innovation, and their own hard work.

RECOGNITION OF CINDY DYAS

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. KILROY. Madam Speaker, I rise today to honor Cindy Dyas, a strong, inspirational woman who fought to raise awareness for breast cancer as well as the care of patients suffering from the illness. Cindy, diagnosed with breast cancer in 1991, was instrumental in bringing both issues to the forefront in the Columbus community.

Cindy Dyas played an integral role in bringing the Susan G. Komen Race for the Cure to Columbus. Since the inaugural race in 1993, the number of participants has grown from 800 to 47,000 and has raised $13 million in support of Ohio cancer research. Currently the Columbus Race for the Cure ranks in the top 10 for participation among Race for the Cure events nationwide. Each year her contribution to breast cancer awareness and research in Columbus lives on through thousands of central Ohioans who take part in and support the annual Susan G. Komen Race for the Cure.

After bringing the Race for the Cure to the Columbus area, Ms. Dyas walked in every race but one and was an active member of the Columbus Komen Board. In 2003 she received the Komen Cameo Award, the highest award given to a volunteer by the foundation. Upon her death in 2005, Susan G. Komen for the Cure established the Cindy Dyas Award of Heroism. The award is presented annually to a long-term breast cancer survivor whose dedication to the cure has given strength to others in the same way that Cindy Dyas has inspired countless cancer survivors.

The Upper Arlington Historical Society and the City of Upper Arlington have chosen Cindy Dyas as one of the 2010 inductee for the Upper Arlington Wall of Honor. Each year the Historical Society and the city select members of the community who have demonstrated an outstanding achievement and personal character, or provided valuable service to the community. The induction ceremony will be held on May 23, 2010, in honor of Cindy Dyas, her contribution to Upper Arlington, Columbus, and the search for a cure of breast cancer. I am proud to honor Cindy Dyas, whose leadership and courage in the fight against breast cancer in the Columbus and central Ohio area has been and continues to be an inspiration.

IN HONOR OF THE PRESCOTT FIRE DEPARTMENT'S 125TH ANNIVERSARY

HON. ANN KIRKPATRICK

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mrs. KIRKPATRICK of Arizona. Madam Speaker, I rise today to congratulate and recognize the Prescott Fire Department in Prescott, Arizona. On March 6th, the City of Prescott will celebrate the 125th Anniversary of their Fire Department's founding. Over the past 125 years, the brave men and women to be honored next Saturday fought some of the most tenacious fires in one of the toughest fire districts in our Nation. Growing up in Arizona, I heard stories about the Prescott Fire Department fighting the fire that destroyed one block of historic "Whiskey Row" in the summer of 1900 and I remember the Indian Fire—a wildfire that nearly burned through town in the Spring of 2002. Events like these, gave me a deep respect for firefighters, especially those in Prescott. Since 1885 the citizens of Prescott have benefitted from the expert services provided by Arizona's oldest fire department and I look forward to joining the Prescott Fire Department for many future celebrations.

HONORING ALEC ROBINOVITZ, A TOP YOUTH VOLUNTEER IN SOUTH CAROLINA

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. BROWN of South Carolina. Madam Speaker, I rise today to recognize Alec Robinovitz, who was named one of two top youth volunteers in South Carolina for 2010 by the 15th Annual Prudential Spirit of Community Awards.

Alec, a fifth-grade student at East Cooper Montessori Charter School in Mt. Pleasant, S.C., collected more than 3,000 books over the past two years for patients at the Medical University of South Carolina Children's Hospital. He is a remarkable and inspirational young man who has chosen to make a positive impact on his community by reaching out to those in need.

I am proud of my constituent, Alec Robinovitz, who has displayed an incredible sense of kindness and commitment to the children at MUSC. Thank you, Alec, for your exemplary volunteer service in South Carolina's First District, and congratulations on receiving such a noble honor.

IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

SPEECH OF

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Mr. SHUSTER. Madam Speaker, I want to thank Representative KANJORSKI for organizing this afternoon's special order to honor the memory of our friend and colleague Jack Murtha.

Over the course of the hour many members of our delegation and the House will add their own personalized sentiments to memorialize Jack Murtha and I appreciate the opportunity to add my own remarks today.

Jack Murtha will always be remembered for his extraordinary service to his country, both in and out of uniform. He always put the interests of his country, his state, and his constituents first and he will be greatly missed by all who knew him.

Outside of Pennsylvania, Jack Murtha will be remembered—and rightly so—for his skills in navigating the ins and outs of House rules and procedures. He will be remembered as someone who could get things done in Washington.

As a former colonel in the Marine Corps, Jack never forgot Congress' primary responsibility to provide for our common defense. His unceasing commitment to our national security will go down as legend in Washington, as will the work he did on behalf of our men and women in the military through his chairmanship of the Subcommittee on Defense Appropriations.

For those of us from Pennsylvania, especially the western part of the state, Jack will always be remembered and greatly missed for the dogged determination he showed over his career to make sure the needs of the people he represented were met.

There is little doubt that Jack left an indelible mark on this House and his impact will still be felt long after he is gone.

Personally, I will always remember Jack as a friend to both my father and me over the 36 years he served the people of the 12th district of Pennsylvania.

Jack was an extraordinary person—a tireless advocate for his constituents, and a champion for our national security. We have lost a true patriot. I send my condolences to Jack's wife Joyce and their children. My thoughts and prayers continue to be with them and the people of the 12th District.

HONORING MEHDI MORSHED

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. CARDOZA. Madam Speaker, I rise today to honor Mr. Mehdi Morshed, who has been one of California's leading transportation policy experts and innovators for over 40 years.

Mr. Morshed served as a member of the California High Speed Rail Commission from 1994 to 1996 and was the first person to be appointed to the board of the newly created California High Speed Rail Authority in 1997. He was appointed by the board to be the first Executive Director of the Authority in 1998 and has served in that position since.

Mr. Morshed has been instrumental in guiding the development of the California High Speed Rail Project from its inception and has been an advocate nationwide. The project has evolved from a planning concept to a fully developed project with an 800-mile system that has won political, community, and finally voter support and is poised for implementation in the near future.

Prior to becoming the Executive Director, Mr. Morshed served as the principal policy person on transportation issues for the California State Senate for more than 20 years. Prior to that, he worked for the California Department of Transportation in various capacities, including planning, design and construction of bridges. He was a member of the design engineering team for San Diego's Coronado Bridge.

While with the California Senate, Mr. Morshed was responsible for the development and enactment of a wide range of transportation laws, policies and programs. He helped guide the creation of the State's principal transportation institutions including the High Speed Rail Authority, the California Transportation Commission and various local and regional commissions, transportation districts and other agencies.

Educated at the University of Washington, Seattle, as a civil engineer, he received a master's degree in transportation engineering from the University of California, Berkeley.

Madam Speaker, I ask that my colleagues join me in honoring Mr. Mehdi Morshed for his efforts and dedication to the transportation systems in California.

HONORING LAVERA ETHRIDGE-WILLIAMS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate LaVera Ethridge-Williams upon being honored with the "Trail Blazers Award" by the African American Museum in Fresno, California.

Mrs. LaVera Ethridge-Williams was born in Boley, Oklahoma in 1927 to John and Alberta Ethridge. She was raised in Wewoke, Oklahoma where she received her early education. As a child, she cared for her younger siblings while her parents worked. In 1945, Mrs. Ethridge-Williams moved to Fresno, California and attended Fresno City College and California State University, Fresno.

In 1968, Mrs. Ethridge-Williams began the process of opening a child care center in West Fresno. She recognized that a child care center would be a great asset to a community that was largely underserved. She faced many adversities; including obtaining a bank loan and attending many hearings with the state board for the Department of Health and Welfare. After four years of perseverance, Mrs. Ethridge-Williams was able to open her first private child care center. The center was designed specifically for infants and licensed by the California State Department of Social Welfare.

Mrs. Ethridge-Williams quickly began working on the goal of opening a chain of child care centers. She began designing the centers to be innovative and functional for the education of young children. These centers provided valuable early education, emphasizing the importance of school, health, vaccinations, nutrition, as well as employment opportunities for the West Fresno residents.

Mrs. Ethridge-Williams' love for her community and profession was evident throughout her life. She is one of the founding members of the Sickle Cell Support Group through her membership with the Fresno Chapter of The Links, Inc. For her service, Mrs. Ethridge-Williams has been recognized and honored with many awards; including being named the "Outstanding Black Woman of the Year" by Gamma Eta Chapter of the Iota Lambda Society, "Minority Business Enterprise Award" by the City of Fresno, "Portrait of Success Award" from the local NBC affiliate, KSEE 24, "Woman of the Year" for the 16th Senate District by former State Senator Jim Costa, "Martin Luther King, Jr. Award" and was recognized by the Fresno Unified School District for being a leader in education for the children in the community.

Mrs. Ethridge-Williams is married to Lonzell Williams and together they raised three children. They have five grandchildren and four great-grandchildren.

Madam Speaker, I rise today to commend and congratulate LaVera Ethridge-Williams upon being honored with the "Trail Blazers Award." I invite my colleagues to join me in wishing Mrs. Ethridge-Williams many years of continued success.

HONORING DR. HERBERT RHODES

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. TERRY. Madam Speaker, today I rise during Black History Month to remember the important contributions African Americans have made to our nation. I want to especially honor the extraordinary people who continue to help shape our community and our great nation. I have the privilege of representing thousands of successful and talented African Americans in the second congressional district of Nebraska, and among those is a special individual. I would like to pay tribute to Dr. Herbert Rhodes.

Dr. Rhodes has been a lifelong member of the Omaha business community. He was featured in a 1975 issue of Ebony Magazine, which highlighted successful African Americans who were leading the way in business. During his 36-year tenure at AT&T, he served as a senior manager specializing in risk management for worldwide commercial metals. He is the founder and president of American Harvest Company, which was established in 1979. He continues to be a role model for success as a senior trader for AHT Capital Management Hedge Fund. Dr. Rhodes is a member of the Copper Club and the American Copper Association. He also serves as secretary for the St. Benedict the Moor Catholic Church, president of the men's social club Work in Progress, and is a member of the NAACP. He has been a member of the Nebraska Cattlemen Association since 2008 and now serves as the director of marketing and commerce. He is the proud father of four children and two grandchildren.

Thank you Dr. Herbert Rhodes for your contributions. Your work in our community has made a difference many Nebraskans from all walks of life.

HONORING THE CONTRIBUTIONS OF AFRICAN AMERICANS TO THE TRANSPORTATION AND INFRASTRUCTURE OF THE UNITED STATES

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 2010

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1085, which supports the goals and ideals of National African American History Month, celebrates the contributions that African Americans have made to the transportation and infrastructure of the United States, and urges the American people to join the House of Representatives in celebrating these vital contributions. H. Res. 1085 is an important measure that pays tribute to African Americans' crucial role in building our nation, innovating new technologies, and helping create long-lasting economic growth and prosperity.

I thank Chairman OBERSTAR for his leadership in bringing this bill to the floor. I would also like to thank the author of this legislation, Congresswoman CORRINE BROWN, for chronicling the crucial, and often overlooked contributions of African Americans to our nation's growth and progress.

Madam Speaker, African Americans have made significant and far-reaching contributions to our nation's transportation systems and critical infrastructure. Thousands of African Americans overcame racial discrimination, harsh environmental conditions, and frequently physical danger, to build critical portions of our nation's highways, bridges, and transit systems. Many African Americans founded aeronautics schools that trained pilots who went on to serve in the military or fly commercial airliners. Further, African Americans were the source of innovative designs that helped make our transportation and infrastructure systems modern, efficient, and safe. For example, Garrett A. Morgan developed the traffic signal, which has proven indispensible to our transportation system. Elijah McCoy's "lubricating cup" automatically oiled steam engines, making the railroad system dramatically more efficient. Elbert R. Robinson invented the electric railway trolley, which was adopted by cities across the country. Humphrey Reynolds produced the safety gate on bridges, a development that has made transportation significantly safer. These are only a few examples of the vital contributions of African Americans to transportation and infrastructure in the United States.

It is perhaps even less well known that during the Civil Rights Movement, countless African Americans devoted themselves to tireless activism that led to the desegregation of our nation's transportation systems and improved working conditions for transportation workers of all races across the country. These invaluable efforts not only improved our roads, bridges, and transit systems, but also led to significant national progress in achieving racial equality and reconciliation. It is entirely fitting that we take this opportunity to honor African Americans' contributions to our transportation and infrastructure and appreciate the innumerable benefits that these efforts yielded for our nation.

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 1085.

IN MEMORY OF FORMER PLEASANTON MAYOR BEN TARVER III

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. MCNERNEY. Madam Speaker, today Congressman PETE STARK and I ask our colleagues to join in honoring the life of Ben

Tarver III, who passed away at age 63 on January 4, 2010.

Ben Tarver was passionate about serving the people of Pleasanton. He moved his family to Pleasanton in 1974 and raised three children with his wife Margo. He started his 18 years of public service by fighting to preserve open spaces and promote smart development. He succeeded in preserving land that is now a part of the East Bay Regional Park District.

Ben Tarver first served as a planning commissioner and was then elected to the City Council in 1988 and elected Mayor four times from 1992–2000. Ben had a deep rooted sense of public service and strong belief in giving back to the community in which he lived. When he was not coaching youth soccer or playing in a league himself, Ben was working with the school district to open up school gyms for community use, promote public parks and youth activities.

Ben also represented the City of Pleasanton through appointments to numerous other Boards, Committees and Commissions. He served on the Bay Area Air Quality Management District Board, the Alameda County Congestion Management Agency Board, the Tri-Valley Wastewater Authority, the Livermore-Amador Valley Waste Management Agency, and fulfilled the role of President of the Alameda County Mayor's Conference and Chair of the Alameda County Local Area Formation Commission. He was an active member of the League of California Cities, serving as Chairman of the Revenue and Taxation Policy Committee and a member of the Telecommunications Task Force.

Ben's years of community service touched the lives of many and improved the quality of life in Pleasanton for decades to come. He led by example and in the words of former Pleasanton Mayor Tom Pico, ''Ben was a great steward for our city. He set a high standard for integrity and did everything possible to protect Pleasanton's future.''

Ben Tarver's dedication to public service leave a legacy that will continue to benefit the people of Pleasanton, the state of California and our great nation for generations to come. It is for these reasons that Congressman PETE STARK and I ask our Colleagues to join in honoring the memory of Ben Tarver and in sending our thoughts and prayers to his beloved family and friends.

HONORING KATIE STAGLIANO, A DISTINGUISHED FINALIST OF THE 15TH ANNUAL PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. BROWN of South Carolina. Madam Speaker, I rise today to recognize Katie Stagliano, one of four distinguished finalists of the 15th Annual Prudential Spirit of Community Awards.

Katie, a fifth-grade student at Pinewood Preparatory School in Summerville, S.C., donated more than 1,000 pounds of fresh produce to local soup kitchens. Even more impressive, Katie produced the vegetables from five gardens that she tends. She has since recruited friends, family, members of the community and businesses to support her effort to feed the hungry. Katie is a remarkable young woman who has displayed an incredible sense of kindness and commitment to the hungry in South Carolina's First District.

Thank you, Katie, for your exemplary volunteer service, and congratulations on receiving this distinguished honor.

MARGARET REYEZ

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. MCCOTTER. Madam Speaker, I rise today to acknowledge and honor Margaret Reyez, who is the recipient of the ATHENA award, which honors outstanding women for their leadership.

After a 13-year career at St. Mary Mercy Hospital in Livonia, Michigan, Margaret found her true calling when she became an Information and Media Center Clerk for the Westland Public Schools Student Libraries. In the position she still holds, Margaret promotes literacy and the benefit it brings. Margaret is also a featured history presenter in the dramatic program of Greenfield Village. Appearing as an 1871 era schoolmarm at the Scott Settlement School, Margaret brings history to life and continues her championship of literacy. Certified in 1987 as a coordinator with Rainbows for All God's Children, a support group for children suffering the loss of a parent through death or divorce, Margaret lent her caring heart to the most vulnerable in her community. In 1990, Mrs. Reyez was certified as a Youth Minister, devoting herself to that role at SS. Simon and Jude Church in her hometown of Westland. Margaret Reyez graduated in 2001 from Schoolcraft College with an Associates Degree in Liberal Arts. She is involved in numerous community service programs including the Red Wagon Literacy campaign.

Mother to three adult children and five grandchildren, perhaps the greatest testament to Margaret Reyez comes from her daughter who credits her mother with instilling this in her children, ''You can be and do anything you want to if you just keep trying and don't give up.''

Dedicated to her community, she has tirelessly worked to identify the needs of families within the Wayne Westland School District, and is considered a mentor and role model to women in her community.

Madam Speaker, Margaret Reyez has forged a legacy of commitment and dedication to helping families in the Cities of Wayne and Westland. I ask my colleagues to join me today in honoring Margaret, and I congratulate her upon receiving this honor.

H.J. RES. 45—INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. PETERS. Madam Speaker, there is no way I can in good conscience vote for an almost $2 trillion increase in the debt limit, without first exploring other alternatives. We need a plan for reducing spending in both the short and long term, and a workable path to balance our budget and shrink our national debt. For example, reducing the authorization for TARP, cutting wasteful agriculture subsidies to corporate factory farms and cracking down on offshore haven tax cheats could help reduce the debt while Congress works toward enacting a long term, bipartisan solution that will aggressively reduce our budget deficits.

This year, Congress needs to cut spending and create a bipartisan debt commission, as well as enact a strong PAY–GO law that requires any new spending programs be offset elsewhere in the budget. We must find a way to control budget deficits or another debt increase will likely be inevitable. That's the responsible strategy for generating surpluses like we enjoyed in the 1990s.

Last week, the Senate had a genuine opportunity to take on our national debt in a bipartisan manner as proposed by Senators GREGG and CONRAD. Their proposal, which was supported by a majority of the Senate including moderate Democrats and Republicans but unfortunately killed by a stubborn minority, would have created a bipartisan commission that would craft fiscal reforms that Congress would then have to vote on as a single package.

I am voting to reject the Senate's almost $2 trillion debt increase. Any debt increase that Congress considers going forward should include a plan for long term debt reduction, such as Senator GREGG's debt commission.

CELEBRATING 110 YEARS OF THE VFW

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. POE of Texas. Madam Speaker, The Veterans of Foreign Wars, VFW, celebrated its 110 years of service recently. Decades ago on September 29, 1899 a small group of Spanish-American war veterans came together to speak on behalf of the many veterans who returned home wounded or sick. With no medical care or pension, these brave men were left to fend for themselves. The first three chapters were formed and rapidly gained popularity throughout the United States, and by 1936 proudly declared a membership of almost 200,000 veterans.

The VFW has been in the forefront of helping convey the acknowledgments and benefits deserved to those who fought for our country. I would like to name a few achievements of the VFW. They assisted in establishing the Veterans Administration, the GI Bill for the 20th Century, and fought for compensation of war related injuries and illnesses.

Today, the VFW and Auxiliary volunteer in the community and donate to college scholarships and provide financial assistance to service men and women and their families. Their list of accomplishments is long and diverse. I would like to thank each member and the VFW as a whole for their steadfast hard work in giving back to those who gave so selflessly.

A TRIBUTE IN RECOGNITION OF SISTER JENNIE LECHTENBERG UPON HER RETIREMENT FROM PUENTE LEARNING CENTER AFTER 25 YEARS AS ITS FOUNDER AND CHIEF EXECUTIVE OFFICER

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to recognize Sister Jennie Lechtenberg on the occasion of her retirement from PUENTE Learning Center—the educational organization she founded which has served more than 80,000 students since its inception 25 years ago.

Sister Jennie's visionary and lifelong commitment to educating residents of low-income, underserved communities dates back to 1954 when she joined the Sisters of the Holy Names of Jesus and Mary. After earning a Bachelor's Degree from Holy Names College in Oakland, California, Sister Jennie worked as a teacher and administrator in Los Angeles-area Catholic schools for more than three decades.

It was during a three-month sabbatical in 1983 that Sister Jennie received her inspiration for PUENTE Learning Center. After launching tutoring programs for low-achieving first- and second-graders at several public schools in Boyle Heights located in the heart of my congressional district, Sister Jennie observed firsthand that the children struggling the most in school came from homes in which parents lacked basic education and/or English-language proficiency.

It was then Sister Jennie made it her mission to address the broader educational needs of the entire family. To enable parents to assist their children academically, she initiated an English-language-acquisition class for adults. As an intergenerational, family-oriented educational organization, these classes served as the organization's academic foundation. In recognition of the center's broader purpose to improve the lives of adults and children in the home and in the community, Sister Jennie aptly named the center PUENTE—the Spanish word for bridge and an acronym for People United to Enrich the Neighborhood Through Education.

Sister Jennie's vision and commitment to PUENTE's future also brought key support from generous donors. Prior to being elected Mayor of Los Angeles, Richard J. Riordan purchased property for PUENTE on Boyle Avenue. Classes were held on the property in 10 double-wide trailers. At Sister Jennie's urging, foundations, corporations, and individuals supported an ambitious $10 million capital campaign launched in 1992 to fund the construction of the center's 40,000-square-foot permanent home in Boyle Heights. The stunning new technologically-sophisticated center opened in 1995.

During this same time period, efforts were underway to expand PUENTE into South Los Angeles, an impoverished community struggling to recover from the 1992 riots. Following the civil unrest, the ARCO Foundation invited PUENTE to establish a satellite campus on land that previously housed an ARCO service station that had been destroyed in the riot. A small, two-classroom center opened on the donated property in 1994 in temporary trailers where students received English instruction and basic computer skills.

Community demand in South Los Angeles for additional classes, especially for children and adolescents, prompted the launch of a second capital campaign to construct a permanent $5 million South Los Angeles home. The 20,000-square-foot facility opened in November 1999. A multi-purpose room was added to the new facility in December 2001.

Today, approximately 2,000 students attend classes each day in Boyle Heights and South Los Angeles. PUENTE's tuition-free programs include: Preschool Readiness; Charter Kindergarten; After School Enrichment; High School Tutorial; and Adult Education including English as a Second Language, Adult High School Diploma, Job Training, and Computer Repair/A+ Certification Preparation.

Madam Speaker, on March 18, 2010, the community will gather at a gala dinner to honor Sister Jennie's outstanding contributions as founder of PUENTE and to celebrate the 25th anniversary of this life-transforming organization which has given hope and opportunity to countless individuals at the centers in Boyle Heights and South Los Angeles.

I ask my congressional colleagues to please join me in thanking Sister Jennie for her many years of exemplary service to the community. In addition to witnessing her incredible contributions to Los Angeles over the years, I am also proud to call her a dear friend.

As Sister Jennie transitions into retirement, we commend her for her leadership and hard work to develop PUENTE into the nationally and internationally renowned educational center for children, youth and adults that it is today.

We extend to her our most heartfelt gratitude and best wishes.

IN CELEBRATION OF TOWN OF NORMAL MAYOR CHRIS KOOS BEING NAMED AS AN ENVIRONMENTAL HERO BY THE STATE OF ILLINOIS

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mrs. HALVORSON. Madam Speaker, today I rise to recognize Mayor Chris Koos of the Town of Normal, for being named by Governor Patrick Quinn as an "Environmental Hero" by the State of Illinois. The award is given in recognition of a strong commitment to the health and protection of the environment in Illinois.

Through strong leadership and commitment to sustainable practices, Mayor Koos was at the forefront of creating a pedestrian-friendly community that has attracted Fortune 500 companies and over $200 million in private investment. In addition, Uptown Normal is the first neighborhood in the United States to require Leadership in Energy and Environmental Design (LEED) certification for new buildings.

Having had the opportunity to work with Mayor Koos, I know first-hand that this award is well deserved. His dedication to innovative, cleaner and greener initiatives, has improved the quality of life for the citizens of the Town of Normal. For this, I commend him for his efforts and wish him and the Town of Normal continued growth and success for years to come.

HEALTH INSURANCE INDUSTRY FAIR COMPETITION ACT

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Mr. STUPAK. Mr. Speaker, the insurance industry and Major League Baseball are the last industries in our country not subject to Federal anti-trust laws.

The insurance industry can collude to set rates, resulting in higher premiums than true competition would achieve.

Because of the exemption, rate increases are not reviewed by the Federal Government.

Today I held a hearing of the Energy and Commerce Subcommittee on Oversight and Investigations evaluating the most recent and egregious example of this. In California, WellPoint's Anthem Blue Cross plan recently raised premiums by an astounding 39 percent.

One of the most effective actions Congress can take to lower health care costs is to remove the health insurance industry's anti-trust exemption.

This legislation would create competition in the health insurance market and lower the overall cost of health insurance for consumers.

According to the American Medical Association, 94 percent of insurance markets in the United States are now highly concentrated. In my state of Michigan, one company controls 63 of the health insurance market.

Insurers are thriving in the anti-competitive marketplace, raking in enormous profits and paying out huge salaries to top executives.

Meanwhile, American families are struggling to pay their mortgages, credit card bills and medical expenses. Many are losing their health insurance altogether with the loss of their jobs.

Yet health insurance companies continue to thrive, at the expense of struggling Americans.

It is about time that insurance companies play by the same rules as every other American industry.

I urge Members to support this legislation, to a establish a fair insurance market that encourages competition and lower costs.

HONORING THE LIFE AND ACCOMPLISHMENTS OF GEORGE RIOS UPON HIS RETIREMENT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor the life and accomplishments of a distinguished member of my community, George Rios. After more than thirty years of service, George is retiring from the City of San Jose on March 6, 2010.

In the great tradition of the American Dream, Mr. Rios is the son of Mexican immigrants. He grew up in Oakland, California and spoke no English as a child. His father was a

stucco factory worker, and his mother took care of George along with his 2 brothers and 1 sister. To help support the family, George and his brothers and sister took odd jobs, such as picking fruit, and loading and unloading produce.

Mr. Rios graduated from high school in 1969, and then went to college at San Jose State University and graduated in 1974. He graduated from University of California's Davis King Hall School of Law in 1977.

After completing his legal studies, George worked at San Jose Legal Aid helping indigent clients with civil legal issues. After two and a half years at Legal Aid, George was hired at the Office of the San Jose City Attorney. He began work in January of 1980 under then-City Attorney Bob Logan. After only five years, he was promoted to the position of Assistant City Attorney. George has handled complex lawsuits for the City including arguing numerous cases in State and Federal courts. He has argued 2 cases before the California Supreme Court and assisted in arguing one case before the United States Supreme Court.

George has served on the Mayors' Gang Prevention Task Force and the Task Force to implement Fast Track rules in Superior Court. He has been active in the Bar, served as a pro tem judge, a trustee for the Santa Clara County Bar Association, and as a member of the La Raza Lawyers Association. He has also served on the Board of Directors of the Almaden Valley Counseling Center, and as a member of the California Council for Criminal Justice and the Legal Advocacy Committee of the League of California Cities.

George is a tremendous role model and is a valued member of the San Jose community. I wish him, his wife and three sons the very best as he enjoys his retirement.

H.R. 4264 THE EQUALITY FOR WOMEN FARMERS ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. ESHOO. Madam Speaker, I rise in support of and very proud to cosponsor the Equality for Women Farmers Act, introduced by Congresswoman DELAURO.

I thank Congresswoman DELAURO for her leadership on behalf of women farmers. After being presented with the facts about the U.S. Department of Agriculture's history of discrimination toward women farmers, Congresswoman DELAURO became their champion and crafted H.R. 4264, the Equality for Women Farmers Act.

Like Congresswoman DELAURO, I'm proud of the important role women farmers have played in the development of our nation's food system, but I was shocked to learn about the discrimination that many women farmers have been subjected to by the USDA.

In December, Congresswoman DELAURO and I listened to six extraordinary women farmers who shared their stories about discrimination from the USDA. This discrimination has come in many forms including denied access to even an application form.

More than 1,900 women farmers across the U.S. have detailed the discrimination they suffered in seeking farm loans and assistance from the USDA and how such actions have seriously disadvantaged them.

The discrimination cost some of the women farmers their livelihoods and discouraged future generations of women farmers from considering this an honorable profession.

I applaud the USDA and the Obama administration for reaching an agreement with black farmers over racial discrimination, however, we can not forget about the other groups that have faced discrimination at the USDA, including women farmers.

The Equality for Women Farmers Act changes USDA policy to provide a procedure for compensating women farmers who have suffered years of gender discrimination from the USDA. This legislation will establish a compensation fund for women farmers and set up a process to review and adjudicate their claims.

I support the Equality for Women Farmers Act because I believe strongly that all farmers, regardless of gender, should be given the opportunity to succeed. I urge my colleagues to support this important legislation.

HONORING THE LIFE AND SERVICE OF LANCE CORPORAL JOSHUA H. BIRCHFIELD

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. DONNELLY of Indiana. Madam Speaker, today, I rise to solemnly honor Lance Corporal Joshua Birchfield for his dedication and service to the United States of America. LCpl Birchfield, a 24-year-old member of the Marine Corps, was killed on February 19, 2010 by small arms fire while conducting combat operations in Helmand Province during his first tour of duty to Afghanistan. Joshua risked everything to serve his country, and for that we are eternally grateful.

Joshua graduated from Westville High School in 2004 and enlisted in the Marine Corps on April 18, 2008. He joined the Marines after seeing a TV news segment focused on the hardships military families endure when they are separated, especially during the holidays. He was deeply inspired by those who dedicated their lives in the service of others, and he wanted to share the burden they were carrying on behalf of our nation. LCpl Birchfield was stationed in Helmand Province as a rifleman with the 3rd Battalion, 4th Marine Regiment, I Marine Expeditionary Force based in Twentynine Palms, California. For his service and support in Operation Enduring Freedom, he has been awarded multiple military awards including the Purple Heart, Combat Action Ribbon, National Defense Medal, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, Sea Service Deployment Ribbon and the NATO Medal.

A baseball enthusiast, Joshua was a hero to many in the Westville community and will be remembered as the selfless and compassionate human being he was. Joshua is survived by both his parents and sisters, extended family and many friends.

It is my solemn duty, and humble privilege, to honor and remember Lance Cpl. Joshua H. Birchfield and a life cut tragically short. Joshua stands as a testament to the great honor possessed, and sacrifices made, by our men and women in the armed forces, and their families. We were all blessed by his presence and we are all diminished by his passing. I, and the grateful citizens of Indiana's Second District are deeply saddened by his loss, especially for his family, our community and our country. We mourn his passing and offer solemn gratitude for his service.

IN RECOGNITION OF THE FARMINGTON/FARMINGTON HILLS FOUNDATION FOR YOUTH AND FAMILIES ON CELEBRATING ITS 15TH ANNIVERSARY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 2010

Mr. PETERS. Madam Speaker, I ask my colleagues to join me in celebrating the 15th anniversary of the Farmington/Farmington Hills Foundation for Youth and Families. As a Member of Congress, it is both my honor and privilege to recognize this important milestone and pay tribute to this outstanding organization.

The Foundation was created in 1995 with the focus of assisting youth through supporting after-school programs. Over the Foundation's 15 years it has awarded almost $500,000 to 37 different non-profit groups. The Foundation has since grown and expanded its focus to support a wide-range of community based programs which work to enrich the lives of Farmington and Farmington Hills residents. Each year the Foundation holds an annual gala to highlight the work of programs it has supported, as well as raise support and awareness for future projects. At its 2009 gala, the Foundation introduced its ''Bountiful Backpack'' program, which arose out of the need to ensure that the substantial number of children who are on free and reduced lunch in our schools continue to have those same healthy nutritional options outside of school.

This year the Foundation honors George and Delores Riley, whose philanthropic work has left a profound positive impact on the communities and citizens of Farmington and Farmington Hills. After nearly 30 years of running a highly successful communications business, in 1998 George Riley sold his company and started the Riley Foundation. According to Mr. Riley, he started the foundation to ''really help children.'' Mr. Riley's vision and commitment continues today with the Rileys' children.

The Riley Foundation's latest major project created a park in downtown Farmington which has been a haven for children and their families in the Farmington area. Beyond local projects, the Riley Foundation has done extraordinary work for the less fortunate worldwide and has recently partnered with public television to develop a new broadcast center for the Metro-Detroit market.

Madam Speaker, I am honored today to recognize the Farmington/Farmington Hills Foundation for Youth and Families on the occasion of its 15th anniversary and wish them many more years of continued success in creating a stronger Farmington/Farmington Hills community through its support of projects which enrich the lives of area residents.

HONORING FRANK HAYES

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. TERRY. Madam Speaker, today it is my privilege to rise during Black History Month, a time when we remember the important contributions African Americans have made to our nation. I want to especially honor the extraordinary people who continue to help shape my community and our great nation. I represent thousands of successful and talented African Americans in the Second Congressional District of Nebraska. Today I would like to pay special tribute to Frank Hayes.

Mr. Hayes is a CPA in Omaha. He was the first African American in the state of Nebraska to receive his license to practice public accountancy. He owns his own business, dealing with individual and corporate tax. He began his business in 1983 and now has more than 20 employees serving more than 100 clients in 15 states. He is also a founding member and was the first president of the 100 Black Men organization, which is dedicated to improving the lives of youth. He has worked tirelessly to help minorities start their own businesses and is currently the executive vice president for finance for the 100 Black Men of America National Board of Directors. In 2009, Mr. Hayes was inducted into the Omaha Business Hall of Fame and the Omaha Technical High School Hall of Fame for outstanding accomplishments in business and community service.

Thank you Frank Hayes for everything you have done in your long and distinguished career, making a difference in the lives of thousands of people, especially our young people.

IN CELEBRATION OF THE TWENTIETH ANNIVERSARY OF THE MCLEAN COUNTY COMMUNITY COMPACT

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mrs. HALVORSON. Madam Speaker, today I rise to recognize the 20th Anniversary of the McLean County Community COMPACT (Collaborating on Meaningful Partnerships and Careers for Tomorrow). The COMPACT, through a coalition of business, education, community, and government volunteers, offers support to school-aged youth in McLean County, Illinois. The COMPACT helps youth become self-sufficient, contributing citizens, through an effective transition from formal schooling to the world of work.

The COMPACT offers a variety of supportive special programs and services for students, teachers, and educational entities through a collaborative effort among business and community leaders. The COMPACT promotes active exchange of resources among businesses and educational entities, including the participation of students in research projects.

The McLean County Community COMPACT was born in 1989 when a small group of local leaders met to address the high school dropout rate and the number of children in McLean County living in poverty. From these leaders came invitations to colleagues to join the effort and a volunteer organization named the COMPACT was born. Since 1990, thousands of students have participated in the COMPACT's projects and from those projects created awareness, motivation, and direction for many young people.

In November of 1994, the COMPACT entered into a partnership with the University of Illinois Extension in McLean County. The organization continued to move forward, hiring an executive director who coordinates among the COMPACT's 250 members. In its 20th year, the COMPACT focuses on 8 project areas including the original Sixth Grade Business Education Partnerships, Principal for a Day, and Career Preparation Realities. It also serves at-risk youth through Achieving Competence in Education and brings technology to homes of students without it through the Clearinghouse Project. More recently, the COMPACT has developed youth leadership activities through Teens in Prevention and YouthLEADS, offering opportunities for youth to help their peers find the correct path.

I would like to commend the McLean County Community COMPACT staff, volunteers and board of directors for their commitment and innovative collaborative efforts in preparing the youth of McLean County for the world of work. I wish them many more years of continued success.

HONORING THE HEROIC ACTIONS OF SERGEANT JOSEPH MATTEONI AND FIREFIGHTERS GARY DUNNE AND JEFF JOHNSTON DURING THE 309 MILL STREET APARTMENT FIRE OF AUGUST 30, 2009

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. MCCLINTOCK. Madam Speaker, I rise today to recognize the heroic actions of Sergeant Joseph Matteoni of the Grass Valley Police Department and Firefighters Gary Dunne and Jeff Johnston of the Grass Valley Fire Department, Engine 1, during the 309 Mill Street Apartment Fire.

On the morning of August 30, 2009, fire and police units were dispatched to an apartment building fire at 309 Mill Street in Grass Valley, California. Upon arriving at the scene of the fire, responders were informed by local citizens that residents were trapped inside the building.

Sergeant Matteoni heard faint cries for help emanating from the backside of the second story of the building. Without hesitation, and disregarding his own personal safety, Sergeant Matteoni rushed into the smoke-filled building. Battling extreme heat and smoke, Sergeant Matteoni carried a woman out of the building and with the assistance of Officer Dan Kimbrough, moved her to safety.

Meanwhile, Firefighters Dunne and Johnston entered from the front of the building. Forced to crawl on their bellies because of the thick smoke and extreme heat, the firefighters pushed through the burning building toward cries for help, finding a second woman standing disoriented in the hallway. As they approached, the woman retreated further into her smoke-filled apartment where she collapsed. Pushing into the apartment, Firefighters Dunne and Johnston carried the woman out of the building and to safety.

The brave actions of Sergeant Joseph Matteoni and Firefighters Gary Dunne and Jeff Johnston are a testament to the finest traditions of the Grass Valley Police and Fire Departments. It is my honor to recognize and thank them for their commitment to going well above and beyond the call of duty in service to our community.

IN SUPPORT OF KFUO 99.1 FM ''CLASSIC99''

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. CLAY. Madam Speaker, I stand today on behalf of my constituents and with my friend and colleague Congressman JOHN SHIMKUS to raise further concern about the pending sale and format change of Classic99. As St. Louis's only classical radio station, Classic99 is a true asset to our city.

As Congressman SHIMKUS noted, the sale of KFUO 99.1 FM by the Lutheran Church—Missouri Synod is currently under review by both the Media Bureau and the FCC. While we certainly do not wish to exact undue influence on either of these agencies, our constituents have made clear to us their concerns, and we agree that this loss will be a blow to the wealth of our region's culture and economy. We hope that these negative impacts will be considered while reviewing this sale.

We have seen that losing the arts can wreak havoc on a community, and the Metro East region will be no different. If Classic99 is converted to a different music format, the cultural and economic consequences will be dismal. The world-renowned St. Louis Symphony Orchestra will lose airtime and its chief advertising venue, forcing gifted musicians and staff to suffer even more pay cuts and freezes. Losing Classic99 will result in a cultural deficit as well. 94% of readers polled by the St. Louis Post-Dispatch feel that the loss of Classic99 ''takes away a vital voice for the arts in this community,'' and will detrimentally affect their ability to support local artists.

Arts education organizations throughout my district, like the Opera Theater of St. Louis, the St. Louis Art Museum, and the Touhill Performing Arts Center, will lose their only major arena for audience-building, live broadcasts, and fund-raising. The loss of revenue will hinder arts and music education in the district, further impairing opportunities for our young people to be enriched through the arts. We know that arts education gives youths self-confidence and increases academic achievement. We simply cannot afford to sacrifice these opportunities, and I am deeply troubled by the idea that more educational outlets for our children will be put in jeopardy by this move.

I firmly agree with my colleague that the negative impact these cultural and economic changes will have on the local community should play a role in determining the sale of 99.1.

COMMENDING JOHN ANTON OF HAVERHILL

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. TSONGAS. Madam Speaker, today I pay tribute to John Anton, the National Down Syndrome Society 2010 Advocate of the Year. Mr. Anton is a resident of Haverhill, Massachusetts in my congressional district. Throughout his life, Mr. Anton has been a leader and advocate for those with intellectual and developmental disabilities. His work has touched thousands of lives, and his efforts should be recognized and emulated.

The National Down Syndrome Society is the national advocate for the value, acceptance and inclusion of people with Down Syndrome. The Advocate of the Year honor commends Mr. Anton's work to enhance the quality of life for those with intellectual and developmental disabilities, while helping them to realize their life aspirations and become valued members of their communities.

Mr. Anton certainly deserves this award. He has committed his life to helping individuals adapt to their disabilities, achieve their greatest potential, and work toward productive, independent lives.

In Massachusetts, Mr. Anton was heavily involved in efforts to change the name of the state Department of Mental Retardation to the Department of Developmental Services. He was determined to bring awareness to this cause, and was successful in his endeavor. Massachusetts adopted the new name in 2009. He is to be congratulated on this achievement.

Mr. Anton served as the Chairman of Massachusetts Advocates Standing Strong. He spent time as a legislative intern with State Representative Tom Sannicandro and also worked for the Arc of Greater Haverhill-Newburyport. Throughout his life, he has mentored others with disabilities and has been a great inspiration to many. We in Massachusetts are grateful for his service to the Commonwealth.

Madam Speaker, I hope my colleagues will join me today in congratulating John Anton for receiving the National Down Syndrome Society 2010 Advocate of the Year, and for his efforts and dedication to a cause for which he is so passionate.

We thank you, Mr. Anton, for your ongoing service to those with intellectual and developmental disabilities and look forward hearing of your continued successes.

HONORING DR. DAVID BENKE

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. COFFMAN of Colorado. Madam Speaker, I rise to honor Dr. David Benke, a math teacher at Deer Creek Middle School in Littleton, Colorado.

Dr. Benke is an ordinary American—husband, father, teacher and coach—but his actions this week in the face of grave danger were nothing short of extraordinary.

As school was letting out on Tuesday, a gunman approached and opened fire on students.

Upon seeing the suspect, Dr. Benke, in a moment of extreme bravery, rushed towards the shooter, wrestled him to the ground, and held on as his colleagues helped subdue the shooter.

He broke up a potentially deadly school shooting, and if it were not for the rapid and selfless actions of Dr. Benke and his colleagues it could have been a much more violent and tragic encounter.

When asked about his actions, Dr. Benke modestly remarked, "If something happens and there's something I can do about it, I want to try and do something about it."

He did more than just "something."

There are many heroes in our midst, and sometimes it takes an extraordinary moment of danger to bring out their true valor.

The people of the Sixth District are fortunate to have Dr. Benke in our community. It is ordinary people like him who do extraordinary things that keeps our community safe.

RECOGNIZING GREG FIRST OF DADE CITY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Greg First of Dade City, FL. for most of his life, Greg has been a faithful servant to his community; volunteering himself to many causes which have helped to enrich the lives of many.

Born to Jimmy and Mary First in Bedford, Ohio, Mr. First moved to Zephyrhills with his family at the age of 10. After graduating from Zephyrhills High School, he attended the University of Maryland and served in the United States Air Force from 1968 to 1972.

Mr. First has volunteered himself, quite literally, having donated a total of 16 gallons of blood while director of public relations for Blood Net, in addition to volunteering for Meals on Wheels, Relay for Life, and a local Hospice. He has kept up the spirits of Zephyrhills residents as an announcer for Main Street Parades and high school football games. A three-time president of the Chamber of Commerce, Mr. First has been a Christian Radio DJ, a lifetime Am Vet Member, and he even started his own local news website, "What's Up Zephyrhills?"

Madam Speaker, on February 26, the Conservative Club of East Pasco will honor Greg's achievements with the Lincoln Heritage Award. I ask you to join me today to honor him on the floor of this house. May we all give back to our communities as much as Mr. First has.

HONORING THE LIFE AND SACRIFICE OF MEDGAR EVARS AND CELEBRATING THE UNITED STATES NAVY FOR NAMING A SUPPLY SHIP AFTER MEDGAR EVARS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1022, which honors the life and sacrifice of Medgar Evars, recognizes the important role he played in progressing the cause of civil rights, and congratulates the United States Navy for honoring him with the naming of the United States naval ship *Medgar Evars*. H. Res. 1022 is an important measure that pays tribute to an individual who sacrificed his life fighting for the core American values of equality and civil rights.

I thank Chairmen CONYERS for his leadership in bringing this bill to the floor. I would also like to thank the author of this legislation, Congressman HANK JOHNSON, who has taken the time to remember the invaluable work of Medgar Evars and to celebrate the United States Navy's efforts to honor this American hero.

Medgar Evars was born in 1925 in Decatur, Mississippi. Growing up in the heart of the segregated South, Medgar Evars experienced the worst of racial oppression. Still, in 1943, he volunteered to serve his country in World War II, and fought valiantly with the United States Army in the Battle of Normandy.

After fighting overseas for the cause of freedom and democracy, Medgar Evars returned home to a segregated country as a second-class citizen. He dedicated himself to activism, working tirelessly for the cause of racial equality on behalf of the National Association for the Advancement of Colored People (NAACP). As a result of his activism, Medgar Evars was the target of numerous death threats and assassination attempts. But his bravery and dedication knew no bounds and he continued his important work until he was tragically murdered on June 12, 1963.

It is entirely fitting that we honor Medgar Evars, who in his life as well as his death, helped move our country out of a time of oppression and segregation and into an era of greater tolerance and equality.

It is equally fitting that the United States Navy has chosen to honor Medgar Evars with the naming of the United States naval ship *Medgar Evars*. This ship, a *Lewis and Clark* class dry cargo ship, is a state-of-the-art vessel that will provide essential logistics support to Navy operations around the world. Just as Medgar Evars helped bring our nation racial reconciliation, the United States naval ship *Medgar Evars* will help the Navy to promote peace and conflict resolution throughout the world. This ship is one more way in which the life and sacrifice of Medgar Evars will continue to serve as a beacon of equality.

Madam Speaker, I urge my colleagues to join me in supporting H. Res. 1022.

IN HONOR AND REMEMBRANCE OF LINDA GROVER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Linda Grover, an author and an activist for global peace. Ms. Grover turned her strong sense of justice into words and actions. Ms. Grover consistently fought for the common good as a volunteer and as a leader on behalf of numerous local, national and international projects.

Following her marriage to Broadway actor-singer Stanley Grover, Ms. Grover led a 7-

year crusade to save and preserve the historic apartment building at 325 Central Park West. Thanks in part to her persistence and commitment, New York City officials overturned their decision to condemn the building. After the building was saved and restored, Ms. Grover led the effort to purchase it and transform the apartments into rent-controlled co-ops.

Before moving to New York City, Ms. Grover was named clerk of what is now the National Resources Committee's Office of Indian Affairs at 21 when she was also a legislative aide to Congressman Sam Yorty of California. She also worked for the National Committee for an Effective Congress and was a caseworker for the International Rescue Committee following the Hungarian Revolution. Despite a lengthy illness, Ms. Grover continued her work from her apartment in Washington, DC. To the end she maintained her passion, energy and dedication.

Madam Speaker, please join me in honor of Ms. Linda Grover, whose dedicated efforts organizing for peace have given all of us hope for a better world. I offer my condolences to her loving family and many friends; especially to her beloved children, Cindy, Steven and Jamie. Mrs. Grover's love for her family and her legacy of peace will never be forgotten.

TRAGEDY IN KHOJALY, AZERBAIJAN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. ORTIZ. Madam Speaker, I rise today to bring attention to the tragedy that occurred in Khojaly, Azerbaijan on February 26, 1992. Many lives of the Azerbaijan people living in Khojaly were lost and scores of others were destroyed when they were brutally attacked by Armenian forces on February 25–26, 1992.

With a population of 7,000, Khojaly was one of the three largest urban settlements of the Nagorno-Karabakh region of Azerbaijan.

Armenians established the blockade of Khojaly in the fall of 1991, cutting off ground transportation on October 30. Electricity and water supplies were cut off in January 1992. By February 1992, almost all of the Nagorno-Karabakh except Shusha and Khojaly had fallen under control of Armenians backed by Russia's 366th regiment.

On the night of 25 February 1992, the Armenians and the Russian 366th launched an attack on Khojaly.

The Armenians had declared that a ''free corridor'' would be provided for civilians to leave Khojaly. However, people were attacked on their way to Aghdam, the nearest Azerbaijani settlement.

The Khojaly tragedy was covered by the foreign media including the Boston Globe, the Washington Times, New York Times, Financial Times, and many other European and Russian news agencies. On November 29, 1993, Newsweek quoted a senior U.S. Government official as saying, ''What we see now is a systematic destruction of every village in their [the Armenians] way. It's vandalism.'' Human Rights Watch called the tragedy at the time ''the largest massacre to date in the conflict.'' The extent of the cruelty of this massacre against women, children and the elderly was unfathomable:

613 people were killed including 63 children, 106 women, and 70 elderly.

8 families were wiped out.

25 children lost both parents.

130 children lost one parent.

487 people were wounded including 76 children.

1,275 people were taken hostage.

Armenia still occupies close to 20 percent of Azerbaijan. Nearly 1 million Azerbaijanis live as refugees in their own country, displaced by Armenian aggression. Resolutions issued by the U.N. Security Council and the Parliamentary Assembly of the Council of Europe, PACE, have ordered Armenia to withdraw from Azerbaijan's lands.

Azerbaijan is a strong ally of the United States in a very important and very uncertain region of the world. I ask my colleagues to join with me and our Azerbaijani friends in commemorating the tragedy that happened to the people of Khojaly.

INTRODUCTION OF THE NATIONAL ALZHEIMER'S PROJECT ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. MARKEY of Massachusetts. Madam Speaker, I rise today to introduce the National Alzheimer's Project Act. I would like to thank my colleague and fellow cochair of the bipartisan Alzheimer's Task Force, Mr. CHRIS SMITH of New Jersey, for continuing to partner with me on this important legislation.

An estimated 5.3 million Americans have Alzheimer's disease, and one in ten individuals has a family member with the disease. Unless science finds a way to prevent or cure it, nearly 16 million Americans will have Alzheimer's disease by the year 2050. Additionally, in 2005, Medicare spent $91 billion for the care of individuals with Alzheimer's disease, and this amount is projected to increase to $160 billion in 2010.

While we have made great progress in the battle against Alzheimer's, much more needs to be done. This bill will establish a National Alzheimer's Project Office and interagency Advisory Council to help coordinate a national plan for Alzheimer's research, care, and related support services. The National Alzheimer's Project Office will be established within and overseen by the Department of Health and Human Services. Alzheimer's efforts throughout the federal government will be coordinated and continually evaluated by this entity, including research, clinical care, and various support programs. The Alzheimer's Association has endorsed this bill which will modify care delivery and help prevention of this awful disease.

Madam Speaker, in order to help fight this disease and reduce the number of patients who suffer from Alzheimer's, it is imperative to better coordinate federal activities relating to this disease. I urge my colleagues to cosponsor this important legislation, and I look forward to continuing to work with them throughout the legislative process.

IN RECOGNITION OF JAMIE MCMURRAY'S WIN AT THE DAYTONA 500 IN THE NO. 1 CHEVROLET BASS PRO SHOPS/TRACKER BOATS CAR

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. BLUNT. Madam Speaker, I rise today to pay tribute to America's great spectator sport, NASCAR; its most prestigious race, the Daytona 500; and the 2010 champion, Southwest Missouri native Jamie McMurray. On Sunday, McMurray rode to victory in a Bass Pro Shops sponsored car. His stunning win sparked excitement among all NASCAR fans, especially those in Southwest Missouri, where he learned his racing skills.

McMurray started 2010 without a ride, having been released from another team at the end of the 2009 season. When Springfield, Missouri-based Bass Pro Shops owner Johnny Morris decided to return to NASCAR sponsorship with Earnhardt Ganassi Racing, McMurray got the call to drive. McMurray won the Daytona 500 in the No. 1 Chevrolet Bass Pro Shops/Tracker Boats car, leading by only two laps, the least in the race's history.

Jamie McMurray started stock car racing in the early 1990s on tracks in Bolivar, Missouri; Lebanon, Missouri; and at the I–70 Speedway in Odessa, Missouri. In 1992, at age 16, McMurray began driving NASCAR late models and raced in the NASCAR RE/MAX Challenge Series in 1998–1999. By age 21 he had won the NASCAR late model division on the Lebanon track. In 1999 he began racing on the NASCAR Craftsman Truck Series circuit.

McMurray's breakthrough came three years later, when he was offered a full-time Busch Series ride. He earned two victories on the Busch Circuit and finished sixth in series points. In 2003 as a NASCAR regular, he was Rookie of the Year.

When NASCAR Sprint Cup Series driver Sterling Marlin was out with an injury, owner Chip Ganassi offered McMurray the seat to complete the 2002 season. It didn't take long for Jamie to make his mark on the sport. In his second race with Ganassi in Charlotte, North Carolina, McMurray won the UAW-GM Quality 500 at Lowes Motor Speedway.

Now in his ninth season, McMurray is racing for the new Earnhardt Ganassi team. In his first race of the season, he scored a victory in the granddaddy of all stock car racing events: the Daytona 500.

Every racing fan in Southwest Missouri was thrilled that McMurray won the race in a No. 1 Chevrolet Bass Pro Shops/Tracker Boats car from the Southwest Missouri-based company. McMurray endured years of hard work on local tracks to earn his way into the winner's circle of America's greatest stock car event.

For NASCAR fans in Southwest Missouri, I want to offer my congratulations to Jamie McMurray, Bass Pro Shops/Tracker Boats, and to their families and supporters.

TEEN DATING VIOLENCE AWARENESS MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. REICHERT. Madam Speaker, I ask that we take the time to recognize the importance of Teen Dating Violence Awareness Month. This is an increasingly critical issue that has a devastating effect on our schools, families, and most importantly the victims of this horrifying crime.

The fact is that teens are at a higher risk than adults—half of reported date rapes occur among teenagers. Every year, nearly 1.5 million high school students experience physical abuse from a dating partner.

This violence against another human being breaks our hearts and should never be tolerated.

We took an important step to help these victims with the passage of my Amendment 20 to H.R. 2847, which provided funding to the Supporting Teens through Education and Protection (STEP) program to help schools combat sexual harassment.

Every young person deserves relationships based on respect, and Teen Dating Violence Awareness Month is a time to draw needed attention to this important issue. By educating our youth about the importance of safe and healthy relationships, raising awareness among those who care for them, and supporting the community services that aid victims, we can help to prevent this tragic cycle of abuse.

EXPRESSING CONDOLENCES AND CELEBRATING THE LIFE OF CHARLYE OLA FARRIS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to honor Charlye Ola Farris who passed away on February 18, 2010, and was the first African-American to serve as a Southern judge in any capacity since Reconstruction.

Charlye Farris was born in Wichita Falls, Texas. Her father, a bastion in his own right, was the first African-American school superintendent in Texas, and her mother served as an elementary school teacher for 49 years. She graduated as the valedictorian from Booker T. Washington High School in 1945 at the age of 15 and went on to complete a bachelor of arts degree in political science from Prairie View A&M College.

After spending a year teaching school, Mrs. Farris decided to pursue her dreams of obtaining a law degree. At the time, it was almost impossible for an African-American woman to gain admittance to a law school, but through hard work and determination she was accepted to the University of Denver. After her first year, she transferred to Howard University in Washington, DC, and graduated in 1953. Shortly thereafter, Mrs. Farris returned to Texas to take the Bar exam, and after passing, she was sworn in, making her the first African-American woman to be licensed to practice law in Texas.

Mrs. Farris did not spend long celebrating, and after moving back to Wichita Falls, she took up practice in an office near the railroad tracks on the city's east side. She endured countless civil rights atrocities that would shock most people today but to her were very real. With great perseverance, she established a reputation for herself, and on July 7, 1954, members of the Wichita County Bar Association elected her to serve as Special Wichita County Judge. This made her the first African-American to serve as a judge in any capacity in the South since Reconstruction.

Mrs. Farris continued her career as a solo practitioner until she closed her office in January 2010. As a woman of faith, she was active in her church until her death and was involved in countless organizations from the local to the national level. Her life included many firsts, and she will be truly missed.

Madam Speaker, the work of Charlye Farris will truly echo through the generations as so many women and minorities have benefitted from her famous first steps. I ask my fellow colleagues today to join me in recognizing her many achievements and celebrating a life that has had such a positive impact on society.

HONORING WALTER GAMEWELL WATSON

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. BARRETT of South Carolina. Madam Speaker, I rise today to acknowledge the 100th birthday of Walter Gamewell Watson. Dr. Watson, known as "Curly" to his friends, is said to be the oldest known working physician-in the United States. I, along with the communities of both North Augusta, South Carolina, and Augusta, Georgia, am taking this opportunity to celebrate both his life and his faithful, compassionate service to his fellow man.

Dr. Watson was born in 1910 in the small agricultural community of Ridge Spring, South Carolina. His father was a farmer and postmaster of the local post office. Dr. Watson's mother was a schoolteacher. He grew up milking cows and plowing fields. Like many of his peers, he studied agriculture, and it was his good fortune to actually study under the late senior South Carolina Senator, Strom Thurmond, who was a teacher at the time.

After high school, Walter Watson attended the Citadel in Charleston, South Carolina, where he played football and excelled academically. Upon finishing college, he returned to Edgefield County, and for 5 years, he served as both the principal and football coach at Edgefield County High School and later went to work in the school system of Bainbridge, Georgia.

While working in the educational field, Walter Watson saved money for medical school. He eventually attended the Medical College of Georgia and graduated in 1943. He did his internship and residency at the University Hospital and was board certified in Obstetrics and Gynecology.

Dr. Watson served in the Army as an Army physician from 1945 to 1947. After being discharged from the Army, he returned home to join the medical practice established by the late J.W. Thurmond, M.D.

For more than 60 years, Dr. Watson has practiced at the University Hospital in Augusta, Georgia. He has delivered an estimated 15,000 babies. His reputation of excellence at the hospital and his care and concern for his patients has been so notable that a wing of the hospital was named after him. The W.G. Watson, M.D., Women's Center was dedicated in 1999.

Other notable achievements include his marriage to Audrey, and their four daughters and one son. Dr. Watson is also the oldest living graduate of the Citadel.

Today, I celebrate Dr. Watson's birthday as well as his longtime service to his community, his State and his Nation. God bless you, Dr. Watson.

COMMEMORATING TAIWAN'S 2–28 INCIDENT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. MARCHANT. Madam Speaker, I rise today to observe the 63rd commemoration this coming Sunday of Taiwan's "2–28 Incident." The Incident was an antigovernment uprising in Taiwan that began on February 28, 1947, and was violently suppressed during the following weeks by soldiers that had been sent from China by Generalissimo Chiang Kai-shek. Estimates of the number of deaths vary from 10,000 to 30,000.

In the fall of 1945, 50 years of Japanese occupation of Taiwan ended after Japan had lost World War II. In October of that year Taiwan was returned to the Republic of China (ROC).

Due to the mounting corruption and the implementation of unfair public policy and official practices on the indigenous population, tension increased between the Taiwanese people and the ROC administration. According to Ambassador John L. Stuart, "the economic deterioration of the island and administration of the mainland officials became so bad that on February 28th, 1947, popular resentment erupted into a major rebellion." The flashpoint came on the evening of February 27, 1947, when in Taipei a dispute between a female cigarette vendor and certain armed Monopoly Bureau agents and special police agents triggered civil disorder and open rebellion that lasted for days.

The Incident is now openly discussed and commemorated as Peace Memorial Day. The details of the Incident have become the subject of investigation. Monuments and memorial parks to the Incident victims have been erected in a number of cities in Taiwan.

Madam Speaker, the Incident had far-reaching implications. Over the next half century, the Taiwanese democracy movement that grew out of the Incident helped pave the way for Taiwan's momentous transformation to a thriving and pluralistic democracy. Nowadays Taiwan has demonstrated the strength of its democracy by succeeding in peaceful handovers of power. I am confident that Taiwan will continue to make contributions to the development of democracy in the region.

Madam Speaker, I hope Members will join me in commemorating this important historical event.

TRIBUTE TO THE UNI-CAPITOL WASHINGTON INTERNSHIP PROGRAMME

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. OBERSTAR. Madam Speaker, I rise today to celebrate a unique international exchange program, one in which the Committee on Transportation and Infrastructure has participated since its inception 11 years ago.

The Uni-Capitol Washington Internship Programme (UCWIP) matches a dozen of Australia's best university students to Congressional offices for 2-month, full-time internships each January and February. The program is nonpartisan, bicameral, and focuses on connecting people for lasting education and mutual understanding. It is a true exchange that regards its participants as young professionals looking to enter the working world with a head start of sophistication, personal growth, and international sensibilities.

The Australian interns bring a hunger for knowledge and a passion to understand our national legislature from the inside out. They provide valuable perspectives on the public policy issues and challenges that they face in their own country. They leave with an unfettered knowledge of Congress and the individuals who serve the American public.

I've been a proud host of an astounding quintet of Australia's finest student interns: Narelle Hards from Flinders University in Adelaide, South Australia, in 2000; Louise Squire from the University of Western Australia in Perth in 2004; Lauren Reed from Deakin University, in the Melbourne metropolitan area of Victoria, in 2005; Michael Ng from the University of Melbourne, in 2007; and this year, Clara Jordan-Baird, of the University of Melbourne.

Each has brought with them knowledge of and passion for transportation. I recall vividly, for example, how Lauren Reed briefed Committee staff about her home state of Victoria and its compelling anti-drunk driving campaign. Narelle, Louise, Lauren, Michael, and Clara have each contributed broadly and directly to United States-Australia relations thanks to their insights, observation, and helping hands as our Committee workload demanded.

I know that many offices on both sides of the aisle have enjoyed similar experiences with these young Australians. And I know that the Australians have taken home with them a deep sense of reality about the United States so often impeded by what Australians refer to as the "Tyranny of Distance," the physical geographic distance between our two great nations. Despite all of today's technological wonders—from air travel to Facebook—there is still no substitute for a handshake and warm welcome.

For this program we have to thank a longtime former congressional staffer, Eric K. Federing. Eric served as the Committee's communications director in the mid-1990s. During his personal travels to Australia, Eric discovered what he perceived to be a small, but important, gap in Australia-American relationships and he designed this program to help fill it.

Madam Speaker, we should encourage these types of international exchanges. The more that we can arrange for the finest students and young professionals from around the world to spend some meaningful time among us, the better that we will understand them and they will understand us.

Both the U.S. and Australian governments have been supportive of UCWIP. Many other statements have appeared in the CONGRESSIONAL RECORD over the years and there have been two speeches in the Australian Parliament in recognition of the program. I have been a very proud participant and look forward to being one for many years to come.

TRIBUTE TO THE LATE GENERAL OMAR NELSON BRADLEY

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize the late General Omar Nelson Bradley, hero of World War II, America's last surviving five-star General, first Chairman of the Joint Chiefs of Staff, and a proud son of Randolph County in the heart of Missouri's 9th Congressional District. It will be my honor and privilege to participate in the celebration and observance of "General Omar Bradley Day" in Moberly, Missouri on Friday, February 12, 2010, the General's birthday. An event to commemorate Moberly's favorite son will be held at the Moberly High School and a reproduction of the portrait of General Bradley, which is in the Bradley corridor at the Pentagon in Washington, D.C., will be unveiled and will hang in the foyer of the Moberly High School auditorium, on the south end of the school campus.

I would like to recognize the members of the General Omar Nelson Bradley Library and Museum Committee for arranging Friday's celebration and for their tireless efforts to promote awareness of General Bradley's special connection to Moberly. The members of the committee are Chair Sam Richardson, City Councilman Dick Boots, City Manager Andy Morris, Russ Freed, Wayne Wilcox, Joe Knaebel, Howard Hils, and Mary Lee Noel.

I would also like to enter an excerpt from the following article, "General Bradley Day Here Friday" into the CONGRESSIONAL RECORD. This item appeared in the Monday, February 8, 2010 edition of the Moberly Monitor-Index.

GENERAL BRADLEY DAY HERE FRIDAY

General of the Armies Bradley was born in rural Randolph County near Clark, on February 12, 1893. He moved to Moberly at age nine and graduated from Moberly High School in 1911. As Moberly High School's most distinguished alum, General Bradley went on to become a member of the United States Military Academy class in 1915 and was one of its most outstanding scholars, as well as a football and baseball star.

He commanded the largest American army ever assembled, during the invasion of Europe in 1944, led the Veterans Administration after World War II, was named Army chief of staff in 1948 and in 1949 was promoted by President Harry Truman to first chairman of the Joint Chiefs of Staff. He served two terms as chairman of the Joint Chiefs. Bradley was the youngest and last of nine American military officers to earn the coveted fifth star.

After retirement from active duty, General Bradley was chairman and chief executive officer for the Bulova Watch Corp. Under his leadership, Bulova developed the Accutron watch, which was first developed for America's military and fledgling space program.

Bradley died in New York City on April 8, 1981. He had participated in the inauguration of his friend, President Ronald W. Reagan, in Washington in late January 1981. Among those at his state funeral at Arlington National Cemetery was longtime friend and internationally acclaimed comedian Bob Hope. An avid golfer and fan of horse racing, and lifetime fan of baseball and college football, Bradley lived his final years in special quarters built for him at Fort Bliss, near El Paso, Texas. Both the Sun Bowl at El Paso and the Independence Bowl at Shreveport honored Gen. Bradley during his lifetime and in the years since his death.

The event at Moberly High School Friday is sponsored by the General Omar Nelson Bradley Library and Museum Committee, a citizen panel organized by the Moberly City Council last year to bring recognition to the community's favorite son.

In an October 1966 letter to former Moberly Mayor Will Ben Sims, General Bradley—a man known for his humility and modesty—wrote that he accepted the fact he was Moberly's "favorite son" and that he and Mrs. Kitty Bradley viewed Moberly as their most favorite city in the whole world.

He was an honorary member of the Moberly Country Club and Moberly Rotary Club and longtime member of the Central Christian Church, where he grew up.

IN HONOR OF AGNES TEBO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. FARR. Madam Speaker, I rise today to honor a great American, Mrs. Agnes Tebo for a lifetime of public service and civil rights activism. This coming Saturday, the Monterey County Branch of the NAACP will honor Mrs. Tebo with its President's award. I will have the great pleasure of attending this ceremony and in conveying to her the gratitude and best wishes of the House. I am particularly excited because I have been privileged for many years to count myself among her friends. Indeed, she has been a great role model and inspiration to several generations of public servants from Monterey County. And that remains true today; at 95 Agnes Tebo is truly one of our nation's great treasures.

Born October 25, 1914, in Port Arthur, Texas, Agnes Dronet grew up in a world dominated by Jim Crow's pervasive injustice. As a child, she remembers learning to live with the separate schools, restaurants, and other humiliations that so dominated the daily lives of Port Arthur's African American citizens. More ominously, Agnes can remember the climate of fear created by the Klu Klux Klan through murders, cross burnings, and other terrorist acts. She recently told a reporter that "we had to walk a straight line or we knew we'd end up dead. The people who did it would brag about it, and nobody would do anything about it. The law wasn't enforced. As a child, I just accepted it. I just thought that's how life was." But that did not mean that Agnes thought it was right. In 1937, at the age of 23, Agnes found her way to Salinas, California, after a childhood spent working to help her single mother

support their family. She soon found work as a housekeeper for one of the City's founding families. Several years later years later, she married Louis ''Bonnie'' Tebo, a former classmate from Port Arthur who had also relocated to Salinas. They were married for more than 50 years when he died.

While less obvious than in the South of their childhood, racism still found Agnes and Bonnie in Salinas. For example, African Americans found it next to impossible to buy property. Realtors simply refused to show, and sellers to sell, property to African American buyers. Agnes had been a member of the NAACP since her teenage years in Port Arthur. She drew on that experience in 1939 to co-found a Salinas branch. With so few African Americans living in Salinas, they had to recruit white friends to join in order to meet the fifty member threshold for a new chapter. The new branch took on the property issue and made steady progress. With Agnes often leading the way over the years, they took on many other challenges facing people of color in the Salinas valley. In 2006, Agnes helped smooth the way for the Salinas and Monterey Peninsula branches to merge together into the Monterey County Branch.

Despite her humble origins, Agnes has managed to travel the world and devote countless hours to aiding the needy. In 1981, for example, she and Bonnie helped purchase and distribute food, clothing and medicine to 1,200 people in Haiti. She works as a liaison for the NAACP's Jan Wright Scholarship, and she continues to support The Agnes and Bonne Tebo Scholarship at Hartnell College.

Madam Speaker, I know that I speak for the whole House in extending to Agnes Tebo our deep gratitude for her work to improve the lives of her neighbors, both in Salinas and around the world.

TRIBUTE TO WIL BILLINGTON, TRUSTEE EMERITUS OF JOHNSON COUNTY COMMUNITY COLLEGE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. MOORE of Kansas. Madam Speaker, I rise to pay tribute to Wilbur ''Wil'' Billington, a former trustee of Johnson County, Kansas, Community College [JCCC], who recently was honored by JCCC's board of trustees with the designation of ''trustee emeritus'', signifying an individual who demonstrated significant contributions to the college and the community as a trustee.

As a former elected trustee of JCCC, I know Wil Billington and am pleased to have this opportunity to support his award and to share news of it with my colleagues. The JCCC recently issued a news release detailing Wil Billington's designation as ''trustee emeritus.'' I include it with this statement and I know that all House members join with me in celebrating this award, which is richly deserved by a Johnson Countian who has worked diligently in support of higher education and economic development in our community.

BILLINGTON NAMED JCCC TRUSTEE EMERITUS

OVERLAND PARK, Kan.—At their meeting Jan. 21, the Johnson County Community College board of trustees named Wilbur ''Wil'' Billington as a trustee emeritus. The trustee emeritus designation is intended to recognize former trustees who demonstrated significant contributions to the college and the community as a trustee.

Billington was nominated by Terry A. Calaway, JCCC president, and Ben Craig, a longtime supporter of JCCC, who cited Billington's support of education in the state of Kansas and in Johnson County. Billington is the second trustee to receive emeritus recognition. The first was Virginia Krebs, who was named trustee emeritus in October 2008. Billington will be honored in person at a future board meeting.

''Wil Billington's vision as a trustee gave Johnson County Community College a secure foundation on which to build,'' Calaway said. ''Naming him as a trustee emeritus is a fitting way to remember and honor his educational leadership.''

From 1962 to 1968 Billington was a member and president of the local board for School District No. 110, one of the largest K–6 school districts in Johnson County before its consolidation as part of the unified Shawnee Mission district. As such, Billington was appointed to the Advisory Council for Community Colleges that made recommendations to the Kansas Board of Education for the creation of new colleges under the Kansas Community College Act of 1965. He served as chairman of the Master Planning Committee for Post-secondary Education in Kansas in the early 1970s.

In Johnson County, Billington was asked by the county commissioners to chair a committee that would study the feasibility of creating a community college here. The group published a written report unanimously recommending the creation of such a college in Johnson County. Billington was elected to the college's first board of trustees in 1967, receiving the largest plurality of votes among approximately 30 candidates, serving from 1967 until 1975. As chairman of the board, Billington and his fellow trustees produced the college's ''Blue Book,'' a working philosophy that helped guide the selection of administrators and the development of the college's curriculum for the following decades.

In January 2000, the JCCC library was named for Billington in recognition of his years of support of the college.

Billington worked for the Federal Reserve Bank of Kansas City for 35 years, retiring as executive vice president.

''THE SOCIAL SECURITY DISABILITY APPLICANTS' PROFESSIONAL REPRESENTATION ACT OF 2009''

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. RICHARDSON. Madam Speaker, I rise in support of H.R. 4532, the Social Security Disability Applicants' Access to Professional Representation Act of 2009, which will authorize the permanent extension of the attorney and non-attorney fee-withholding provisions passed under the Social Security Protection Act of 2004. This important legislation will guarantee that seniors have access to the professional representation needed to secure the benefits that they deserve.

I thank Chairman RANGEL for his leadership in bringing this bill to the floor. I would also like to thank the author of this legislation, Congressman TANNER, for his hard work and determined efforts to ensure that Americans are able to achieve financial security and stability in their old age.

Madam Speaker, for seniors, getting Social Security benefits can be a rigorous process. Many seniors rely on professional representatives to help them complete applications, obtain medical evidence, and prepare themselves and other witnesses for hearings. H.R. 4532 will permanently extend critical provisions passed under the Social Security Protection Act of 2004 that allow representation fees to be withheld from Social Security Insurance (SSI) applicants' past-due benefits and paid directly to representatives. H.R. 4532 will also extend provisions that make qualified non-attorney representatives eligible to be paid through fee-withholding.

The provisions set to be extended by H.R. 4532 will provide easy access to the qualified representation that many seniors need in order to secure their benefits. This legislation is especially important in these tough economic times. With limited income and increased health care needs, seniors across the country—and especially in my home State of California—have been hit particularly hard by the ongoing economic recession. Now, more than ever, we need to help the elderly access the benefits that they need to achieve financial stability.

In conclusion, I support this bill because it will make the Social Security system more fair and easy to use for the 63,000 seniors in my district and millions more across the country. In order to uphold our obligation to senior citizens we must provide them with the resources needed to take advantage of available benefits. By helping senior citizens get the benefits they need, the Social Security Disability Applicants' Access to Professional Representation Act of 2009 represents a much needed response to our Nation's current economic challenges.

Madam Speaker, I urge my colleagues to join me in supporting H.R. 4532.

TRIBUTE TO OUTSTANDING LIFETIME ACHIEVEMENT AWARD WINNER JOE ANDERSON

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of San Clemente, California are exceptional. San Clemente has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Joe Anderson is one such individual. On February 25, 2010, Joe will be honored at the San Clemente Chamber of Commerce Annual Meeting and Award Ceremony where he will receive the 2009 Outstanding Lifetime Achievement Award.

Joe was raised in Southern California and graduated from Arizona State University with a B.S. Degree in Economics. He is a Chartered Life Underwriter, a professional designation conferred by the American College, Bryn

Mawr, Pennsylvania. Following graduation, Joe was employed by Mobil Oil Corporation for eleven years. During his employment with Mobil he held a number of management positions in various locations in the United States, including Los Angeles, Seattle, New York City and Sacramento.

In 1976, Joe and his family relocated to South Orange County where he opened a successful State Farm Insurance Agency in San Clemente. After operating his agency for ten years, Joe accepted a management position with the company. During the last decade of his career, Joe held an executive level assignment with responsibility for all agency operations in South Orange County. He retired in 2005 after 29 loyal years with the firm.

Joe's community activities include: past board member and President of the San Clemente Chamber of Commerce, the South Coast Area Boys & Girls Club and Mary Erickson Community Housing. He served on the San Clemente Growth Management, Economic Development and General Plan Review Committees. He chaired the Casa Romantica Feasibility Study, and co-chaired the Downtown Visioning Committee. Due to his many years of service, Joe was named the 1993 San Clemente Citizen of the Year.

Joe was first elected to the San Clemente City Council in 1990, where he served two terms and then stepped down in 1998. In 2002, at the urging of members of the community, Joe ran and was elected to a third term. He was re-elected in November 2006 for a fourth term. Joe served as Mayor in 1992, 2005 and 2008.

Joe serves as San Clemente's Trustee to the Orange County Vector Control Agency, and represents San Clemente on the board of the California Joint Powers Insurance Authority. He also serves on the City's Investment Advisory Board, and is board alternate to the Transportation Corridor Agencies. During 2005 and 2006, he chaired the Communications and Outreach Committee of the Orange County Division, League of California Cities for the renewal of Measure M. In November, 2006, Measure M passed with a 69.6% yes vote.

Joe and his wife of 45 years, Mary Anna, are the proud parents of three married sons. John, a Lieutenant Colonel in the United States Marine Corps; Charles, an Estimating Manager for a large electrical contractor; and Robert, an entrepreneur. The Anderson's have five beautiful grandchildren.

Joe Anderson's tireless passion for community service has contributed immensely to the betterment of the community of San Clemente, California. I am proud to call Joe a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives the San Clemente Chamber of Commerce Outstanding Lifetime Achievement Award.

RECOGNIZING THE SONDGEROTH'S 67TH WEDDING ANNIVERSARY

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. ISSA. Madam Speaker, I rise today to pay tribute to a special couple from Mendota, Illinois, Lester and Mary Rita Sondgeroth, on the celebration of their sixty-seventh wedding anniversary. The love and dedication required through 67 years of marriage is a shining example of what a bond as strong as theirs can achieve, and I commend them on all those special years together. This is truly a significant milestone and one that only a very few are fortunate enough to celebrate in their lifetime.

Lester and Mary Rita Sondgeroth were united in marriage on February 10, 1943 at the Holy Cross Church in Mendota where the couple has made their home to this day. Throughout the years, the Sondgeroths were blessed with five children—the late Dean Sondgeroth, the late Dianna Neisess, Debra Peters, Dru Sondgeroth, and Denise Burnette. They now have the pleasure of spending time with their five grandchildren—Scott Peters, Adam Peters, Brandon Burnette, Austin Burnette, and lastly Ryan Peters who I am proud to say is an outstanding member of my District Office staff in Vista, California.

A 67th wedding anniversary reminds us that marriage is not an instant achievement but a covenant that requires love, patience, and respect. Lester and Mary Rita Sondgeroth have perfected this commitment to each other and are truly blessed to have a strong marriage, their family, and a lifetime of memories. As they live each day by their wedding vows, they continue to inspire all who are fortunate to know them.

Madam Speaker, I ask my colleagues to join me in congratulating Lester and Mary Rita Sondgeroth on this momentous occasion and sending our best wishes for many more years of love and happiness.

IN HONOR OF HIS EMINENCE CARDINAL JOSIP BOZANIĆ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. KUCINICH. Madam Speaker, please join me in honor and recognition of Cardinal Josip Bozanic, Croatian Cardinal of the Roman Catholic Church, upon his visit to the American-Croatian Lodge, Inc. of Cleveland, Ohio. The Croatian Lodge of Cleveland is a vibrant cultural center where the history and traditions of Croatia have been promoted and preserved for twenty-five years.

Cardinal Bozanić was born and raised in Rijecka, Yugoslavia (now Croatia). His parents, Ivan Bozanić and Dinka Vlakovic, taught him the values of hard work, faith and service to others. On June 29th, 1975, Cardinal Bozanić was ordained to the priesthood, by Bishop Karmelo Zazinovic. He served as a parish priest for several years before going to Rome where he earned a licentiate in dogmatic theology from the Pontifical Gregorian University, and then a licentiate in canon law from the Pontifical Lateran University.

Cardinal Bozanić returned to Yugoslavia, where he served as chancellor and then vicar general of the Diocese of Krk. From 1988 to 1997, he taught dogmatic theology and canon law at the Theological Institute of Rijeka. On May 10, 1989, Cardinal Bozanić was appointed Coadjutor Bishop of Krk by Pope John Paul II. On October 21, 2003, Pope John Paul II appointed him as Cardinal Priest of San Girolamo dei Croati. Cardinal Bozanić was a member of the Cardinal Electors of the 2005 Papal Conclave that selected Pope Benedict XVI.

Madam Speaker and colleagues, please join me in honor and recognition of His Eminence, Cardinal Josip Bozanić, whose journey to Cleveland, Ohio to commemorate the 25th Anniversary of the American-Croatian Lodge, Inc. is greatly appreciated by all residents of Northeast Ohio.

RECOGNIZING THE 20TH ANNIVERSARY OF ''THE SIMPSONS''

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. QUIGLEY. Madam Speaker, I rise today to acknowledge the anniversary of an important milestone in our shared cultural history.

December 17, 2009 marked the 20th anniversary of the debut episode of ''The Simpsons.'' The Fox Broadcasting Company, which airs the show, spent the entirety of 2009 commemorating this milestone, and ended the celebration on January 10, 2010 with an hour-long special.

In 1989, Fox took a chance and gave ''The Simpsons'' creator Matt Groening an opportunity to produce a half-hour primetime animated show for the network.

Since then, the program has become world renowned. It has been honored with 25 Primetime Emmy awards, a Peabody award, and was named the 20th century's best television series by Time Magazine.

It holds the distinction of being the longest running American animated program, the longest running American sitcom, and the longest running American primetime television program. In 2007, a feature-length film entitled ''The Simpsons Movie'' was released to worldwide box office success.

While the show is renowned for its cultural references, it has achieved a cultural iconic status in its own right. A testament to this is the addition of ''Doh,'' a frequently used exclamation of the show's lead character Homer Simpson, to the Oxford English Dictionary in 2001.

Madam Speaker, I congratulate ''The Simpsons'' on its milestone, and I thank creators Matt Groening, James L. Brooks and Al Jean for the many years of laughs and the many more to come.

MEDIA IMAGES THAT DETRIMENTALLY AFFECT MANY GIRLS' SELF-ESTEEM

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to address an issue that many girls struggle with well into adulthood: media images that detrimentally affect their self-esteem.

We all know how important it is to help raise our young women to become able, self-confident people, for their own sake and for the benefit of our society.

We have about 30 million girls under the age of 20 living in the United States. Thirty million wonderful and beautiful people, full of creativity, energy and dreams. Yet these girls face a struggle with unrealistic beauty and body image standards.

Findings from a recent survey conducted by the Girl Scout Research Institute show that 90 percent of girls feel pressure from the media to have an ideal body type. Ninety percent. As a result, their self-esteem, their body image, and their psychological and physical health are damaged when they do not measure up to these unrealistic beauty standards.

We must elevate girls' voices and concerns. Our daughters and granddaughters need to see more girl-positive media, more natural and real female role models instead of touched-up, airbrushed models.

The Girl Scouts of America on February 10, 2010—the eve of fashion week—hosted an event in New York City promoting messages that feature girls and women who have healthy, diverse body images and participate in respectful and healthy relationships. I commend the Girl Scouts for the important work they do in creating a healthy environment for young girls and women.

Our support on this issue will help support girls' physical, emotional, and social health. Let us join the Girl Scouts in empowering girls to live healthy lives and become tomorrow's leaders with courage, confidence, and character.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,401,781,166,870.02.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $1,763,355,420,576.20 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING DR. MARY J. CLINKSCALE

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. TERRY. Madam Speaker, I rise today to join my colleagues in recognition of Black History Month, a time when we remember the important contributions African Americans have made to our nation. I especially want to honor some extraordinary people who continue to help shape my community of Omaha. I have the privilege of representing thousands of successful and talented African Americans, and today I would like to pay special tribute to Dr. Mary J. Clinkscale.

"Dr. C," as she is commonly referred to, is the administrator of the Greater Beth-El Temple where she has planned, produced and directed more than 250 theatrical productions and presentations, including a performance to prelude the Tuskegee Airmen receiving their Congressional Gold Medal. Her work led to the formation of the Growing and Building Together (GBT) Academy of the Arts, which has been successful in introducing young people and adults to careers in arts and education. She is also the administrator of the GBT Children's Academy, which provides a unique learning environment with a diverse curriculum that allows parents, teachers and children to work and grow together. Dr. C has earned several community-awarded honors for her outstanding work.

Thank you, Dr. Mary J. Clinkscale, for your commitment to making Omaha a much better place. Your work has made a difference to our community, especially children and young people.

IN RECOGNITION OF THE ASSOCIATED FOOD AND PETROLEUM DEALERS ON CELEBRATING ITS 100TH ANNIVERSARY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. PETERS. Madam Speaker, I ask my colleagues to join me today in celebrating the 100th anniversary of the Associated Food and Petroleum Dealers (AFPD). As a Member of Congress, it is both my honor and privilege to recognize the AFPD on achieving this most impressive milestone.

Since its founding in 1910, the AFPD has acted as a strong advocate for the food, beverage and petroleum industries in the State of Michigan. Based in my district, in the city of Farmington Hills, the AFPD currently represents 3900 retailers in the States of Michigan and Ohio. The AFPD boasts a diverse membership ranging from independent supermarkets, convenience stores, service stations and auto repair businesses to the wholesalers, distributors, and manufacturers who support them. Many of the small businesses which the AFPD supports are important economic and philanthropic pillars within our shared communities.

Going beyond advocacy for its respective industries, the AFPD established the AFPD Foundation in 1999 to support the philanthropic work of its members in the communities which it serves. To date, the AFPD Foundation has awarded over $300,000 in academic scholarships to extraordinary and deserving students in the States of Michigan and Ohio who are attending accredited higher learning institutions. The AFPD Foundation also partners with the Salvation Army during the holidays to promote its Red Kettle program, which allows the Salvation Army to provide food, toys, and clothing to families in need.

Madam Speaker, it is my privilege to recognize the Associated Food and Petroleum Dealers on the occasion of celebrating its 100th anniversary. The philanthropic work of the AFPD Foundation has enriched the lives of many within the communities its members serve. The celebration of the AFPD's 100th anniversary is indeed an impressive milestone and I wish it and its members many, many more successful and productive years to come.

HONORING ULYSSES CURRY, M.D.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Ulysses Curry, M.D. upon being honored with the "Trail Blazers Award" by the African American Museum. Dr. Curry will be honored at the African American History Month Celebration and Banquet on Saturday, February 6th, 2010 in Fresno, California.

Dr. Ulysses "U.S." Curry was born the seventh of eight children to Reverend Dr. Milton K. Curry Sr. and Lena Easter Curry in Fort Worth, Texas. Dr. Curry attended the University of Kansas.

Before completing his education, Dr. Curry joined the United States Army. He served in the Medical Corps during World War II from 1943 through 1946. Upon his Army discharge, Dr. Curry continued his education by attending Howard University and the University of Kansas in Lawrence. Finally, Dr. Curry completed his medical degree in 1952 from Meharry Medical College in Nashville, Tennessee. He completed his medical internships in Raleigh, North Carolina, Fresno, California and Denver, Colorado.

In 1954, Dr. Curry married Mary Roper. Two years after they married, Dr. and Mrs. Curry, along with their three week old son, moved to Fresno, California and Dr. Curry started his practice. Dr. Curry had served the Fresno area as a practicing physician for fifty years when he retired in 2006.

Outside of his practice, Dr. Curry was active in city, state and national medical organizations. He served as a Fellow of the American Academy of Family Physicians and Diplomate American Board, Family Practice. Dr. Curry continues to be an active member of the Second Baptist Church of Fresno and in various community activities. Dr. Curry is heavily involved with Fresno's commitment to the United Negro College Fund, believing in the cause that "A mind is a terrible thing to waste."

Dr. and Mrs. Curry have five children, all of which have obtained Bachelors Degrees from four year universities. They also have four grandchildren; three are currently in college and one in high school.

Madam Speaker, I rise today to commend and congratulate Dr. Ulysses Curry upon being honored with the "Trail Blazers Award." I invite my colleagues to join me in wishing Dr. Curry many years of continued success.

IN HONOR OF THE 25TH ANNIVERSARY OF THE AMERICAN-CROATIAN LODGE, INC.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the members of the

American-Croatian Lodge, located in Eastlake, Ohio, as they celebrate their 25th anniversary. The American-Croatian Lodge, Inc. serves as a connector that binds Croatian Americans to their faith, heritage and history.

The Croatian Lodge, Inc. was developed and built by a small group of Croatian Americans residing in Greater Cleveland with a unified focus of promoting business ventures, partnerships and educational opportunities for Americans of Croatian heritage. The Lodge continues to serve as an anchor for the Greater Cleveland Croatian community and as the "home base" for numerous Croatian-American businesses. The Croatian Center, set on picturesque rural acreage in Chardon, Ohio, includes two soccer fields, a full size ball field, picnic areas, and a smaller field next to a pavilion. The Lodge is open to the public and is a venue for families and organizations celebrating milestone moments.

A critical component of the American-Croatian Lodge, Inc. is the Croatian Heritage Museum & Library, where the history, customs, fashion, art, music and faith of Croatia is presented and preserved. The Museum and Library is currently presenting a new folk art exhibit, entitled: "Maiden, Mother, Woman of Wisdom," which illuminates the role of Croatian women.

Mr. Speaker and colleagues, please join me celebrating the members of the American-Croatian Lodge, Inc. of Eastlake, Ohio as they celebrate twenty-five years commitment to preserving and promoting Croatian culture. The ancient and rich culture of the Croatian people adds strength to the foundation of our Cleveland community and our nation.

TRIBUTE TO CIITIZEN OF THE YEAR OSCAR GUTIERREZ

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of San Clemente, California are exceptional. San Clemente has been fortunate to have dynamic and dedicated young people who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Oscar Gutierrez is one of these young leaders. On February 25, 2010, Oscar will be honored at the San Clemente Chamber of Commerce Annual Meeting and Award Ceremony where he will receive the 2009 Citizen of the Year Award.

Eighteen year old Oscar Gutierrez resides with his mother and sister in San Clemente. Sadly, Oscar lost his father in 2005. At age 13, Oscar started working to help financially support his family. In addition, he joined the Orange County Sheriffs Explorer Program, Post 449. On December 4, 2008, Oscar was home doing his homework when he heard screams coming from outside. He looked out and saw smoke and flames billowing from the apartment building next door. Oscar grabbed a fire extinguisher, and along with his sister and a cousin, who are also Explorers, and ran to help. Sheriffs deputies were evacuating the building so Oscar began checking around to make sure everyone was safe.

It was then that he noticed an elderly couple on a second floor balcony waiting for assistance. Smoke was pouring out of their apartment and they were beginning to panic. The woman was in a wheelchair and the husband seemed frail. The only way down was an exterior flight of stairs. Oscar did not hesitate: he recruited the help of another neighbor, ran up the stairs and carried the woman in her wheelchair down the stairs to safety.

Oscar graduated from San Clemente High School in 2009 and is attending college at California State San Marcos as a Sociology Major. He has received multiple scholarships and also works at Pedro's Tacos. He continues to attend the Explorer Program four times a month. He is the first one in his family to go to college.

Oscar Gutierrez at the young age of 18 is a hero and a model citizen. He is a hard working individual who cares deeply about San Clemente and its citizens. Oscar is truly an incredible young man who has a very bright future. Oscar's actions and selflessness have contributed immensely to the betterment of the community of San Clemente, California. I join the many community members who are grateful for Oscar and salute him as he receives the 2009 Citizen of the Year Award.

IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Mr. BRADY of Pennsylvania. Madam Speaker, thank you for allowing me to say a few words about our friend Jack Murtha. First, I would like to advise Mrs. Murtha that I am her adopted son. I don't know if Jack ever told you (Mom). But, he did adopt me.

He took me under his wing. It was warm in the winter and cool in the summer. He also taught me a few things. He taught me to be courteous to everyone and that everyone is special. He made us all feel special. He was more comfortable with the privates than with the generals. He made everyone feel important.

He would make the little people feel needed and appreciated. He had a great sense of humor and enjoyed telling his stories and jokes. He had a big heart and tremendous compassion for people.

Unfortunately, a whole lot of people—including our illustrious press—never knew that Jack Murtha.

With the exception of his family, I was more fortunate than all of you. Every Thursday or Friday before we broke for the week, I would say goodbye to him. Because of his knee problem, I would help him down from his seat—the only reserved seat in Congress. Then, I would shake his hand and give him a kiss goodbye. I did not know Wednesday January 27th would be the last time I would kiss my friend good bye.

Jack Murtha was your friend. Jack Murtha was the best friend of the men and women in uniform. He will be deeply missed. We will never see another Jack Murtha.

LETTER FROM PROFESSOR ROBERT D. AUERBACH, LBJ SCHOOL OF PUBLIC AFFAIRS AT THE UNIVERSITY OF TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. PAUL. Madam Speaker, I would like to enter into the RECORD the following letter from Professor Robert D. Auerbach, a professor at the LBJ School of Public Affairs at the University of Texas. This letter provides additional information regarding remarks I made at yesterday's Financial Services Committee Humphrey-Hawkins hearing, remarks which Federal Reserve Chairman Bernanke categorized as "bizarre."

THANK YOU CONGRESSMAN RON PAUL FOR BRINGING THESE IMPORTANT FACTS TO THE PUBLIC'S ATTENTION

I thank Congressman Ron Paul for bringing to the public's attention the Federal Reserve coverup of the source of the Watergate burglars' source of funding and the defective audit by the Federal Reserve of the bank that transferred $5.5 billion from the U.S. government to Saddam Hussein in the 1980s. Congressman Paul directed these comments to Federal Reserve Chairman Ben Bernanke at the House Financial Services Hearing February 24, 2010. I question Chairman Bernanke's dismissive response.

BERNANKE: "Well, Congressman, these specific allegations you've made I think are absolutely bizarre, and I have absolutely no knowledge of anything remotely like what you just described."

The evidence Congressman Ron Paul mentioned is well documented in my recent book, Deception and Abuse at the Fed (University of Texas Press: 2008). The head of the Federal Reserve bureaucracy should become familiar with its dismal practices.

First, consider the Fed's coverup of the source of the $6,300 in hundred dollar bills found on the Watergate burglars when they were arrested at approximately 2:30 A.M. on June 17, 1972 after they had broken into the Watergate offices of the Democratic Party. Five days after the break-in, June 22, 1972, at a board of directors' meeting of officials at the Philadelphia Fed Bank, it was recorded in the minutes [shown on page 23 of my book] that false or misleading information had been provided to a reporter from the Washington Post about the $6,300. Bob Woodward told me he thought he was the Washington Post reporter who had made the phone inquiry. The reporter "had called to verify a rumor that these bills were stolen from this Bank" according to the Philadelphia Fed minutes. The Philadelphia Fed Bank had informed the Board on June 20 that the notes were "shipped from the Reserve Bank to Girard Trust Company in Philadelphia on April 3, 1972." The Washington Post was incorrectly informed of "thefts but told they involved old bills that were ready for destruction."

The Federal Reserve under the chairmanship of Author Burns not only kept the Fed from getting entangled in the Watergate coverup, which the Fed's actions had assisted, it allowed false statements about bills the Fed knew were issued by the Philadelphia Fed Bank to stand uncorrected. Blocking information from the Senate and House Banking Committees [letters shown in my book, Chapter 2] and issuing false information during a perilous government crisis imposed huge costs on the public that had insufficient information to hold the Fed officials accountable for what they had withheld

from the Congress. Had the deception been discovered the Fed chairmen following Burns may have been forced to rapidly implement some real transparency to restore the Fed's credibility. That would have reduced or eliminated many of the deceptions, and corrupt practices that are described in my book.

The second subject brought up by Congressman Ron Paul is the exposure of faulty examinations of the Federal Reserve of a foreign bank in Atlanta, Georgia through which $5.5 billion was sent to Saddam Hussein that a Federal Judge found to be part of United States active support for Iraq in the 1980s.

On November 9, 1993, several federal marshals brought a prisoner, Christopher Drogoul, into my office at the Rayburn House Office Building of the U.S. House of Representatives. The marshals removed the manacles. Drogoul took off his jump suit and changed into a shirt, tie, and business suit. He immediately looked like the manager of the Atlanta agency with domestic headquarters in New York City of Banca Nazionale. Drogoul had come to testify about a ''scheme prosecutors said he masterminded that funneled $5.5 billion in loans to Iraq's Hussein through BNL's Atlanta operation. Some of the loans allegedly were used to build up Iraq's military and nuclear arsenals in the years preceding the first Gulf War.'''

Drogoul's '' 'off book' BNL-Atlanta funding to Iraq began in 1986 as financing for products under Department of Agriculture programs.' '' The loans allegedly had been authorized by the U.S. Department of Agriculture. Since Drogoul told the committee he was merely a tool in an ambitious scheme by the United States, Italy, Britain and Germany to secretly arm Iraq in their 1980–88 war, the testimony was politically contentious and unproven. He was sentenced in November 1993 to 37 months in prison and he had already served 20 months awaiting his sentencing hearing.

U.S. District Judge Ernest Tidwell found that the United States had actively supported Iraq in the 1980s by providing it with government-guaranteed loans even though it wasn't creditworthy. The judge said such policies ''clearly facilitated criminal conduct.''

Gonzalez was drawn to Drogoul's answer about the Fed examiner who had visited his Atlanta operation. Gonzalez said that:

''At the November 9, 1993 Banking Committee hearing I asked Christopher Drogoul, the convicted official of the Banca Nazionale Del Lavoro agency branch in Atlanta, Georgia, how the Federal Reserve Bank examiners could miss billions of dollars of illegal loans, most of which ended up in the hands of Hussein.

Mr. Drogoul stated:

The task of the Fed [bank examiner] was simply to confirm that the State of Georgia audit revealed no major problems. And thus, their audit of BNL usually consisted of a one or two-day review of the state of Georgia's preliminary results, followed by a cup of espresso in the manager's office.''

Gonzalez was appalled at the of lack of effective examination of a little storefront bank and also appalled by the gifts exchanged by officers of the New York Federal Reserve and the regulated banks in New York City where the main U.S. office of BNL was located. A description of what followed is in my book.

The Fed voted in 1995 to destroy the source transcripts of its policy making committee that had been sent to National Archives and Records Administration. Chairman Alan Greenspan had the committee vote on this destruction, telling the members: ''I am not going to record these votes because we do not have to. There is no legal requirement.'' (p. 104 in my book.) Greenspan thus removed any fingerprints on this act of record destruction. Donald Kohn, who is now Vice Chairman of the Board of Governors at the Federal Reserve, answered some questions I had sent to Chairman Greenspan about this destruction. Kohn replied in a letter on November 1, 2001 to me at the University of Texas that they had destroyed the source records for 1994, 1995 and 1996, they did not believe it to be illegal and there was no plan to end this practice. That is one reason why the Federal Reserve audit supported by Congressman Ron Paul is needed. The Fed must stop destroying its records.

A SPECIAL TRIBUTE TO KEN MORROW, MEMBER OF THE 1980 UNITED STATES OLYMPIC GOLD MEDAL HOCKEY TEAM

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. LATTA. Madam Speaker, it is with great pride that I rise to pay tribute to Ken Morrow, Olympic gold medalist and U.S. Hockey Hall of Fame inductee. The City of Bowling Green, Bowling Green State University, and the greater Northwest Ohio community celebrate this great American athlete.

In an incredible achievement in 1980, Ken Morrow was a member of hockey teams that won an Olympic gold medal and the Stanley Cup. At the age of 23, Ken Morrow was a member of the 1980 USA Miracle on Ice American hockey team that won the gold medal for the United States of America in Lake Placid, New York. Ken Morrow was also a member of the New York Islanders, who won the Stanley Cup in 1980.

A Bowling Green State University alumnus, Ken Morrow was an NCAA West All-American athlete in 1978. Morrow was also named player of the year for the Central Collegiate Hockey Association. He was drafted by the New York Islanders in 1976; however, Morrow remained in college until graduating in 1979.

Ken Morrow played a total of ten seasons in the National Hockey League (NHL). During his professional hockey career he helped the New York Islanders to win four straight Stanley Cup titles. Following his career as a hockey player, Morrow began a coaching career in the NHL. He was later inducted into the United States Hockey Hall of Fame, and in 1996 received the Lester Patrick Award for his accomplishments in the sport of hockey.

Madam Speaker, I ask my colleagues to join me in conveying special gratitude to Ken Morrow as we celebrate this accomplished individual. Our communities are well served by great Americans like Ken Morrow. On behalf of the people of the Fifth District of Ohio, I am proud to recognize Ken Morrow.

HEALTH INSURANCE INDUSTRY FAIR COMPETITION ACT

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of H.R. 4626, Health Insurance Industry Fair Competition Act. This legislation is another step in Congress' work to reform health care to bring down costs and expand choices for all Americans. Last year, we worked to make sure seniors could keep their doctors by reforming the Medicare payment system. This bill cracks down on insurance companies that are taking advantage of obsolete laws to manipulate premiums. The next step will be to protect North Carolina families from additional insurance company abuses, bring down health care costs and turn around the crushing effects of skyrocketing health care costs on our national debt.

H.R. 4626 will restore competition and transparency to the health insurance market. Competition is the engine that drives our economy, spurs innovation, and ensures that the American consumer receives a fair deal on goods and services. But for far too long, the health insurance industry has played by a different set of rules. Since 1945, the McCarran-Ferguson Act has exempted the business of insurance from federal antitrust laws. This bill repeals that blanket antitrust exemption afforded to health insurance companies. Under H.R. 4926, health insurers will no longer be shielded from legal accountability for price fixing, dividing up territories among themselves, sabotaging their competitors in order to gain monopoly power, and other such anti-competitive practices.

When NC families are hurting, doing nothing really isn't an option for me. I've heard from thousands of neighbors in my district who are suffering under the current system. I receive calls, letters and emails on health care literally every day.

Sheila is a woman from Raleigh who fears she will suffer the same fate as her sister who died from asthma because she couldn't get coverage. Linda from Sanford is a nurse who's tired of insurance industry bureaucrats interfering with patient care. Nancy from Louisburg says she's not looking for a handout, just a fair playing field because everyone should be able to get insurance. Dan is a young man from Raleigh whose fiancé's coverage was denied when she got sick. Peggy from Rocky Mount wants affordable coverage for small business workers and the self-employed who pleads, ''please don't let the insurance companies win this time.'' These are the voices of regular folks on North Carolina's Main Streets and country roads.

Mr. Speaker, making sure every American has access to affordable health insurance and high-quality health care is one of the most important challenges of our time. The health reform debate is about saving money and saving lives. At its core, health reform is all about ensuring that American families and businesses have more choices, benefit from more competition, and have greater control over their own health care. Repealing this exemption is an important part of that effort. I urge my colleagues to join me in taking a stand for the American people.

HONORING KATHRYN ''KAY'' HIRE, MOBILE'S ASTRONAUT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. BONNER. Madam Speaker, on Sunday night, the six-member crew of the Space Shuttle *Endeavor* returned to the Kennedy Space Center in Florida after 14 days in Earth orbit. Aboard the STS–130 was Mission Specialist Kathryn ''Kay'' Hire, Mobile, Alabama's first astronaut.

A native of Mobile and a 1977 graduate of Murphy High School, Kay Hire epitomizes the ideal of service to her country. A 1981 graduate of the U.S. Naval Academy, Hire earned a Master of Science degree in space technology from the Florida Institute of Technology in 1991 while also serving as a Naval officer.

Over her military career, Hire has taken part in a wide range of missions, from oceanographic research to naval flight instructor. In 1993, she was the first female in the U.S. military to be assigned to a combat aircrew when she flew aboard a P–3 maritime patrol aircraft, taking part in Atlantic and Caribbean operations. She was recalled to active naval duty in support of Operation Enduring Freedom and Operation Iraqi Freedom as a member of the U.S. Naval Central Command staff. She later returned to reserve status and served as Commanding Officer of the Navy Reserve Space and Naval Warfare Systems Command.

She transferred her duties to NASA in 1989. She was selected for astronaut training in 1994, reporting to the Johnson Space Center in Houston. In 1998, she first entered space aboard the Space Shuttle *Columbia* on mission STS–90, logging over 381 hours above the Earth. Aboard the *Columbia,* Hire spent 16 days in space and took part in 26 life science experiments focusing on the effects of microgravity on the brain and nervous system.

While on the just-completed *Endeavor* Mission, Hire traveled to the International Space Station where the *ISS* and *Endeavor* crew took part in the final major construction project for the orbiting space station—the installation of the ''Tranquility'' module. The new addition to the space station will house life support systems for the *ISS* and offers a breathtaking seven-pane ''bay window'' in space view of planet Earth.

Madam Speaker, I join the people of South Alabama in welcoming Kay Hire back down to Earth, and in expressing our pride for her service in our military and space programs. She is a tremendous role model for our youth. For those who seek examples of real heroes in our society, one need not look any further than Kay Hire, Mobile's astronaut.

OBAMA ADMINISTRATION HOLDING WRONG SUMMIT

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. SMITH of Texas. Madam Speaker, the President's health care summit today was too little, too late: the Administration has already released its health care proposal without consulting Republicans.

Instead of a summit on health care, we should have a summit on job creation, or a summit on cutting spending and reducing the deficit, or a summit on lawsuit abuse reform, or a summit on not treating terrorists like common criminals.

The Administration's health care plan raises premiums, increases taxes and cuts Medicare benefits for seniors, according to the non-partisan Congressional Budget Office. It's no wonder 67 percent of Americans now want Congress to start over on health care.

Instead of defying the wishes of Americans, the Administration should address the 15 million people who are unemployed, the millions more who have given up on finding a job, and specifically the 17 percent unemployment rate in the black community.

The Administration should listen to the American people, not hold a six-hour photo-op on the wrong subject.

HONORING FRED THOMAS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor one of our outstanding community leaders, Fred Thomas of Immokalee, Florida. Mr. Thomas truly embodies the ideals of service, selflessness and leadership.

For 16 years, Mr. Thomas served as the Executive Director of the Collier County Public Housing Authority, and during his tenure, significantly increased public housing in Immokalee, a farm-worker community in rural Southwest Florida. Though he retired from public service in 2002, he has continued his activism and involvement in the community.

No one knows Immokalee better than Mr. Thomas, who is known by friends and neighbors as the unofficial mayor. He dedicates each day of his life to advancing the needs of his community and ensuring that Immokalee thrives. He is a selfless community leader and answers the call of duty not for recognitions or merits, but because of a true love for his town and a desire to see it prosper.

Originally from New York, Fred has been a proud resident of Immokalee for more than two decades and enjoys much of what Florida has to offer, like hunting and fishing. He is also a talented and recognized photographer, always capturing Florida's unique wildlife and pristine environment. He is married to wife Cheryl, a well-respected and beloved leader in her own right.

Mr. Thomas is a passionate advocate for Immokalee and an eloquent voice for his country. He often frequents commission meetings and speaks out on behalf of his neighbors and the needs of Immokalee residents. His professional and business affiliations include: Commissioner of the Immokalee Water and Sewer District, Chairman of the Citizens Advisory Committee of the Collier County Municipal Planning Organization, Vice-Chairman of the Immokalee Enterprise Zone Boar, Chairman of the Immokalee Community Development Advisory Board, Collier County Sheriff's Commission, Board of Directors of Immokalee Chamber of Commerce, Member of the Immokalee Rotary and Member of the Immokalee Optimist. Most recently, in 2009, he was appointed by Governor Charlie Crist to serve as a Board Member of the South Florida Water Management District's Big Cypress Basin.

As we celebrate Black History Month, please join me in thanking Fred Thomas, and his wife Cheryl, for their invaluable service and contributions to the southwest Florida community and their leadership, which makes a difference in the lives of many each day.

NATIONAL MANUFACTURING STRATEGY ACT OF 2010

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. LIPINSKI. Madam Speaker, I am pleased to be introducing today the National Manufacturing Strategy Act of 2010. I would like to especially thank the 27 members of Congress who have joined me in supporting this bipartisan bill.

While our Nation reaps enormous benefits from a strong domestic manufacturing base, it is increasingly clear to me that we need a coherent and forward-looking plan for supporting America's manufacturers. I believe that by requiring the President to develop and submit to Congress a National Manufacturing Strategy every four years, we can ensure the government is doing all it can to ensure this vital industry is able to succeed. Manufacturing is too important for us to continue to manage it in an ad hoc, unplanned fashion.

Currently, Federal, State and local governments interact with and strive to support manufacturing in their own ways. Unfortunately, these efforts are too often reactive, uncoordinated, and stovepiped within agencies and jurisdictions. What we need instead is an approach that is coordinated, proactive, and fulfills both short- and long-term goals to improve our manufacturers' international competitiveness.

My bill would require the President to closely consult with industry leaders and stakeholders in undertaking a far-reaching analysis of factors related to domestic manufacturing, its workforce, research and development, investment, the defense industrial base, and other related areas. Based on this analysis, the President shall develop a National Manufacturing Strategy that includes specific goals and recommendations for improving the manufacturing sector's competitiveness. Importantly, my bill will establish a Manufacturing Strategy Board. This advisory group of experts in manufacturing, innovation, and the workforce will provide the President advice and guidance on manufacturing issues, both specific to the development of the Strategy, as well as on a regular, continuous basis.

I very much appreciate the support, feedback and guidance that my office has received from a wide range of individuals and organizations during the development of this bill. Individuals from the AFL–CIO Industrial Union Council, National Defense Industry Association, American Iron and Steel Institute, National Council for Advanced Manufacturing, Aerospace Industry Association, Center for American Progress, and the U.S. Department of Commerce, among others, have provided

valuable comments and suggestions that helped us produce a better bill. I want to thank everyone who took the time to assist us with this important effort.

Fundamentally, this bill is simple. Manufacturing is crucial to our economy and our middle class, to our national security, and to our ability to satisfy our domestic needs with domestically produced goods. It only makes sense that we have a sound plan for how the government can best help the private sector succeed. I believe that a National Manufacturing Strategy will help us accomplish that, and I urge my colleagues to join me in supporting this bill, and doing the absolute best that we can to support manufacturing in America.

COMMEMORATING THE 117TH ANNIVERSARY OF PAYNE CHAPEL A.M.E. CHURCH IN WEST PALM BEACH, FLORIDA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to commemorate the 117th anniversary of the founding of Payne Chapel A.M.E. Church in West Palm Beach, Florida, an institution that is as old as the city itself.

The theme of this year's celebration is ''Enhancing the dream; bright hope for tomorrow''. Payne Chapel was the dream of Ed Walstine, Philip Akery, Bell Jones, Susan Gee Cook, Margaret Akery, D. Jones, and Haley Mickens, who were strongly determined to prepare the way for carrying out ''The Great Commission'' of preaching and witnessing for Christ. They founded their church, known as Bethel, in January of 1893. It was a pioneer era, and the first church was established in ''The Styx'', now Palm Beach. The first trustees were J.J. Gordon, D.J. Jones, and Philip Akery.

In 1894, under the pastorate of Rev. T.W. Wilson, the church's name was changed from Bethel to Payne Chapel in honor of Bishop Daniel A. Payne. Payne Chapel was built at Banyan and Tamarind Avenue, under the pastorate of Rev. A.S. Simms, 1894–1895. During the pastorate of Rev. M.T. Carey, 1910–1914, the church's parsonage was built. Rev. S.W. Adair organized the first rally for the new Payne Chapel A.M.E. Church between 1917 and 1920. It was Rev. E.J. Jackson who purchased the present site and laid the foundation between 1922 and 1923. In 1924, Rev. S.W. Adair was again appointed pastor and began work on the new church.

In 1928, a hurricane completely destroyed the old church on Banyan Street. The first Sunday in January 1929, services resumed in the basement of the ''New Church on the Hill''. Over the years, many additions were made to Payne Chapel under the pastorate of different reverends to complete the New Church. The main auditorium was dedicated in 1937, new pews were added in 1942, and the church was cleared of all indebtedness in 1948. During the pastorate of Rev. H. McNeal Harris, 1963–1966, the present parsonage was built, and under Rev. Stephen M. Peck, 1969–1981, the church was completely air conditioned.

Between 1981 and 1987, land was purchased for two parking areas, the church office, pastor's study, and Christian Education Office were erected in the lower auditorium, and the lounges were completely renovated.

In 1988, the New Genesis was instituted under the leadership of Shepherd W.J. Jackson. The church underwent a series of renovations and restoration, including new paint inside and out, safety guard doors, a new roof, pews, furniture, lighting, carpeting, state-of-the-art sound system, piano, organ, and tiling. Furthermore, the mortgage was liquidated and another parking area and additional property around the church were purchased.

In November 2002, Bishop John Hurst Adams assigned Rev. Samuel E. Sullivan to Payne Chapel. Under his pastorate, Payne Chapel underwent further renovation and debts on the roof and organ were liquidated. During the 2004–2005 hurricane season, the church and parsonage sustained major wind and water damage. Payne Chapel's keepers worked hard to restore it to its former magnificent grandeur. The church's interior was gutted and treated for mold and mildew, and carpeting, pews, and other furnishing and equipment were replaced.

On December 2, 2007, Bishop McKinley Young assigned Rev. Milton Broomfield to pastor Payne Chapel into the future. I am certain that Payne Chapel can look forward to great things under Rev. Broomfield's leadership.

Madam Speaker, from 1893 to 2008, 30 pastors, 24 presiding elders, 36 bishops, and three assistant pastors have served Payne Chapel A.M.E. Church. Payne Chapel is more than a building; it is a living testament to the community that built it. As we celebrate the 117th anniversary of its founding and remember the untold numbers of dedicated people who have contributed to making the church what it is today, tomorrow is indeed bright and hopeful.

COMMEMORATING THE 16TH ANNIVERSARY OF THE KHOJALY TRAGEDY

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. McMAHON. Madam Speaker, I rise to commemorate the 16th anniversary of the Khojaly tragedy, when on February 25–26, 1992, the town of Khojaly in the Nagorno Karabagh region of Azerbaijan was brutally attacked by Armenian forces. The town of Khojaly, which was home to 7,000 people, was completely destroyed; a total of 613 people were killed, of which 106 were women and 83 were children, and 56 of whom are purported to have been killed with extreme cruelty and torture. Additionally, 1,275 were taken hostage, 150 went missing; 487 people became disabled, 76 of whom are teenagers; 8 families were wiped out; 25 children lost both of their parents, and 130 children lost one of their parents.

Sadly, Khojaly, a town in the Nagorno-Karabakh region of Azerbaijan, now under the occupation of Armenian forces, was the site of the largest killing of ethnic Azerbaijani civilians.

According to Human Rights Watch and other international observers, the massacre was committed by the ethnic Armenian armed forces, reportedly with the help of the Russian 366th Motor Rifle Regiment.

As part of the population tried to escape the town of Khojaly, they encountered violent ambushes and were murdered. According to the Russian organization, Memorial, 200 Azerbaijani corpses were brought from Khojaly to Agdam within four days, and it was discovered that they were subjected to abuses, torture and mutilation. Human Rights Watch stated that ''we place direct responsibility for the civilian deaths with Karabakh Armenian forces.''

At the time, Newsweek Magazine reported: ''Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijani men, women and children of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on 25–26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped.''

Time Magazine stated ''While the details are argued, this much is plain: something grim and unconscionable happened in the Azerbaijani town of Khojaly 2 weeks ago. So far, some 200 dead Azerbaijanis, many of them mutilated, have been transported out of the town tucked inside the Armenian-dominated enclave of Nagorno-Karabakh for burial in neighboring Azerbaijan. The total number of deaths—the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children—is unknown.''

Members of the Parliamentary Assembly of the Council of Europe, PACE, from Albania, Azerbaijan, and the United Kingdom stated in May 2001 in Written Declaration No. 324 that the ''Armenians massacred the whole population of Khojaly and fully destroyed the town.''

Khojaly was the first significant Azerbaijani settlement overrun by Armenian forces in the region of Nagorno-Karabakh. The forces next overran the Nagorno-Karabakh districts of Zangilan, Gubadli, Fuzuli, Aghdam, and Kalbajar, as well as the towns of Shusha and Lachin. Altogether, the occupied territories represent roughly 20 percent of the territory of Azerbaijan. And, altogether roughly one million Azerbaijanis were evicted from their homes over the course of the Armenian-Azerbaijan war.

Madam Speaker, this is not the ringing condemnation that the survivors of Khojaly deserve but it is an important first step by an international community that has too long been silent on this issue. Congress should take the next step and I hope my colleagues will join me in standing with Azerbaijanis as they commemorate the tragedy of Khojaly. The world should know and remember.

INTRODUCTION OF IMPROVING COMPACT-IMPACT ASSISTANCE FOR EDUCATION

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Ms. BORDALLO. Madam Speaker, I rise today to introduce H.R. 4695, a bill to expand the Federal Impact Aid program to reimburse schools for the costs of educating students

from the Freely Associated States, FAS, residing in the United States, including the territories. Impact Aid was originally authorized by the Elementary and Secondary Education Act in 1965 to compensate local school districts for the costs of educating federally connected children. Examples of these kinds of students include those whose parents live on military bases, live on Indian lands, or are the children of accredited foreign diplomats. However, the Impact Aid program does not compensate local schools for the costs incurred by educating students from the FAS.

The United States entered into the Compacts of Free Association with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau and under the Compacts, citizens of these countries can enter the United States without a visa. Thus, children whose parents are citizens of the FAS are in schools in the States and territories under a special immigration category and are federally connected just as children of military families are similarly federally connected. This legislation would provide a means for the Federal Government to provide assistance to impacted local education authorities.

Madam Speaker, the economic downturn has forced many local school districts to cut education budgets. This is a longstanding issue for affected jurisdictions and they need this to be redressed now more than ever. I would like to thank Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. HONDA, Mr. SABLAN, and Mr. PIERLUISI for joining with me as original cosponsors. I will work with these cosponsors to pass this bill during the 111th Congress.

TRIBUTE TO CONGRESSMAN SONNY CALLAHAN—2009 ''MOBILIAN OF THE YEAR''

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. BONNER. Madam Speaker, I rise to congratulate my dear friend and predecessor, former Congressman Sonny Callahan, for being selected as 2009 Mobilian of the Year by the Cottage Hill Civitan Club.

To the people of South Alabama, Sonny needs no introduction. He has dedicated much of his life to serving our area. A Navy veteran and a self-made local business success, Sonny has never known a time when he was not giving back to his community.

First elected to public office representing Mobile in the Alabama House of Representatives in 1971, Sonny embarked on a journey that took him to the Alabama State Senate and eventually to Washington, DC, where he labored in this House for no less than 18 years.

He quickly made a name for himself in these Halls, earning the gavel of one of the 13 subcommittee chairmanships on the House Appropriations Committee after only 10 years in office. He was named chairman of the powerful Subcommittee on Foreign Operations in 1995, protecting America's interests and investments around the world.

In 2000, he became the chairman of the House Appropriations Subcommittee on Energy and Water Development. In this position, Sonny worked closely with the Bush Administration to develop and finance a new national energy policy.

While chairman of this subcommittee, he also served as vice chairman of Foreign Operations and was a member of the Transportation Subcommittee.

In an era of stark partisanship that too often divides this Chamber, Sonny Callahan knew only friends as he served in Congress. His ability to reach out across the aisle won him universal praise and enabled him to accomplish much for his district and the State of Alabama.

After retirement from Congress in 2003, Sonny has refused to settle down into a quiet life of leisure. In addition to work in his own government consulting firm, Sonny was named by Governor Bob Riley to serve on the Alabama Port Authority Board. In 2004, Sonny was named Patriot of the Year by local veterans groups, and in 2005, the Boys and Girls Clubs of Mobile named its Theodore activity center the Sonny Callahan Boys and Girls Club Building.

I wish to personally congratulate Sonny Callahan for having received the honor of ''Mobilian of the Year,'' and on behalf of the people of South Alabama, I thank Sonny, his wife, Karen, and their children and grandchildren, for their continued service and dedication to the state and the people we so dearly love.

HONORING GALVESTON BUSINESSES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. PAUL. Madam Speaker, on March 4th, the Galveston Chamber of Commerce will hold its 164th annual meeting. Established by the Ninth Congress of the Republic of Texas in 1845, making it the oldest chamber of commerce in Texas, the Galveston Chamber of Commerce works to promote and advocate for the business community of Galveston.

At the March 4th meeting, the Galveston Chamber of Commerce will honor 32 Galveston businesses who have served the Galveston Community for 100 years or longer. The Port of Galveston, which has been in operation since 1825, is the oldest business in the community.

It is truly a remarkable achievement that these 32 businesses kept their doors open through several hurricanes, tropical storms, recessions, and the Great Depression.

I certainly agree with Gina Spagnola, president of the Galveston Chamber of Commerce, who said ''Our business community is the lifeblood of our community, and we must continue to welcome, appreciate, encourage, support and protect them.''

Madam Speaker, it is a tremendous pleasure to join my friends at the Galveston Chamber of Commerce in saluting these businesses for their years of service to the people of Galveston. I am truly honored to serve as their representative and hope all my colleagues all join me in congratulating these outstanding businesses. I have attached a list of the names of the businesses that will be honored on March 4 and the date that the companies were established.

Del Papa Distributing Company, 1910; Moody National Bank, 1907; American National Insurance Company, 1905; Biehl & Company, 1905; Rosenberg Library, 1904; Malloy & Son Funeral Home, 1902; Fred Hartel Company, 1900; Galveston Country Club, 1898; the Grand 1894 Opera House, 1894; and Stewart Title, 1893.

Galveston Insurance Associates, 1892; University of Texas Medical Branch, 1891; Galveston Independent School District, 1884; AT&T, 1878; The Children's Center, Inc., 1878; Mt. Olive Missionary Baptist Church, 1876; Frost Bank, 1874; Grace Episcopal Church, 1868; J. Levy & Termini Funeral Home, 1868; Galveston County Medical Society, 1865; and Texas Gas Service, 1856.

Ott Monument Works, 1854; First Evangelical Lutheran Church, 1850; Mills Shirley LLP, 1846; Galveston Chamber of Commerce, 1845; Gal-Tex Pilots Service Corporation, 1845; Galveston County Daily News, 1842; Trinity Episcopal Church, 1841; First Baptist Church, 1840; Moody Memorial First United Methodist Church, 1838; City of Galveston, 1837; Port of Galveston, 1825.

IN TRIBUTE TO REPRESENTATIVE JOHN P. MURTHA OF PENNSYLVANIA

SPEECH OF

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 2010

Mr. MOLLOHAN. Madam Speaker, I join my colleagues today to express my deep sadness at the passing of our colleague, Jack Murtha.

As I look around the Floor of the House this evening, I see Democrats and I see Republicans. I see veteran members of the so-called ''Pennsylvania corner'' and I see freshmen members—from California, from the northeast, from the south. I see Jack's fellow appropriators, and I see members who, on other days perhaps, boast proudly of never seeking earmarks. Jack Murtha was one of the few members of this body who could draw together such an eclectic group.

That is not a surprise—for Jack Murtha was truly a man of the House. He was a Member's Member. He cared about his colleagues, and he respected his colleagues—even when he thought they were wrong. Being able to disagree civilly has—to the great detriment of our public life—become an uncommon quality in Washington. Jack practiced it better than anyone.

Jack was a legislator. His ability and willingness to work with almost anyone was one of the reasons Jack was so effective—if you're a Democrat and wanted something done, you wanted Jack on your side. If you're a Republican and wanted something done, you wanted Jack on your side.

Jack was a Representative. He loved his District, respected his constituents, and worked as hard for them as any Member ever has.

Jack was an institutionalist. He believed in this House of Representatives, he defended its prerogatives, and he protected them. It has been my great privilege to work closely with

two of the greatest defenders Congress has ever seen—the senior Senator from my own state . . . and Jack Murtha.

Jack was a leader. His respect for his colleagues and his commitment to this House informed his role as Chairman. Jack recognized the importance of what we do here, and Jack was always—always—prepared. There was never a man more suited to the gavel than Jack Murtha.

Jack was a Marine. If he had not been a Marine, he could have played the part—the man radiated strength and purpose in every action he took. But Jack not only looked the part, he was the genuine article. And there is, of course, no such thing as a former Marine—once a Marine, always a Marine. As fiercely as Jack defended the prerogatives of Congress, his commitment to our House took a back seat to his commitment to men and women in uniform. The service member—an infantryman outside Fallujah, a Marine in Afghanistan, an airman in Bagram, a sailor in the Persian Gulf—has never had a better protector than Jack Murtha. Jack was one of them.

That is the chief reason he didn't hesitate when he came out so publicly against the War in Iraq—something that earned him the respect of many and the enmity of some. I don't know that he didn't care about either judgment, but I do know that neither applause nor condemnation guided his decision at all. His allegiance was to the men and women in the field.

To me, Jack was a friend and a mentor. In a sense that was a relationship I inherited. My father, who represented West Virginia's First District until he retired in 1982, worked closely with Jack. Shortly after I won election to his seat, Dad told me that I would never go wrong seeking Jack's counsel. He was right.

Finally, Jack was a family man, a loving husband and partner to his wife, Joyce, and parent to Donna, John, and Patrick. Their loss cannot be described by words. They have my deepest condolences.

Jack will be missed by all.

HONORING PASTOR WALTER THOMAS RICHARDSON

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 25, 2010

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, today I rise to honor one of the most devoted and beloved leaders in South Florida, Dr. Walter Thomas Richardson, whose dedication to God, his faith and his community has allowed him to break social barriers and touched thousands of lives.

Since 1983, Pastor Richardson has served as Senior Pastor of Sweet Home Missionary Baptist Church in Perrine, Florida and his preaching has enriched the faith and lives of many. He is a Miami native, married to M. Dolores, father to Walter L. and LaKisha, and proud grandfather of seven. His family has played a key role in his development as pastor and community leader. He learned of the importance of community service at a young age, from his parents, Bishop Walter H. and Mrs. Poseline M. Richardson and in 1969, while serving in the military, felt a calling for the ministry. His education has also played an important role in his formation. He obtained both Bachelor and Master Degrees from St. Thomas University, and a Doctorate from Trinity Theological Seminary.

Pastor Richardson is a leading voice of social justice and multicultural integration. His congregation is formed by Native Americans, African Americans, Hispanics, Haitians and several Caribbean Islands among many other groups. His love of service has manifested itself in multiple ways. He is a professor of religion at St. Thomas University, Chaplain in the Miami-Dade Police Department, and Board Member of Florida Memorial College, New World School of the Arts, the Community Relations Board and the Alliance for Human Services, to name a few. He is also author of Going through Samaria, a book which teaches about the importance of Christianity, and had recorded 30 songs and composed more than 100. His unique service and leadership has gained him recognitions from the City of Miami, the City of Fort Lauderdale and National Association for the Advancement of Colored People.

As we celebrate Black History Month, I ask you to join me in honoring the work of Pastor Water Thomas Richardson and thanking him for his service to our community. He has improved the lives of many.

Daily Digest

HIGHLIGHTS

Senate agreed to the motion to concur in the amendment of the House to the amendment of the Senate to H.R. 1299, United States Capitol Police Administrative Technical Corrections Act. (The legislative vehicle entitled, "The Travel Promotion Act".)

Senate

Chamber Action

Routine Proceedings, pages S757–S816

Measures Introduced: Ten bills and six resolutions were introduced, as follows: S. 3038–3047, S. Res. 422–425, and S. Con. Res. 50–51. **Pages S795–96**

Measures Reported:

S. 2961, to provide debt relief to Haiti, with amendments. (S. Rept. No. 111–128) **Page S795**

House Messages:

United States Capitol Police Administrative Technical Corrections Act: By 78 yeas to 18 nays (Vote No. 28), Senate agreed to the motion to concur in the amendment of the House to the amendment of the Senate to H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, after taking action of the following motions and amendments proposed thereto: **Pages S757–75**

Withdrawn:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 3326 (to the House amendment to the Senate amendment), to change the enactment date. **Page S757**

During consideration of this measure today, Senate also took the following action:

By 76 yeas to 20 nays (Vote No. 26), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill. **Pages S773–74**

Reid motion to refer in the amendment of the House to the amendment of the Senate to the Committee on Rules and Administration, with instructions, Reid Amendment No. 3328, to provide for a study, fell when cloture was invoked on the Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill. **Page S757**

Reid Amendment No. 3329 (to the instructions (Amendment No. 3328) of the motion to refer), of a perfecting nature, fell when Reid motion to refer in the amendment of the House to the amendment of the Senate to the Committee on Rules and Administration, with instructions, Reid Amendment No. 3328, to provide for a study fell. **Page S757**

Reid Amendment No. 3330 (to Amendment No. 3329), of a perfecting nature, fell when Reid Amendment No. 3329 (to the instructions (Amendment No. 3328) of the motion to refer), of a perfecting nature fell. **Page S757**

By 38 yeas to 58 nays (Vote No. 27), two-thirds of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to suspend Rule XXII, Paragraph 2, of the Standing Rules of the Senate, with respect to DeMint proposed amendment to prohibit extension or establishment of national monuments in certain areas. Subsequently, the point of order that the amendment was not germane under Rule XXII, was sustained. **Pages S774–75**

Reid Amendment No. 3327 (to Amendment No. 3326), of a perfecting nature, fell when Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 3326 (to the House amendment to the Senate amendment), to change the enactment date was withdrawn. **Page S757**

Tax Extenders Act—Agreement: A unanimous-consent agreement was reached providing that on Monday, March 1, 2010, at 3 p.m., Committee on Finance be discharged of H.R. 4213, to amend the

Internal Revenue Code of 1986 to extend certain expiring provisions; and that once the Committee is discharged, Senate proceed to its consideration; that after the bill is reported, Senator Baucus, or his designee, be recognized to offer a substitute amendment, and once the amendment is reported by number it be considered read. **Pages S775–76**

Messages from the House: **Page S795**

Measures Referred: **Page S795**

Executive Reports of Committees: **Page S795**

Additional Cosponsors: **Paged S796–97**

Statements on Introduced Bills/Resolutions: **Pages S797–S803**

Additional Statements: **Pages S794–95**

Amendments Submitted: **Pages S803–04**

Notices of Hearings/Meetings: **Page S804**

Authorities for Committees to Meet: **Page S804**

Text of H.R. 2847 as Previously Passed: **Pages S804–15**

Record Votes: Three record votes were taken today. (Total—28) **Pages S773–74, S774–75, S775**

Adjournment: Senate convened at 10 a.m. and adjourned at 11:52 p.m., until 9:30 a.m. on Friday, February 26, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S815–16.)

Committee Meetings

(Committees not listed did not meet)

DEPARTMENT OF THE NAVY

Committee on Armed Services: Committee concluded a hearing to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2011 and the Future Years Defense Program, after receiving testimony from Ray Mabus, Secretary of the Navy, Admiral Gary Roughead, Chief of Naval Operations, and General James T. Conway, Commandant of the Marine Corps, all of the Department of Defense.

SEMIANNUAL MONETARY POLICY REPORT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the Semiannual Monetary Policy Report to the Congress, after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

AVIATION SAFETY

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine aviation safety, focusing on one year after the crash of flight 3407, after receiving testimony from Deborah A. P. Hersman, Chairman, National Transportation Safety Board; and Margaret Gilligan, Associate Administrator for Aviation Safety, Federal Aviation Administration, Department of Transportation.

ASIAN CARP IN THE GREAT LAKES

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded an oversight hearing to examine the science and policy behind the Federal framework and non-Federal efforts to prevent introduction of the aquatic invasive Asian carp into the Great Lakes, after receiving testimony from Nancy H. Sutley, Chair, Council on Environmental Quality; Leon Carl, Midwest Area Regional Executive, United States Geological Survey, Department of the Interior; J. Michael Hayden, Kansas Department of Wildlife and Parks, Topeka; Ken DeBeaussaert, Michigan Office of the Great Lakes Department of Natural Resources and Environment, Lansing; Marc Miller, Illinois Department of Natural Resources, Springfield; Jim Farrell, Illinois Chamber Infrastructure Council Waterways Committee, Chicago; John C. Taylor, Wayne State University School of Business Administration, Detroit, Michigan; Andy Buchsbaum, National Wildlife Federation Great Lakes Regional Center, Ann Arbor, Michigan.

INTERAGENCY CONTRACTS

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight concluded a hearing to examine interagency contracts, focusing on an overview and recommendations for reform, after receiving testimony from Ralph C. Nash, Steven L. Schooner, and Joshua I. Schwartz, all of George Washington University Law School, Washington, D.C.; and Marshall J. Doke, Jr., Gardere Wynne Sewell LLP, Dallas, Texas.

TRIBAL PROGRAMS AND INITIATIVES BUDGET

Committee on Indian Affairs: Committee concluded an oversight hearing to examine the President's proposed budget request for fiscal year 2011 for tribal programs and initiatives, after receiving testimony from Thomas J. Perrelli, Associate Attorney General, Department of Justice; Larry Echo Hawk, Assistant Secretary of the Interior for Indian Affiars; Yvette Roubideaux, Director, Indian Health Service, Department of Health and Human Services; and Jefferson Keel, National Congress of American Indians, Patricia Whitefoot, National Indian Education Association, and Marty Shuravloff, National American Indian Housing Council, all of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported H.R. 1741, to require the Attorney General to make competitive grants to eligible State, tribal, and local governments to establish and maintain certain protection and witness assistance programs, with an amendment in the nature of a substitute; and

The nominations of William Joseph Hochul, Jr., to be United States Attorney for the Western District of New York, and Sally Quillian Yates, to be United States Attorney for the Northern District of Georgia.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 4689–4709; and 15 resolutions, H.J. Res. 76; H. Con. Res. 240–243; and H. Res. 1110–1112, 1115–1121 were introduced.

Pages H931–33

Additional Cosponsors: **Pages H933–34**

Report Filed: Reports were filed today as follows:

H. Res. 1109, providing for consideration of the Senate amendments to the bill (H.R. 3961) to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration (H. Rept. 111–420) and

H. Res. 1113, providing for further consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (H. Rept. 111–421). **Page H931**

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today. **Page H835**

Recess: The House recessed at 12:03 p.m. and reconvened at 12:39 p.m. **Page H848**

Intelligence Authorization Act for Fiscal Year 2010: The House began consideration of H.R. 2701, to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. Further proceedings were postponed. **Pages H838–845, H849–95**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule.

Page H859

Agreed to:

Hoekstra amendment (No. 2 printed in H. Rept. 111–419) that requires the Director of the CIA, within 30 days, to publicly issue an unclassified version of the CIA Inspector General's report entitled "Procedures Used In Narcotics Airbridge Denial Program in Peru, 1995–2001," dated August 25, 2008; **Page H883**

Rogers (MI) amendment (No. 4 printed in H. Rept. 111–419) that prohibits funds in the Act from being used to implement the FBI's Field Office Supervisory Term Limit Policy requiring the mandatory reassignment of a supervisor after a specific term of years; **Page H885**

Eshoo amendment (No. 5 printed in H. Rept. 111–419) that requires the Director of National Intelligence to establish an intelligence community-wide conflict of interest regulation working in conjunction with the Office of Government Ethics; to establish a community-wide process for checking outside employment for conflicts of interest, and also to submit an annual report to the intelligence committees on all outside employment activities that were approved in the last year. The amendment also prohibits Intelligence Community government employees from owning companies that sell skills related to their government service; **Pages H885–86**

Conaway amendment (No. 6 printed in H. Rept. 111–419) that expresses the sense of Congress that it is imperative intelligence community-wide auditability be achieved as soon as possible and the

National Reconnaissance Office should be commended for achieving a clean audit; **Pages H886–87**

Arcuri amendment (No. 7 printed in H. Rept. 111–419) that requires the President to submit detailed notifications to Congress on current and newly-created cybersecurity programs; **Pages H887–88**

Burton (IN) amendment (No. 8 printed in H. Rept. 111–419) that expresses the sense of Congress honoring members of the Central Intelligence Agency for their dedication to the protection of the United States and expressing appreciation for their unique role in combating terrorism and crucial support of U.S. military operations; **Pages H888–90**

Holt amendment (No. 9 printed in H. Rept. 111–419) that directs the Inspector General of the Intelligence Community to review available intelligence, including raw and unfinished intelligence, to determine if there is any credible evidence of a connection between a foreign entity and the attacks on the United States in 2001 involving anthrax; **Pages H890–91**

Castle amendment (No. 10 printed in H. Rept. 111–419) that requires the President, acting through the Treasury Secretary, to submit to Congress the report required under section 6303(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458); and **Pages H891–92**

Walz amendment (No. 11 printed in H. Rept. 111–419) that requires the intelligence community (''IC'') to take actions to educate security clearance adjudicators on the nature of post-traumatic stress disorder in combat veterans as each IC component sees fit. **Pages H892–93**

Proceedings Postponed:

Reyes manager's amendment (No. 1 printed in H. Rept. 111–419) that seeks to make technical and sundry changes; **Pages H874–83**

Hastings (FL) amendment (No. 3 printed in H. Rept. 111–419) that seeks to require the DNI, in coordination with the heads of the elements of the intelligence community, to submit to Congress a report on the plans of each element of the community, including the Office of the Director of National Intelligence, to increase diversity within that element; and **Pages H883–85**

Schauer amendment (No. 12 printed in H. Rept. 111–419) that seeks to require the DNI to investigate and report to Congress regarding the attempted terrorist attack on Northwest flight 253 and measures the intelligence community has taken or will take to prevent any intelligence failures within or between elements of the U.S. intelligence community. **Pages H893–95**

H. Res. 1105, providing for consideration of the bill H.R. 2701, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules, was agreed to by a yea-and-nay vote of 237 yeas to 176 nays, Roll No. 66, after the previous question was ordered without objection. **Pages H848–49**

Medicare Physician Payment Reform Act: The House concurred in the Senate amendments to H.R. 3961, to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration, by a yea-and-nay vote of 315 yeas to 97 nays, Roll No. 67. **Pages H845–48, H895–H901, H906–07**

H. Res. 1109, the rule providing for consideration of the Senate amendments, was agreed to by voice vote after the previous question was ordered without objection. **Pages H845–46**

Suspension: The House agreed to suspend the rules and pass the following measure:

Temporary Extension Act of 2010: H.R. 4691, to provide a temporary extension of certain programs. **Pages H901–06**

Recess: The House recessed at 5:41 p.m. and reconvened at 6:38 p.m. **Page H906**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Tuesday, February 23rd:

Supporting the goals and ideals of National Urban Crimes Awareness Week: H. Con. Res. 227, amended, to support the goals and ideals of National Urban Crimes Awareness Week, by a ⅔ yea-and-nay vote of 411 yeas with none voting ''nay'', Roll No. 68. **Page H907**

Senate Message: Message received from the Senate today appears on page H907.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H848–49, H906–07, H907. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:14 p.m.

Committee Meetings

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on Fort Hood. Testimony was heard from the following officials of the Department of Defense: GEN Carter

Ham, USA, Advisor to the Independent Review; and BG Richard W. Thomas, USA, Assistant Surgeon General (Force Projection), Office of the Surgeon General.

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Homeland Security held a hearing on Fiscal Year 2011 Budget for the Department of Homeland Security. Testimony was heard from Janet Napolitano, Secretary, Department of Homeland Security.

The Subcommittee also held a hearing on Biosurveillance: Smart Investments for Early Warning. Testimony was heard from the following officials of the Department of Homeland Security: Alexandria Garza, Assistant Secretary, Office of Health Affairs and Chief Medical Officer; and Tara O'Toole, Under Secretary, Science and Technology; Daniel Sosin, Acting Director, Office of Public Health Preparedness and Response, Centers for Disease Control and Prevention, Department of Health and Human Services; and Bernhard Goldstein, National Academy of Sciences.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment, and Related Agencies held a hearing on Restoring America's Forests and Headwaters: Fiscal Year 2011 Budget for U.S. Forest Service. Testimony was heard from Tom Tidwell, Chief, Forest Service, USDA.

STATE, FOREIGN OPERATIONS, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee State, Foreign Operations and Related Programs held a hearing on Fiscal Year 2011 Budget for the Department of State. Testimony was heard from Hillary Rodham Clinton, Secretary of State.

FY 2011 NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST FROM ARMY DEPARTMENT

Committee on Armed Services: Held a hearing on Fiscal Year 2011 National Defense Authorization Budget Request from the Department of the Army. Testimony was heard from the following officials of the Department of the Army: John McHugh, Secretary of the Army; and GEN George W. Casey, Jr., USA, Chief of Staff.

MANAGING DEFENSE ACQUISITION SYSTEM AND DEFENSE WORKFORCE

Committee on Armed Services: Defense Acquisition Reform Panel held a hearing on expert perspectives on managing the defense acquisition system and the defense acquisition workforce. Testimony was heard from public witnesses.

PRIVATE SECTOR PERSPECTIVES—DOD TECHNOLOGY AND CYBERSECURITY ACTIVITIES

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on private sector perspectives on Department of Defense information technology and cybersecurity activities. Testimony was heard from public witnesses.

DEPARTMENT OF EDUCATION BUDGET

Committee on the Budget: Held a hearing on the Department of Education Fiscal Year 2011 Budget. Testimony was heard from Arne Duncan, Secretary of Education.

RISK OF ENDOCRINE DISRUPTING CHEMICALS IN DRINKING WATER

Committee on Energy and Commerce: Subcommittee on Energy and Environment held a hearing entitled "Endocrine Disrupting Chemicals in Drinking Water: Risks to Human Health and the Environment." Testimony was heard from James Jones, Deputy Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, EPA; Linda Birnbaum, Director, National Institute for Environmental Health Sciences, NIH, Department of Health and Human Services; and public witnesses.

COMPENSATION IN THE FINANCIAL INDUSTRY—GOVERNMENT PERSPECTIVES

Committee on Financial Services: Held a hearing entitled "Compensation in the Financial Industry—Government Perspectives." Testimony was heard from Kenneth Feinberg, Special Master for TARP Executive Compensation, Department of the Treasury; Scott Alvarez, General Counsel, Board of Governors, Federal Reserve System; and Edward DeMarco, Acting Director, Federal Housing Finance Agency.

PROMOTING SECURITY—DIPLOMACY AND DEVELOPMENT—FY 2011 INTERNATIONAL AFFAIRS BUDGET

Committee on Foreign Affairs: Held a hearing on Promoting Security through Diplomacy and Development: The Fiscal Year 2011 International Affairs Budget. Testimony was heard from Hillary Rodham Clinton, Secretary of State.

DEPARTMENT OF HOMELAND SECURITY FISCAL YEAR 2011 BUDGET REQUEST

Committee on Homeland Security: Held a hearing entitled "The President's Fiscal Year 2011 Budget Request for the Department of Homeland Security."

Testimony was heard from Janet Napolitano, Secretary of Homeland Security.

MEDIA COMPETITION AND ENTERTAINMENT DISTRIBUTION MARKET

Committee on the Judiciary: Held a hearing on Competition in the Media and Entertainment Distribution Market. Testimony was heard from public witnesses.

MARIANAS TRENCH MARINE NATIONAL MONUMENT

Committee on Natural Resources: Subcommittee on Insular Affairs, Oceans and Wildlife held a hearing on the following bills: H.R. 3511, Marianas Trench Marine National Monument Visitor Facility Authorization Act of 2009; and H.R. 4493, Bonitan Tasi. Testimony was heard from Benigno Repeki Fitial, Governor, Commonwealth of the Northern Mariana Islands; Eileen Sobeck, Deputy Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 2100, To provide for the conveyance of certain public lands in Mohave Valley, Mohave County, Arizona, administered by the Bureau of Land Management to the Arizona Game and Fish Department, for use as a public shooting range; H.R. 3425, To authorize the Fair Housing Commemorative Foundation to establish a commemorative work on Federal land in the District of Columbia to commemorate the enactment of the Fair Housing Act of 1968; H.R. 4438, San Antonio Missions National Historical Park Leasing and Boundary Expansion Act of 2010; H.R. 4491, Buffalo Soldiers in the National Parks Study Act; and H.R. 4524, Blue Ridge Parkway Protection Act. Testimony was heard from Representatives Norton, Rodriguez, Franks of Arizona, Shuler and Speier; Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, Department of the Interior; and public witnesses.

FORECLOSURES CONTINUE—WHAT NEEDS TO CHANGE

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled "Foreclosures Continue: What Needs to Change in the Administration's Response." Testimony was heard from Phyllis Caldwell, Chief Homeownership Preservation Officer, Department of the Treasury; and public witnesses.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Committee on Rules: granted, by a non-record vote, a rule providing for further consideration of H.R. 2701, the "Intelligence Authorization Act for Fiscal Year 2010". The rule provides that amendment number 1 printed in House Report 111–419 shall be modified by striking the matter proposed to be inserted as section 506.

SENATE AMENDMENTS TO MEDICARE PHYSICIAN PAYMENT REFORM ACT

Committee on Rules: Committee granted, by a non-record vote, a rule providing for the consideration of the Senate amendments to H.R. 3961, to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians and to reinstitute and update the Pay-As-You-Go requirement of budget neutrality on new tax and mandatory spending legislation, enforced by the threat of annual, automatic sequestration. The rule makes in order a single motion by the Chair of the Committee on the Judiciary to concur in the Senate amendments. The rule waives all points of order against consideration of the motion except clause 10 of Rule XXI and provides that the Senate amendments shall be considered as read. Finally, the rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

NASA'S FISCAL YEAR 2011 BUDGET REQUEST

Committee on Science and Technology: Held a hearing on NASA's Fiscal Year 2011 Budget Request and Issues. Testimony was heard from Charles F. Bolden, Jr., Administrator, NASA.

COAST GUARD, MARITIME ADMINISTRATION/FEDERAL MARITIME COMMISSION BUDGET REQUESTS

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Fiscal Year 2011 Budget for the Coast Guard, the Maritime Administration and the Federal Maritime Commission. Testimony was heard from the following officials of the U.S. Coast Guard, Department of Homeland Security: ADM. Thad W. Allen, Commandant; and Charles W. Bowen, Master Chief Petty Officer; David Matusda, Acting Administrator, Federal Maritime Administration; Richard A. Lidinsky, Jr., Chairman, Federal Maritime Commission; and Steven Caldwell, Director, Homeland Security and Justice Issues, GAO.

RECOVERY ACT LESSONS—STRENGTHENING ECONOMIC DEVELOPMENT

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on EDA: Lessons Learned From the Recovery Act and New Plans to Strengthen Economic Development. Testimony was heard from John R. Fernandez, Assistant Secretary, Economic Development, Economic Development Administration, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on the following bills: H.R. 3257, Military Family Leave Act of 2009; H.R. 3484, To amend title 38, United States Code, to extend the authority for certain qualifying work-study activities for purposes of the educational assistance programs of the Department of Veterans Affairs; H.R. 3579, To amend title 38, United States Code, to provide for an increase in the amount of the reporting fees payable to educational institutions that enroll veterans receiving educational assistance from the Department of Veterans Affairs; H.R. 3813, Veterans Training Act; H.R. 3948, Test Prep for Heros Act; H.R. 3976, Helping Heroes Keep Their Homes Act of 2009; H.R. 4079, To amend title 38, United States Code, to temporarily remove the requirement for employers to increase wages for veterans enrolled in on-the-job training programs; H.R. 4203, To amend title 38, United States Code, to direct the Secretary of the Veterans Affairs to provide veterans certain educational assistance payments through direct deposit; H.R. 4359, WARMER Act; H.R. 4469, To amend the Servicemembers Civil Relief Act to provide for protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; and H.R. 4592, To provide for the establishment of a pilot program to encourage the employment of veterans in energy-related positions. Testimony was heard from Representatives Putnam, Hall of New York, Sestak, Smith of Washington and Turner; COL. Shawn Shumake, USA, Director, Office of Legal Policy, Office of the Under Secretary, (Personnel and Readiness), Program Integration and Legal Policy, Department of Defense; Keith M. Wilson, Director, Education Service, Veterans Benefits Administration, Department of Veterans Affairs representatives of veterans organizations; and public witnesses.

CYBER SECURITY DEFENSE BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Cyber Security Defense. Testimony was heard from departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 26, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on the Judiciary: to hold hearings to examine the Office of Professional Responsibility Investigation into the Office of Legal Counsel Memoranda, 10 a.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine the President's proposed budget request for fiscal year 2011 for the Department of Veterans Affairs, 9:30 a.m., SR–418.

House

Committee on Energy and Commerce, Subcommittee on Health, hearing on Medical Radiation: An Overview of the Issues, 10 a.m., 2123 Rayburn.

Committee on Financial Services, and the Committee on Small Business, joint hearing entitled "Condition of Small Business and Commercial Real Estate Lending in Local Markets," 9 a.m., 2128 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Radicalization Analysis, 9 a.m., and executive, briefing on Fiscal Year 2011 Intelligence Budget for Research and Development, 11 a.m., 304–HVC.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the road to economic recovery, focusing on prospects for jobs and growth, 10:30 a.m., SH–216.

Next Meeting of the SENATE

9:30 a.m., Friday, February 26

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, February 26

House Chamber

Program for Friday: Complete consideration of H.R. 2701—Intelligence Authorization Act for Fiscal Year 2010.

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